



## RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 13 November 2024**. The decisions will come into force and may be implemented from **Monday 25 November 2024** unless the Corporate Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

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### **Council Tax Base 2025/26 and Forecast Surplus / Deficit on the Council Tax Collection Fund (Key Decision: CORP/R/2024/002)**

#### **Summary**

The Cabinet considered a report of the Corporate Director of Resources which sought to determine the council's tax base for domestic properties liable to pay council tax, which is an important component in the council's budget setting process for 2025/26 and to report on the estimated council tax collection fund surplus / deficit as at 31 March 2025.

Regulations made under the Local Government Finance Act 1992 requires each billing authority to calculate its 'council tax base' for the following financial year.

The council tax base is a measure of the county council's 'taxable capacity' for the purpose of setting its council tax. Legislation requires the council to set out the formula for that calculation and that the tax base is formally approved by the authority.

The Levelling Up and Regeneration Act 2023 introduced powers to levy a 100% council tax premium for those properties where there is no resident and the property is substantially furnished, also known as a second home. A public consultation was carried out on this proposal, which saw 63% of those who responded agree or strongly agree with the introduction of a premium for these properties. The introduction of this premium was approved by Cabinet on 15 November 2023, effective from 1 April 2025.

In determining the council tax base for 2025/26 the following issues have been factored into the calculation:

- (a) The impact of exemptions and discounts being applied to properties within County Durham;
- (b) Forecast impact on the tax base as a result of changes in the incidence of Local Council Tax Reduction Scheme (LCTRS) claims, which is a discount rather than a benefit payment and therefore reduces the tax base;
- (c) Forecast impact on the tax base as a result of growth (e.g., new build, increases in long term empty property premiums or decreases in other discounts and exemptions) or reductions (e.g., demolitions or increases in the incidence of other council tax discounts and exemptions) for 2025/26;
- (d) Forecast impact on the tax base as a result of the agreed changes to the Second Homes Property Council Tax Premium from April 2025, offset by estimated impact of the section 13A(1)(c) policy; and
- (e) Provision for non-collection of council tax due to bad debts that need to be written off.

Taking these matters into account, the council tax base for the financial year 2025/26, based on the current position and prudent assumptions around the incidence of discounts and exemptions across the coming eighteen months, the impact from the introduction of the second homes premium plus prospects for new builds, has been calculated to be 148,760.6 Band D equivalent properties, an increase of 2,115.2 (1.42%) on the council tax base set for 2024/25. A breakdown of the forecast tax base for each Town and Parish Council area was included in the report, together with an analysis of the year-on-year impacts and details of the Local Council Tax Reduction grant payments that will be made in 2025/26.

As the billing authority, the council needs to determine and declare by 15 January each year, its forecast council tax collection fund position at 31 March and inform the two principal precepting bodies to the Collection Fund - County Durham and Darlington Fire and Rescue Authority and Durham Police and Crime Commissioner– of the figures they will need to take into account for budget setting purposes.

As at 30 September 2024 the in-year position for the council tax collection fund is a forecast £0.970 surplus. After taking into account the brought forward share of the undeclared 2023/24 position, the 2024/25 council tax collection fund is forecast to have a surplus of £1.806 million at 31 March 2025. Durham County Council's share of this surplus would be £1.520 million. The council will formally declare this position to Police and Fire so that they can now reflect this in their budget assumptions.

## **Decision**

The Cabinet:

- (a) approved the council tax base for the financial year 2025/26 for the county, which had been calculated (incorporating consultation outcomes) to be 148,760.6 Band D equivalent properties;
- (b) noted the impact on individual Town and Parish council tax bases, including the allocations of Local Council Tax Reduction Scheme Grant allocations for the financial year 2025/26; and
- (c) noted and agreed that the forecasted Council Tax Collection Fund position at 31 March 2025 as set out in the report, be formally declared and the two principal precepting bodies to the Collection Fund - County Durham and Darlington Fire and Rescue Authority and Durham Police and Crime Commissioner notified accordingly.

## **Regulation of Investigatory Powers Act 2000 - Annual Review of the Council's use of powers**

### **Summary**

The Cabinet considered a report of the Director of Legal and Democratic Services which informed Cabinet about the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 ('RIPA') during the period of 1 April 2023 to 31 March 2024.

The report also asked Cabinet to consider and adopt the annual review of the Council's Corporate RIPA Guidance following consideration by the Corporate Overview and Scrutiny Management Board on 28 October 2024.

The Regulation of Investigatory Powers Act 2000 (RIPA) enables local authorities to carry out certain types of surveillance activity provided that specified procedures are followed.

Directed surveillance is covert surveillance that is not intrusive and is carried out in relation to a specific investigation or operation in such a manner as is likely to result in the obtaining of private information about any person. Directed surveillance must be authorised in accordance with RIPA unless it is undertaken by way of an immediate response to events or circumstances (for example, an Officer on duty observes an offence being committed) such that it is not reasonably practicable to seek authorisation under the 2000 Act.

Local authorities are permitted to conduct Directed Surveillance in respect of criminal offences, which have a minimum sentence of six months

imprisonment or related to underage sales of alcohol and tobacco or nicotine inhaling products.

A Covert Human Intelligence Source (CHIS) is a person who establishes or maintains a personal or other relationship with another person for the covert purpose of:

- (a) Using such a relationship to obtain information, or to provide access to information to another person, or
- (b) Disclosing information obtained by the use of such a relationship or as a consequence of such a relationship.

The relationship is used covertly if, and only if, it is conducted in a manner calculated to ensure that the person is unaware of its purpose.

The Local Authority is able to rely upon the information obtained from those surveillance activities within court proceedings.

The report included an overview of the Council's use of its powers under RIPA for the period of 1 April 2023 to 31 March 2024, including updates on any training which has been delivered or will be delivered to Officers.

An annual review of the Corporate RIPA Guidance and the abridged guidance has been undertaken.

## **Decision**

### **The Cabinet:**

- a) Considered and noted the Council's use of RIPA during the period 1 April 2023 to 31 March 2024;
- b) Approved the proposed changes to the Council's Corporate RIPA Guidance;
- c) Approved the proposed changes to the Council's abridged RIPA policy document.

## **Highway Asset Management Plan (HAMP) – Condition and Funding Update**

### **Summary**

The Cabinet considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an update on the Highways Asset

Management Plan (HAMP), including investment and highway condition across the county.

The adopted highway is the Council's most valuable asset. The HAMP sets out the long-term plan for managing the highway network so that its condition is maximised for the available budget.

The HAMP consists of two key documents:

- (a) Section 1 – Policy (which sets out the principles of the HAMP)
- (b) Section 2 – Annual Update Report (which provides in-year details of condition, investment and public satisfaction)

Investment into the highway network is funded from Central Government via the Local Transport Plan (LTP) and from Durham County Council (DCC) via general capital settlements and additional capital funding for specific projects.

The annual report provides updates of all aspects of the highway asset including:

- (a) Assets
- (b) Investment
- (c) Treatments
- (d) Condition
- (e) Performance
- (f) Additional Investment
- (g) Innovation

The annual report covers financial year 2023/24, it should be noted that no report was shared for financial year 2022/23. The policy and annual update report will be shared on the authority's website.

## **Decision**

The Cabinet:

- (a) Noted and approved the updated HAMP policy; and
- (b) Noted and approved the updated HAMP annual update report.

## **Community Engagement Review**

### **Summary**

The Cabinet considered a report of the Corporate Director of Regeneration, Economy and Growth which provided an update on the community

engagement review project, in particular proposals for the governance, funding, and branding arrangements to replace Area Action Partnerships with a Local Network model.

The report also provided an update on the outcomes of the Local Network Boundary consultation exercise and sought approval on proposals to change the current 14 Area Action Partnership boundaries to create 12 new Local Networks.

In March 2022 Cabinet commissioned an impartial review of the councils' community engagement function which proposed the replacement of the council's Area Action Partnerships (AAPs) with a new Local Network (LN) model. The aim of the new model is to improve the focus on community development and enhance the capacity of local communities and individuals to become more involved in improving their area. LNs will adopt a more strategic approach to their work and outcomes and develop focused four-year local action plans to guide investment. These plans will identify opportunities for increased joined up working between LNs, partners, and other Durham County Council (DCC) services, and ensure that the LNs help to deliver the County Durham Inclusive Economic Strategy.

The new model is intended to be fully operational in April 2025 in time to prepare for the council elections in May 2025, and ensure the four-year LN planning cycle is aligned to electoral cycles. AAPs will continue to operate as Area Action Partnerships until 31 March 2025, and on 1 April 2025 they would assume their new identity as Local Networks.

The report sets out the approval and next steps needed to proceed to this point, including the new LN boundaries, the governance arrangements, funding guidance, and approach to naming and branding for the new LNs.

Geographically the new operating model will replace the existing 14 AAPs with 12 LNs in response to the outcomes of the recent Local Government Electoral Boundary Review. These will be aligned to the new electoral divisions and the associated data sets which will better inform investment decisions. They will also ensure that county councillors only cover one LN area and create more consistent population sizes for a more equitable allocation of LN budgets. The reduction would also help to meet required Medium Term Financial Plan budget savings.

The above principles have informed the proposed new geography of the twelve LNs, which were taken out to public consultation in the summer of 2024. These proposals deliver more consistent population size and county councillor representation with the exception of rural areas, where the dispersed nature of community infrastructure over large geographies necessitate a higher spend per head to create inclusive and equitable outcomes.

It is proposed to proceed with the new LN boundaries that were proposed as part of the consultation, except for a change in alignment of Pelton where there was overwhelming feedback that it more naturally aligns to the LN that covers the Chester-le-Street area rather than the Stanley area. This was the only locality where there was significant consensus for a revised boundary and the revision was not a consequence of a desire to reduce the population of a LN. The change is supported by both affected Local Networks; and doesn't result in county councillors being split across two network areas.

The report also sets out the new governance arrangements and funding guidance for the LNs. This includes new Terms of Reference (ToR) that define the purpose, structure, and functions of the LNs, and provides funding guidance that will underpin the move to a new four-year plan approach to ensure improved strategic spending and to free up staff time to focus on community development activities.

The recommendations in the report will ensure that the new LNs are in place for next April ready for the commencement of the new four-year plans aligned to the next local electoral cycle and help drive a more targeted and strategic approach to improving local outcomes.

## **Decision**

The Cabinet:

- (a) noted the update on the community engagement review project;
- (b) noted the outcomes from the countywide consultation exercise for the proposed Local Network boundaries;
- (c) agreed the new Local Network boundaries to create 12 Local Networks as set out in the report;
- (d) approved the governance arrangements and terms of reference; funding guidelines and identity and branding arrangements for the County Durham Community Network and Local Networks as set out in the report;
- (e) agreed to delegate authority to the Head of Economic Development in consultation with the Portfolio Holder for Economy and Partnerships to approve the operating procedures for the Local Networks; and
- (f) agreed the proposed timescales for implementation.

# **Biodiversity and Non-designated Heritage Asset Supplementary Planning Documents**

## **Summary**

The Cabinet considered a report of the Corporate Director of Regeneration, Economy and Growth which sought approval to commence consultation on the second draft of the 'Biodiversity' and 'Non-designated Heritage Asset' (NDHA) Supplementary Planning Documents (SPDs). The SPDs support the County Durham Plan (CDP) adopted in October 2020.

The CDP sought to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities. The plan is a comprehensive document covering all aspects of planning however, to provide more detailed advice or guidance on the policies in the plan, Government guidance allows the preparation of SPDs. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.

The Biodiversity SPD is a key action in the council's Ecological Emergency Action Plan (EEAP). It provides guidance to improve biodiversity delivery within new developments.

The NDHA SPD sets out guidance defining what non-designated heritage assets are in the context of national and local planning policy and establishes a selection criteria against which the county's non-designated heritage assets are to be identified and assessed.

Consultation will be undertaken on the SPDs from 25 November 2024 to 12 January 2025. All consultation will be undertaken in accordance with the council's Statement of Community Involvement.

## **Decision**

The Cabinet:

- (a) agreed the second draft of the Biodiversity SPD as detailed in Appendix 2 of the report and NDHA SPD as detailed in Appendix 4 of the report for consultation from 25 November 2024 to 12 January 2025; and
- (b) agreed to delegate to the Corporate Director of Regeneration, Economy, and Growth, in consultation with the Portfolio Holder for Economy and Partnerships, the power to make minor modifications and adopt the documents following consultation (if significant changes are required then the SPDs will need to return to Cabinet for adoption).



Helen Bradley  
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15 November 2024