



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 13 June 2018**. The decisions will come into force and may be implemented from **Monday 25 June 2018** unless the Corporate Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

County Durham Plan Preferred Options [Key Decision REAL/01/18]

Summary

The Cabinet considered the Corporate Director of Regeneration and Local Services which sought Cabinet's agreement to:

1. the Preferred Options of the County Durham Plan (the Plan) for public consultation;
2. the Spatial Strategy Justification as a key supporting document for the Preferred Options for public consultation;
3. the County Durham Building for Life Supplementary planning Document (SPD) for public consultation;
4. a new Statement of Community Involvement for consultation to enable views to be sought on how stakeholders are involved in local plan and neighbourhood plan preparation and the determination of planning applications;
5. the Durham City Sustainable Transport Delivery Plan for public consultation;
6. For Cabinet to agree the new County Durham Parking and Accessibility Guidelines for public consultation;

The Cabinet were also asked to endorse and approve for consultation the Sustainability Appraisal, Habitat Regulations Assessment, Equalities Impact Assessment and the Spatial Strategy Justification. In addition, the report presented Durham County Council's response to the consultation on the draft National Planning Policy Framework (NPPF).

Following withdrawal of the previous local plan, the first stage of the new plan, the Issues and Options, was published for consultation in June 2016. A report to Cabinet in December 2016 resulted in pausing the preparation of the County Durham Plan which had reached the Issues and Options stage in June/July 2016.

The forthcoming publication of a Housing White Paper was expected to have several implications for the preparation of the Plan, including a new national methodology for the calculation of housing requirements. The housing requirement figure, otherwise known as the Objectively Assessed Need (OAN) for housing, is critical to the preparation of a local plan and impacts on a number of policy areas in addition to housing, such as employment, infrastructure and waste. This was followed by a further Government consultation in September 2017, 'Planning for the Right Homes in the Right Places', which included a standard methodology for the calculation of housing need.

Following these consultations the Government has incorporated many of these changes into a draft revision of the NPPF. These changes were published in March 2018 for consultation and the council's response was detailed in the report. As a result of the emerging clarity in the national policy context, Members agreed a new Local Development Scheme in November 2017 setting out the timescales for preparation of the Plan.

The Issues and Options consultation concluded on 8th August 2016. A total of 4,929 responses were received from 823 respondents. A summary of the representations made and the council's proposed response is set out within a Statement of Consultation which was attached to the report at Appendix 2. In addition, social media messages sent by the council were viewed 438,633 times. The Issues and Options sought comments on 50 specific questions although comments were welcomed on all aspects of the document. In preparing the Preferred Options the comments made were considered and the content included as appropriate.

In order to ensure that County Durham is a successful place to live, work, invest and visit, the Plan focusses on supporting and creating vibrant communities by delivering:

- More and better jobs and sustained economic growth;
- A wide choice of high quality homes that supports economic growth and meets the needs of all people;
- A high quality built and enhanced natural environment; and
- The necessary supporting infrastructure including transport, health and educational needs.

The report provided details on plans for employment, housing, town centres, the rural economy, environment, transport and minerals.

The Preferred Options, attached at Appendix 4, has been informed by integral assessments. These include the Sustainability Appraisal, the Habitats Regulations Assessment, an Equalities Impact Assessment, and the Spatial Strategy Justification. The Preferred Options propose an ambitious Vision and Objectives for the future development of County Durham up to 2035 and are informed by a suite of further evidence. A full list of the supporting evidence base, which forms the background papers to the report was attached at Appendix 8.

The report provided details on the County Durham Building for Life Supplementary Planning Document, the Statement of Community Involvement, Durham City Sustainable Transport Delivery Plan, County Durham Parking and Accessibility Guidelines and the response to the Draft National Policy Framework.

The consultation on the Preferred Options is proposed to run from 22 June to 3 August 2018. Following the consultation period the representations received together with any updated evidence will be used to inform the Pre-Submission Draft Plan which will be the final stage of consultation prior to Examination-in-Public. In accordance with the Local Development Scheme the Pre-Submission Draft will be published in winter 2018/19 for consultation before being considered by Full Council and submitted for Examination-in-Public spring/summer 2019.

Decision

The Cabinet:

- i. Agreed the County Durham Plan Preferred Options for consultation from 22 June to 3 August 2018;
- ii. Agreed that any minor modifications to the above documents following Cabinet agreement and before consultation begins can be agreed by the Corporate Director of Regeneration and Local Services in consultation with the Portfolio Holder for Regeneration and Economic Development;
- iii. Agreed for consultation the Sustainability Appraisal, Habitat Regulations Assessment, Equalities Impact Assessment and the Spatial Strategy Justification;
- iv. Agreed the County Durham Building for Life Supplementary Planning Document for consultation from 22 June to 3 August 2018;
- v. Agreed the revised Statement of Community Involvement for consultation from 22 June to 3 August 2018, and, that any minor modifications to the document following consultation and approval of the final document are delegated to the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development;
- vi. Agreed the Durham City Sustainable Transport Delivery Plan for consultation from 22 June to 3 August 2018, and, also that any minor modifications to the document following consultation and approval of the final document are delegated to the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development;
- vii. Agreed the County Durham Parking and Accessibility Guidelines for consultation from 22 June to 3 August 2018, and, that any minor modifications to the document following consultation and approval of the final document are delegated to the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development; and
- viii. Noted the council's response to the Draft National Planning Policy Framework (NPPF) at Appendix 12.

Adult Social Care – Residential Care Charging Policy and Deferred Payment Agreement Policy [Key Decision: CORP/R/18/04]

Summary

The Cabinet considered a joint report of the Corporate Director of Resources and the Corporate Director of Adult and Health Services which sets out the update Adult Social Care – Residential Care Charging Policy and Deferred Payment Arrangement Policy for approval.

Councils have a duty under the Care Act 2014 to assess the care needs of individuals with the appearance of need for care and support. If the assessment determines that the person has eligible needs, consideration needs to be given as to how these needs will be met. A financial assessment is required to determine whether the person qualifies for financial support from the council and whether they are liable to make a financial contribution towards their care. There are two outcomes from the financial assessment in respect of a person whose needs will be met by residential care:

- a) a person has capital and/or assets of £23,250 or less and will be eligible for financial support from the Council. Arrangements for their care will be made by placing them on the Council's contract;
- b) a person has capital or assets of value above £23,250 and will be considered to be a self-funder. In most circumstances the person would be expected to make their own care arrangements directly with a care provider, however, a self-funder may ask the Council to make arrangements for them to meet their needs for residential care. The council has a power to determine whether to make arrangements in such circumstances and must consider all of the circumstances of the case. The updated Adults Social Care - Residential & Nursing Care Charging Policy indicates circumstances in which this discretion is likely to be exercised.

Since the Care Act 2014 and supporting regulations were implemented, local authorities in England have had an obligation to offer a Deferred Payment Agreement (DPA) subject to certain criteria being met, so that people are not forced to sell their home in their lifetime to pay for their residential care.

The Care Act 2014 originally envisaged two types of DPA being made available. A “traditional style” DPA, which would be available for residents placed on local authority contracts and a “loan style” DPA for residents who were self-funding. However, a drafting error in the Regulations meant that effectively local authorities were not obliged to offer a DPA to self-funders who had contracted privately with a residential care provider.

Amendments to the Care and Support Statutory Guidance and provisions in the Care and Support (Deferred Payment) Amendment Regulations 2017 mean that since April 2018 the Council has a duty to offer both types of deferred payment.

A traditional style DPA involves the Council contracting with the care provider and payments being made to the care provider at the Council's contracted rate. A loan-style DPA involves a person contracting privately with the care provider and payments being made by the council to the person by way of a loan to enable the person to pay the care provider directly. In both cases the loan is secured against the value of the person's home.

The policies have been updated to fully reflect the Care Act 2014, particularly the circumstances under which the Council exercises its discretion under s19 of the Care Act 2014 in terms of self-funders, and statutory guidance issued in February 2018 with regards to Deferred Payment Agreements. There are no changes in terms of the basic financial assessment criteria from these changes, which remains in line with statutory guidance.

If the Council considers that it should exercise its discretion to make the placement it also needs to review the individual's care arrangements and allocate a Personal Budget. The fees for residential care in that budget cannot exceed the fees payable by the council under its contract. The updated policy which was included in the report at Appendix 2 clarifies the circumstances in which this discretion will be exercised, taken directly from the published statutory guidance.

Under the previous legislation, local authorities were not required to offer DPAs to eligible individuals unless they were meeting that individual's needs or believed they would meet their needs if asked. A DPA was offered by the Council where they met these needs (under section 19 of the Care Act).

The amendments to the Care and Support Statutory Guidance provide that the Council will need to offer both types of Deferred Payment, a traditional style DPA where payments are made to the care provider at the Council's contracted rate and a loan style DPA where a person contracts with the care provider and is loaned the money from the Council to pay the care provider direct, secured against their asset.

Changes to the Care and Support (Deferred Payment Agreements) Regulations 2014 mean that the Council cannot refuse to enter into a loan-type DPA with individuals who qualify for one but whose needs the Council is not meeting. An updated DPA Policy, factoring in the recent statutory guidance was attached at Appendix 3.

Decision

The Cabinet noted the report and approved:

- (a) the updated Residential Care Charging Policy attached at Appendix 2;
- (b) the updated Deferred Payment Agreement Policy attached at Appendix 3.

Adult and Health Services Update

Summary

The Cabinet considered a report of the Corporate Director of Adult and Health Services which provided an update to Cabinet on developments across Adult and Health Services.

The report outlined progress on a number of key areas across Adult and Health Services both nationally and locally; including an outline of the Government's thinking in respect of the forthcoming Green Paper; and the integration of health and social care in County Durham. The greatest challenge for the service is to secure a long term financial solution for Adult Social Care. The development of a Health and Social Care Plan for County Durham, the Review and Replacement of the Social Services Information Database (SSID), the Partnership Approach to Prevention and the Review of County Durham Care and Support represent major change programmes that feed into the Council's Corporate Transformation Programme.

In September 2016 Cabinet agreed that Adult and Health Services should investigate the potential to establish an Employee Led Mutual (ELM), covering Pathways Day Services, Support & Recovery and Shared Lives. This work has been undertaken, with the assistance of an external consultant specialising in public sector spin-out. The work on ELMs has identified concerns about levels of risk in terms of business planning and future viability, as well as the level of financial support required by the Council to set up the new organisation. Consequently, it is recommended that the ELM does not go ahead, with services being retained and subject to future business review activity in the same way as all other Council services.

Overall, the report provided a positive picture that reflects joined up and integrated working across services within the Council and with Key Partners in the delivery of Health and Social Care.

Decision

The Cabinet:

- a. Noted the contents of the report.
- b. Agreed to receive further updates in relation to Adult and Health Service developments on a six monthly basis.
- c. Supported the proposal to retain services within the council, as outlined in paragraph 48 of the report rather than progress with an Employee Led Mutual and in doing so conclude the review of in-house services.

Transformation Programme Update

Summary

The Cabinet considered a report of the Corporate Director of Transformation and Partnerships which outlined the progress of the Council's Transformation Programme since the last Cabinet report in October 2017.

The report set out how services are being transformed to better meet the needs of the people of County Durham, and to set out the main elements of the programme for the next three years.

The Transformation Programme has four key outcomes. These are to:

- a) Redesign our services to better meet customers' needs at reduced cost to the Council.
- b) Help communities become more self-reliant and resilient
- c) Move our partnership working from good to great
- d) Become renowned for our skilled and flexible workforce and our employee engagement.

The report provided details of the progress that has been made since the report to Cabinet in October 2017. The Programme will work in a systematic way over the next three years integrating projects into a single portfolio of programmes and projects to transform the way the Council operates and to support the resilience of service provision during continued austerity.

The report stated that by 2020 the Council will have:

- Completed a programme of modernisation of Council workplaces with greater use of mobile working, flexible space, and digitised more productive working practices
- Digitised a full range of Council processes and unitised central support services to improve the productivity of Council staff, reduce costs and support front line service delivery
- Improved the range of ways in which people can access Council services through digital and traditional means with associated reviews of Council processes from a customer service perspective.
- Introduced a greater range of commercial services to create sustainable income streams for the Council
- Invested in ICT, business intelligence, staff training and cultural change to manage change
- Made a number of individual service based transformations in education, adult health and care and the provision of placed based services.

Progress on the programme will be reported through the Transformation Board, Chaired by the Leader of the Council. Executive oversight of the programme is provided by the Council's Corporate Management Team supported by a series of officer steering groups with senior officer membership relevant to the various aspects of the programme.

Decision

- The Cabinet noted the contents of the report and endorsed the approach taken to transform the Council over the medium term.
- The Cabinet agreed to continue their engagement in the programme through the Transformation Board in order to provide governance for the programme and shape future high quality services.

Quarter Four 2017/18 Performance Management Report

Summary

The Cabinet considered a report of the Director of Transformation and Partnerships which presented progress against the council's corporate performance framework by Altogether priority theme for the fourth quarter of the 2017/18 financial year.

Against the backdrop of ongoing financial pressures placed on the council and increased demand in some key services, performance has been maintained in many areas and improvements achieved. During 2017/18, 69% of performance indicators improved with 4% maintaining performance. Improvements have continued across a number of key areas.

Challenges continue with high children's safeguarding workloads. The number of children in need, those subject to a child protection plan and looked after children cases show that demand has plateaued, albeit at a high level. Levels in County Durham are above those reported nationally. Social worker caseload levels remain high. Secondary schools judged good or better by Ofsted continue to be an issue as numbers have been declining over the year and are now much lower than the national average. Challenges are ongoing in relation to the health of the county, with life expectancy and healthy life expectancy in County Durham lower than in England.

A comprehensive table of key performance questions and performance data was presented in Appendix 4 of the report.

Decision

The Cabinet agreed the changes to the Council Plan outlined below:

Altogether Wealthier

- (i) The timescale to secure a developer for the North East Industrial Estate in Peterlee has been revised. This has been a long-term project, and from progress made to date, it is now appropriate and timely to revise the timescales from March 2018 to a more realistic deadline of March 2020.

Altogether Greener

- (ii) A strategic review of street sweepings is complete and a food waste review business case is also complete. However a report on the findings needs to move through the democratic process to determine next steps and so this action has been revised to September 2018.

(iii) The development of a countywide Allotment Forum to embed a holistic approach to the management of allotments, increase community engagement and share best practice has been revised from March 2018 to March 2020. Considerable work has been undertaken with scrutiny to support the new policy and future management of allotments. Over the coming year the implementation of the new policy and management will be the focus.

Altogether Better Council

- (iv) There has been a delay in realigning operational practices as part of the fleet restructure to meet service delivery demands. Discussion with Trade Unions is ongoing.
- (v) The timetable for the archives project was revised when the round 1 application was submitted in March 2018, to take account of advice from the regional Heritage Lottery Fund grants advisor. As a result, the target for submission of the stage 2 applications has been revised from March 2019 to August 2019.

Maintained Schools Budget Plans and Permission to Set Deficit Budgets 2018/19

Summary

The Cabinet considered a joint report of the Corporate Director of Children and Young People's Services and the Corporate Director of Resources which provided an overview of maintained schools' initial budget plans for 2018/19, as approved by the relevant Governing Bodies. The report highlighted where the Corporate Director, Resources has exercised his judgement in terms of approving the setting of deficit budgets, in accordance with the Council's constitution and the Scheme of Financing for Schools.

A number of schools submitted budget plans where the balance at the end of 2018-19 would be a deficit and these were Peterlee St Bede's School, Tanfield School, Wolsingham School and Wellfield School. A number of other schools requested permission to set a deficit budget in 2018/19. Those schools were notified that they must commit to having a revised budget plan, which shows a balanced in-year budget by the end of the summer term, either through agreeing a re-structuring or including a savings target in their budget plan.

The report noted concerns about the number of schools using significant amounts of accumulated surpluses to balance their budgets, and the number of schools forecast to have relatively small balances at 31 March, 2019.

The report outlined the action taken by the Corporate Director, Resources with regard to exercising judgement in terms of approving the setting of deficit budgets, in accordance with the Council's constitution and the Scheme of Financing for Schools.

Decision

Cabinet noted the contents of the report and the action taken, under delegated powers, where the Corporate Director of Resources has considered requests to set deficit budgets from a number of schools and agreed the following:

- (a) noted the updated position and agree to the proposed budget plans for St Bede's, Tanfield, Wolsingham and Wellfield for 2018/19;
- (b) noted the position in respect of the 11 other schools who submitted deficit budget plans and the action taken where these schools were not given permission to set a deficit budget and instead were instructed to revise their budget plans such that they will be able to balance their budgets by the end of the summer term.

The Cabinet resolved to exclude the press and public by virtue of paragraph 3 Part 1 of Schedule 12A of the Local Government Act 1972 during discussions on agenda item 12.

Durham City Regeneration Milburngate [Key Decision: CORP/R/18/05]

Summary

The Cabinet considered a joint report of the Corporate Director of Regeneration and Local Services and the Corporate Director of Resources which provided Cabinet with proposals on the regeneration of Milburngate in Durham City

Decision

The Cabinet approved the recommendations contained in the report.

Helen Lynch
Head of Legal & Democratic Services
15 June 2018