



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **WEDNESDAY 16 NOVEMBER 2011**.

These decisions will come into force and may be implemented from **28 November 2011** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Surface Water Management Plan

Key Decision NS/10/11

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services that provided an update on progress on the content of the Surface Water Management Plan.

The SWMP has been produced to look at the sources of surface water flooding in the County Durham area and considers the most effective methods by which to manage the risk of surface water flooding. The plan provides a strategic approach whereby key local partners, such as Northumbrian Water Limited, Environment Agency, developers/landowners and the Council, with responsibility for surface water and drainage can work together.

Ultimately, the SWMP will form the basis of an action plan to manage surface water risk in areas of Durham County which are susceptible to surface water flooding and should determine or influence matters such as the following.

- The level of capital investment required to reduce flood risk.
- The preparation of drainage maintenance and improvement programmes.
- Land-use, spatial planning and sustainable drainage options for future development.
- Emergency planning for high flood risk areas.

In accordance with Defra's guidance on the preparation of SWMPs, a partnership has been formed between the following.

- Durham County Council (as Lead Local Flood Authority - LLFA)
- Environment Agency
- Northumbrian Water Limited (as the water and sewerage company for the area)

An action plan has been produced at a County-wide scale and for each SWRA. The actions from the SWMP should be implemented by the partners to manage surface water flooding, inform emergency planning, control drainage, review Local Development Framework (LDF) land allocations and develop investment programmes, at the same time as satisfying the requirements of the Flood and Water Management Act and contributing to the evidence base supporting the Durham Plan. This will be carried out by the Flood and Coastal Protection Team who will engage partners and seek funding.

Investment programmes will be developed by the partner organisations and sources of income identified. Defra have recently announced changes in the way flood relief schemes are to be funded and intend to make funding available to more parties. Defra believes that an element of the scheme should be supported by the local community. This can be via action groups or Local Authorities.

Decision

The Cabinet:

- Noted the progress to date of the SWMP.
- Agreed to the adoption of the action plan contained in the SWMP.
- Confirmed the preparation of the implementation phase and noted the financial implications.

Winter Maintenance: State of Preparedness for 2011-2012 and Winter Service Plan Update

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services that provided an update on the improvements and state of preparedness for winter 2011-2012, together with details of the annual Winter Service Plan 2011-2012 for approval and adoption.

Durham County Council currently treats (salts) 45% of the highway network in frost conditions. It should be noted that in recent winters, due to the national salt shortage, the treated routes have been reduced to 35% in order to conserve salt supplies which has been at the request of the Department for Transport (DfT). The presalt network (45%) is used as the basis for snow clearance and can take up to four or five hours to complete each route.

Currently salt/grit bins are provided for use by motorists on the untreated network where significant hazards occur, such as severe banks and bends. Members and the community are increasingly asking for more salt/grit boxes to enable self-help in locations that benefit the community at large.

During the last few years, the Overview and Scrutiny Committee (OSC) have made a series recommendations based on lessons learnt reviews from the experiences of the two previous severe winters to improve the delivery of the winter service.

Durham County Council founded and Chair the North East Regional Winter Maintenance Group. This is a forum where all twelve North East Authorities come

together, to share best practice, secure salt supplies and prepare joint communication plans to ensure that communications, particularly during bouts of severe winter weather, are consistent and that the region has one voice.

In preparation for the coming winter, meetings between Streetscene, Highways Operations and Strategic Highways, along with the experience gained over the past two winters, have led to a joined-up approach to service provision within the Authority.

Each year Durham County Council updates and distributes the Winter Service Plan widely, both internally and to neighbouring Authorities/key stakeholders. The plan is normally updated annually to incorporate any minor changes which have taken place during the last year along with keeping abreast of current legislation and practices.

Following the national severe weather events of the past three winters a number of reports have been produced by Central Government which, in turn, have led to the code of practice for highways entitled 'Well Maintained Highways' being updated substantially in relation to winter maintenance. Where necessary, these updates have been incorporated into the Winter Service Plan, together with the outcomes of the Scrutiny Reviews over the last three years.

Decision

The Cabinet: -

- Noted the improvements and state of preparedness for Winter 2011-2012
- Approved the amendments to the Winter Service Plan 2011-2012

Olympic and Paralympic Programme

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services that sets out options with regards to funding commitments linked to the Olympic Torch Relay and Durham County Council's proposals with regards to an Olympic and Paralympic programme, and lasting legacy offer. The report sets out the scope of a coordinated programme called 'Join In', which sought approval to proceed.

The London 2012 Olympic and Paralympic games are a once in a lifetime opportunity. The 'Join in' framework seeks to provide

'a coordinated programme which inspires residents to take part, celebrate and also leave lasting legacy which links, promotes and makes sense within County Durham'.

The OWG recognises that a successful 'Join in' campaign requires two main initial components:

- a. Durham's countdown to the Torch Relay Evening Celebration followed by a period of celebration and our Final 'Thank you' event at the close of the Paralympic Games on 9 September 2012.
- b. The Olympic Torch Relay and Evening celebration event on 16 June 2012

The above two components will also leave a lasting legacy, which will be considered at a later date.

The OTR specifically offers an opportunity for the residents of County Durham to take part in the official Olympic celebrations. The torch will be in County Durham on three days of its 67 day tour and it is anticipated that 120 people will carry the torch in our County.

As the torch travels through the County every opportunity needs to be explored in order to highlight our communities nationally and across the world. Every step on the route will be recorded and provide an insight into County Durham. It is important that we push to include our iconic places and that the route of the torch shows Durham in a positive way.

Whilst resource to fund 'Join in' is requested within a tight financial period, the 'Join in' campaign is a positive programme which can provide significant economic, educational, health and inclusion benefits across County Durham. Compared to other current event programmes the request remains relatively contained, yet its potential economic gains significant. The report has illustrated that the OWG intends to continue to maximise opportunities to attract funding, whilst operating within the restrictions.

Decision

The Cabinet:

- i) approved/endorsed the overall shape of the 'Join in' offer, and supported the application of an official Inspire Mark to formally associate the authority's work with the London 2012 games.
- ii) approved £178k from General Fund reserves towards the planning and delivery of the Olympic Torch relay (OTR) and a small contribution to the International Junior Sports games
- iii) noted the Torch Bearer nomination process.
- iv) supported the evening celebration event venue (The Racecourse) and acknowledged the restrictions around route selection on 16 and 17 June but endorsed that OWG work with LOCOG to finalise the route.
- v) noted the revised governance diagram which accounts for operational decision making, regional connections and resilience meetings and the Olympic Torch Relay Community Task Force.
- vi) supported the OWG to continue to work with partners to finalise the content of the 'Join in' campaign and communications, which recognises current resourcing challenges and includes communications with elected members and key partnerships, with regular progress updates being provided to CMT.

Mid-Year Report on Treasury Management Service

Summary

The Cabinet considered a report of the Corporate Director, Resources which provided for the revisions to the regulatory framework of treasury management that had introduced a requirement that the Council receive a mid year treasury review, in addition to the forward looking annual treasury strategy and backward looking annual treasury report required previously.

As well as meeting the above requirement the report also incorporates the needs of the Prudential Code, which can be regarded as being best operational practice, to ensure adequate monitoring of the capital expenditure plans and the Council's prudential indicators (PIs). The treasury strategy and PIs were previously reported to Council as part of the Medium Term Financial Plan 2011/12 – 2014/15 on 23 February 2011.

The report also supports the objective in the revised CIPFA Code of Practice on Treasury Management and the Communities and Local Government Investment Guidance. These state that Members should receive and scrutinise the treasury management service.

Decision

The Cabinet:

- i. Noted the contents of the mid-year review report.
- ii. Approved the key changes to the 2011/12 prudential indicators in light of the impact of Housing Subsidy changes.
- iii. Approved the time and monetary limits for investments.

Forecast of General Fund and Housing Revenue Account Revenue and Capital Outturn 2011/12 – Period to 30 September 2011

Summary

The Cabinet considered a report of the Corporate Director, Resources that provided a forecast of 2011/12 revenue outturn for the period to 30 September 2011. The report updates the information presented to Cabinet on 22 September and incorporates the recommended changes to cash limits within Service Groupings agreed at that time.

Revenue

The following adjustments have been made to the Original Budget:

- (i) agreed budget transfers between Service Groupings;

- (ii) budget transfer from contingencies for items outside the cash limit;
- (iii) planned contribution to Earmarked Reserves

Capital

The General Fund (GF) capital budget for 2011/12 was set at £194.156m and was approved by Cabinet on 23 February 2011. Slippage from the 2010/11 capital programme was approved by Cabinet on 13 July 2011 amounting to £37.29m.

The Housing Revenue Account (HRA) budget was set at £25.245m with slippage of £0.71m from 2010/11.

The Member Officer Working Group (MOWG) has recently reviewed the capital programme taking into account further developments and analysis of changes and demands on resources.

Decision

The Cabinet:

- Approved the Revised Net Expenditure Budget of £442.656m for 2011/12
- Approved the Revised Capital Budget of £256.837m for 2011/12
- Noted the forecast use of Earmarked Reserves in 2011/12
- Noted the forecast Cash Limit underspend reserves in 2011/12.
- Noted the forecasted outturn position for the Housing Revenue Account in 2011/12.

Review of Discretionary Council Tax Discount on Long Term Empty Properties

Summary

The Cabinet considered a report of the Corporate Director, Resources that provided an amendment to the current policy on Council Tax discount for Long Term Empty Properties, reducing the discount from 50% to nil with effect from 1 April 2012.

Section 75 of the Local Government Act 2003 and the subsequent Regulations; the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 gives local authorities the powers to reduce the 50% Council Tax discount on long term empty properties. Long term empty properties are defined as domestic properties that have been unoccupied for more than six months. The proposal relates to properties which are dwellings that are 'unoccupied and substantially unfurnished'.

Council Tax legislation stipulates that long term empty properties, not subject to an exemption, attract a minimum 50% charge. In April 2009, the Council adopted a policy to charge 50% on long term empty properties, which was consistent with the policies adopted by all seven former district councils

There are over 5,200 long term empty properties across County Durham where the owners are currently being charged 50% council tax. To retain a discount at 50% after the initial six months empty period can provide a perverse incentive for owners to leave their domestic properties empty and to remove the discount could provide an additional impetus for owners to sell or let their properties, which could see more properties becoming occupied which would be in line with the Council's Housing Strategy.

Decision

The Cabinet:

- Agreed to recommend to Council a policy of nil discounts on Long Term Empty Properties with effect from 1 April 2012.
- Authorised the Corporate Director Resources in consultation with the Cabinet Member for Resources to introduce a new hardship relief policy.

North Durham Academy Contract Award

Summary

The Cabinet considered a report of the Corporate Director, Children and Young People's Services which advised that all contracts for the design and build of the North Durham Academy (NDA), including all ICT contracts (the NDA Contracts) have been awarded to and completed with Durham County Council's (the Council's) Local Education Partner (the LEP) on 15 September 2011.

Due to the demands of Durham's Building Schools for the Future (BSF) Programme for NDA, the NDA Contracts had to be awarded and completed in early September. It was not possible to obtain Cabinet's approval to award and complete the NDA Contracts prior to the required September completion date. To meet the required completion date, the decision to award and complete the NDA Contracts was made by the Corporate Director, Children and Young People's Services, (in consultation with the Cabinet Portfolio Member for Children and Young People's Services), using a general emergency power delegated to him under the Council's Constitution, set out in Part 3 C, Table 1, paragraph 12.

There is a requirement under the Council's Constitution that any action taken using this delegated emergency power must be reported to a subsequent Cabinet meeting. The Cabinet report satisfies that requirement.

As previously approved by Cabinet (22 June 2006), Durham's BSF Programme is being delivered through the LEP. The LEP is a special purpose company consisting of three shareholders: Inspiredspaces Durham Limited (Inspiredspaces), the private sector partner with an 80% shareholding, and the Council and International Public Partnerships (INPP) each with a 10% shareholding in the LEP. INPP recently acquired the Government's shareholdings in Durham's and other LEPs' BSF Programmes.

The Council awarded the framework and initial contracts for the BSF Programme in August 2009 to the LEP.

The LEP's framework contract runs for a period of 10 years with opportunities to extend this period if both the Council and Inspiredspaces agree to an extension. Under the Framework Contract, the LEP is granted exclusivity to carry out all design, construction and ICT works to the Council's secondary schools, with a more flexible approach being taken to facilities management services. These new projects are developed through collaboration and negotiation, using national and local benchmarking to control quality, cost and value. The LEP is also required to market test its supply chain after 5 years to ensure this remains competitive.

Nine schools are being/have been delivered through BSF funding as part of Wave 3. NDA and Consett Academy were given authority to proceed by the Department for Education (the DfE) in 2010/11. The DfE agreed that the funding for NDA would be at the level agreed in the Outline Business Case approved by Cabinet on 3 March 2011 and by the then DCSF on 1 April 2010.

Decision

The Cabinet noted the report and endorsed the decision to enter into the NDA Contracts for the delivery of the NDA project with the LEP.

Employment Land Review

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development which highlighted the key findings and recommendations of the recently completed County Durham Employment Land Review.

The Employment Land Review supports the work of the County Durham Economic Partnership in planning for future employment generation of around 19,000 new jobs. Whilst current market conditions are poor, the County Durham Plan will need to make adequate provision for future employment over the next twenty years. The Employment Land Review recognises that a number of sites are no longer required and the plan could adopt a more flexible approach to the future use of these sites. In addition it also proposed new allocations of 72-82ha, creating a portfolio of up to 380ha. The basis of this work is that we have the land needed to accommodate any investment opportunity that may occur in the County having the right sites, in the right place.

Decision

The Cabinet approved the Employment Land Review and agreed that it be used as evidence to support the development of the County Durham Plan.

Decision made in Part B of the meeting- report contains exempt or confidential information

Land at Italby Paddock, Burnhope

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development relating to land at Italby Paddock, Burnhope

Decision

That the recommendations in the report be approved.

Colette Longbottom
Head of Legal and Democratic Services
18 November 2011