



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **WEDNESDAY 18 APRIL 2012**.

The decisions will come into force and may be implemented from **30 April 2012** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Review of Access to and Provision of Household Waste Recycling Centres (HWRCs)

Key Decision NS/08/11

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services which provided the outcomes from the public consultation of the Household Waste Recycling Centre Review, and recommended the level of HWRC service in County Durham that will form the basis of the upcoming re-procurement of contracts to operate the sites through a competitive tender process, and the alterations to current operational policies in relation to HWRC Permits, acceptable vehicles and opening hours.

Durham County Council is facing unprecedented financial pressures with medium term financial plan savings of £159.2m planned over the five year period 2011/12 to 2015/16. It therefore remains a priority for services to review the potential to reduce costs and ensure value for money. It is within this context that a review of the HWRC provision across the County was carried out in 2011 in preparation for the re-procurement of the operational service contract, which will take place during 2012.

On 27 October 2011 the results of this review of the council's current provision of HWRCs were presented to Cabinet. The review included a strategic analysis across the county to assess the current provision, in terms of the number and distribution of sites, including a comparison to the service provided elsewhere and a comparison against national standards. The report also provided a site-by-site technical and strategic analysis in which each current site was assessed against criteria including planning, licencing and environmental issues, traffic analysis, site layout, recycling performance, customer satisfaction, health and safety and asset condition

The review was also informed by standards set by the National Assessment of Civic Amenity Sites which establishes nationally acceptable 'drive-time' for access to a HWRC, together with the population that they should serve. These standards,

together with benchmarking of the provision made by similar councils, demonstrated that Durham County Council currently has an over provision. Some residents living in the centre of the County, for example, have up to five sites within the suggested 20-30 minute drive time. However, this overprovision does not reflect the demographic distribution within the County.

The technical and strategic assessment was used to inform a recommendation in the October report to carry out a public consultation on the proposed closure of Broomdene, Cragwood, Hett Hills, Stainton Grove, Thornley and Todhills sites, with affected users and communities and the wider public. This proposal represented a potential reduction in the number of sites from 15 to 9.

In addition to consideration of potential site closures, the 27 October report also addressed the issue of permits for the use of trailers, and proposed that these are reduced from five to three per month. It presented tightened criteria for the type of vehicles that are allowed to access the site with the aim of reducing abuse of the site by those depositing trade and commercial waste. It also presented revised summer and winter opening hours of summer; 1 April until 15 October 9:00am until 6:00pm and winter 9:00am until 3:30pm.

The proposed service provision would still result in over 96% of the population living within five to 10 miles of the nearest fixed site HWRC and would increase the service in Weardale due to the introduction of a new mobile service. This compares to 98.8% coverage under existing arrangements.

The proposals were subject to a three month consultation exercise from 28 October 2011 – 20 January 2012 to determine the impact the review of household waste recycling centres would have on service users and to identify mitigating measures that could be put in place. The consultation also sought to engage service users in shaping the development of a future mobile provision.

During the consultation exercise, information relating to the impact that the proposal would have on vulnerable groups was gathered, which included a workshop with the council's Disability Partnership. This information also informed proposals for mitigation of impacts associated with proposed closures.

A full Equality Impact Assessment (EqIA) has also been completed; in particular, the assessment identified a potential impact on older and disabled customers in relation to possible increased travel distances should a site close.

Analysis of the response data show the following as being the key issues raised by the consultation exercise:

- Fly-tipping
- Travelling distance to nearest site
- Introduction of mobile provision
- Value for Money in relation to the recent capital improvement works
- Service Access

In addition to the above key issues, each site has been assessed on an individual basis, taking into account the results from the public consultation.

In addition to the proposed review of HWRC facilities, the 27 October Cabinet Report also identified the need to make various adjustments to operational policies associated with Waste permits; Vehicle Acceptance Criteria; and Opening Hours.

The report identified the revised proposals for the six sites originally recommended for full closure along with the proposal for Upper Weardale.

Decision

The Cabinet approved:-

- Further focussed consultation with the users of Horden, Coxhoe and Thornley HWRC sites with regard to the new proposals, with the final decision, post-consultation delegated to the Corporate Director for Neighbourhood Services and the Cabinet Portfolio Holder for Strategic Environment.
- That subject to the above consultation, the recommended changes to HWRC provision to be taken to re-procurement as described within this report.
- The proposed policy changes in relation to permits, vehicle acceptance criteria, commercial waste and revisions to opening times.

Seaham and Murton Masterplan

Key Decision R&ED/05/12

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development that sought approval of the masterplan that provides the detailed programme of activity that is taking place or is planned in Seaham and Murton by the Council and its partners.

The masterplan provides the strategic context to delivery and seeks to establish key principles to co-ordinate and guide regeneration activity and investment decisions. The document is one of a series of masterplan frameworks that is being established for the principal towns across the County. The masterplan builds upon recent, independent advice from external consultants and collated baseline information.

The settlements benefit from easy access to the A19 and, from there, to the major regional conurbations, airports and other strategic transport networks. Seaham and Murton's position within the A19 corridor, location on the Durham Heritage Coast and previous, substantial investments (led by the public sector under the Seaham Regeneration Strategy 1994 and the National Coalfields Programme) have led, over the course of the last decade, to the attraction of development in retail facilities, a wider range of housing options and a supply of business space.

The masterplan framework seeks to express the County Council's desire to stimulate regeneration activity and to guide investment and development in Seaham and Murton, with a focus on enhancing the vitality of both centres, and to build upon the potential within both settlements for further regeneration and investment activity. It is designed to secure the creation of modern and vibrant settlements with the potential to further diversify and grow. The work which underlies the masterplan has

examined the specific needs of Seaham and Murton, together with the range of potential development opportunities that exist in the area and has devised a delivery plan to make provision for a series of key, linked physical regeneration projects which have the potential to have a catalytic effect in raising the profile and economic performance of both settlements. This work involved also an assessment of infrastructure needs associated with the masterplan area.

The masterplan is supported by a detailed delivery plan and project plans for each development site/proposal.

Decision

The Cabinet approved:-

- the Seaham and Murton Masterplan 2012, subject to endorsement by the AAP.
- that authority to agree the Masterplan be delegated to the Cabinet Portfolio Holder for Regeneration and Economic Development and the Corporate Director for Regeneration and Economic Development.

Crook Masterplan

Key Decision R&ED/04/12

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development that provided information on a programme of proposed regeneration intervention for Crook, and timescales for the delivery of initial elements of the proposed programme.

Previous regeneration intervention took place when monies were available from Government and European funding streams. Although this had a positive impact on areas such as the Market Place and North Terrace, the surrounding areas were left and need addressing in line with Council priorities.

An assessment by property consultants GVA (undertaken in November 2009) as part of a Retail and Town Centre Uses Study (which is also providing advice for the Local Development Framework) shows that the town centre retail offer focuses on the southern end of Hope Street and Church Street which is located off the Market Place. Commercial Street also falls within the designated town centre boundary, but the offer here is limited. The Market Place is also the centre's main car park and hub for public transport.

The centre comprises of a mix of traditional terraced properties along with more modern commercial units, including a large CO-OP food store on New Road. Crook has a high percentage of small independent retailers with only a few national or regional retailers or franchises. Convenience retail uses include one large retail food offer, the CO-OP together with smaller supermarkets, including a smaller CO-OP convenience store and a number of independent butchers, newsagents and greengrocers.

The town centre is dominated by service uses, which account for around half of the 91 units. These include a number of takeaways, cafes and restaurants, hair and beauty salons, travel agents, estate agents, solicitors and banks. Comparison goods retailing comprises a further 25% of units consisting of small scale independents selling clothing, pet supplies, fishing tackle, hardware goods and gifts. Other significant occupiers include PCT Health Facilities, the Library and other Durham County Council services and the Police Station.

New dwellings are required in Crook to meet the projected requirements of the town to 2030 as identified in the County Durham Plan Strategic Options Document. The "Policy Direction Paper" (May 2011) earmarks an additional 500 housing units for Crook. The preferred housing distribution will be confirmed when the "Preferred Options Paper" is released in September 2012.

Despite current market conditions, there are some major developments planned for Crook, and to ensure that the Council maximise opportunities from these developments, it is critical that any regeneration intervention activity is co-ordinated and targeted.

This regeneration Masterplan provides a structured programme of intervention that is identified for delivery by Durham County Council and the private sector.

The Crook Delivery Plan sets out the main actions that will help to create a revitalised, accessible and attractive town centre to be delivered by Durham County Council and private sector partners. The Plan will be a working document and periodically reviewed and updated with partners.

Decision

The Cabinet approved the Crook Masterplan.

Bishop Auckland Masterplan Key Decision R&ED/06/12

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development that provides the detailed programme of activity that is taking place or is planned in Bishop Auckland by the Council and our partners.

The masterplan provides the strategic context to delivery and seeks to establish key principles to co-ordinate and guide this activity. The document is one of a series of masterplans that is being established for the principal towns across the County.

Bishop Auckland is a key, major centre within County Durham. The settlement is one of the largest towns in the County, is a major employment, commercial and

residential centre in South West Durham with a population of 25,000 with a wider catchment area of over 150,000.

As would be expected from a settlement of this size, the town benefits from excellent transport links by both private vehicle and public transport; is home to a number of major employers; and performs relatively strongly for convenience, comparison and bulky goods retailing.

The masterplan seeks to express the County Council's desire to stimulate regeneration activity and to guide investment and development in Bishop Auckland, with a focus on enhancing the town centre, and to build upon the town's potential as a tourist/visitor destination. It is designed to secure the creation of a modern and vibrant town centre. The work which underlies the regeneration masterplan has examined the specific needs of Bishop Auckland and has devised a delivery plan to make provision for a series of key, linked physical regeneration projects which have the potential to have a catalytic effect in raising Bishop Auckland's profile as a "destination" for visitors and raising the town's economic performance whilst respecting and enhancing its historic, cultural and environmental heritage. This work also involved an assessment of infrastructure needs associated with the town.

Decision

The Cabinet approved:-

- The Bishop Auckland Masterplan, subject to endorsement by the AAP.
- That Authority to agree the Masterplan is delegated to the Cabinet Portfolio Holder for Regeneration and Economic Development and the Corporate Director for Regeneration and Economic Development

Localisation of Council Tax Benefit: Introduction of the Local Council Tax Reduction Scheme from 1 April 2013

Summary

The Cabinet considered a report of the Corporate Director, Resources that provided an overview of the Government's proposals to localise Council Tax Benefit, through the introduction of the Local Council Tax Reduction Scheme from 1 April 2013, and to highlight the potential implications for the Council and its residents.

The report sets out the key milestones and actions required, following the Government's response to the outcome of the consultation into these proposals, as set out in the Welfare Reform Bill, which is progressing through Parliament.

Due to the scale of the challenge, the financial risks to the authority and the potential impact on the local community, it is important that the Council prepares as early as possible.

A high level project plan showing the Government's key milestones to deliver the localised scheme is set out in the report. In practical terms the following actions will be required to achieve a 1 April 2013 implementation:

- Establish a Project Board to develop options and work through detailed implications, including equality impact assessments
- Project Board work through detailed implementation plans and requirements to achieve 1 April 2013 implementation;
- Preparation of a communication strategy, including stakeholder consultation plans / requirements
- Proposed scheme, consultation requirements and detailed equality impact assessment to be presented to Cabinet in July 2012 and the Council's Medium Term Financial Plan be updated as required;
- Outcome of consultation and final proposals to be presented to Cabinet in December 2012, with the final scheme being approved by Full Council in January 2013.

Decision

The Cabinet agreed that:-

- A Project Board is set up to undertake the work outlined in the report, and to report back to Cabinet in July 2012
- Discussions be held through the Association of North East Councils on the impact of the changes in the Region.

Armed Forces Community Covenant

Summary

The Cabinet considered a report of the Assistant Chief Executive that recommends that the Council enters into a Community Covenant with the Armed Forces to support the active Armed Forces community in County Durham as well as ex service personnel and their families.

The National Armed Forces Covenant was launched in May 2011 to enshrine the obligation between the Nation, the Government and the Armed Forces. The core principles of the National Covenant are that members of the Armed Forces community should not suffer disadvantage as a result of their service and that where appropriate they may receive special treatment (especially those who have been injured or bereaved). The National Covenant is supported by 'The Armed Forces Covenant: Today and Tomorrow', which sets out the actions currently being taken by central government to support the Armed Forces community as well as future measures.

To support the National Covenant, the Government and Armed Forces are encouraging the development of Community Covenants, which are voluntary statements of mutual support between a civil community and its local Armed Forces community.

The aims of the Armed Forces Community Covenants are to:

- encourage local communities to support the Armed Forces community in their areas;
- nurture public understanding and awareness amongst the public of issues affecting the Armed Forces community;
- recognise and remember the sacrifices faced by the Armed Forces community;
- encourage activities which help to integrate the Armed Forces community into local life;
- encourage the Armed Forces community to help and support the wider community, whether through participation in events and joint projects, or other forms of engagement.

The Secretary of State for Defence has allocated £30 million funding over the next four years to support Community Covenants. The aim of the Community Covenant Grant Scheme is to provide financial support to projects, at the local level, which strengthen the ties or the mutual understanding between members of the Armed Forces community and the wider community in which they live. The Grant Scheme will consider applications for projects (£100 to £250,000) that deliver tangible results and meet the overall aims of the Community Covenant Scheme. An Armed Forces Community Covenant and a Community Covenant Partnership must be in place before the funding can be accessed.

It is proposed that this is adopted by the authority at full council alongside colleagues in health witnessed by members of the Armed Forces and affiliated organisations including Armed Forces charities.

Decision

The Cabinet recommend that full Council endorses the signing of the Armed Forces Community Covenant at its annual meeting.

Evaluation of the 2011 Lumiere Festival

Summary

The Cabinet considered a joint report of the Corporate Director, Adults Well Being and Health, and Corporate Director, Regeneration and Economic Development on the evaluation work which has been undertaken on the 2011 Lumiere programme and the next steps to be taken to ensure that a complete picture is available to

members when they consider whether to commission a Lumiere programme for 2013

Following a successful event in 2009, Artichoke (the producers of Lumiere) were invited to plan and programme a new Lumiere festival to be staged in November 2011.

The report makes it clear that the festival was a considerable success. It was a much more ambitious programme than the one delivered in 2009 and more than twice as many people visited in 2011 as had done on the previous occasion. The evaluation report was based on responses from a total of approximately 1,500 visitors and businesses. The views were collected using a variety of approaches (predominantly surveys) in the weeks before during and after the festival. Officers from Visit County Durham and the Council have reviewed the business elements of the survey work and believe that it presents a compelling, accurate and comprehensive picture which can be relied upon without the need for supplementary research.

The calculations in the report are based on a standard prescribed methodology to allow for comparison between different events. Some of the main findings include:

- 82% of respondents were extremely positive about the festival (8 out of 10 in 2009)
- The value of media cover generated was worth £2,250,000 (£700,000 in 2009) and the festival received positive national and local coverage in all forms of media including television coverage as far away as Vietnam and Australia
- The Total economic impact was £4,333,628 (£1,535,232 in 2009)
- The County Council's return on investment was 983%

The Durham Tourism Management Plan 2012 – 2016 proposes to continue holding 'signature events' on an annual basis. In 2009 and 2011 the 'signature events' have been two very successful light festivals and there is a growing groundswell of opinion that a further light festival should be commissioned for 2013. In order to achieve that outcome a number of steps need to be taken.

The evaluation of the 2011 event will be reported to the County Durham Partnership and to the Durham Economic Partnership and consideration will be given to finding a source of future funding for a further event in 2013. A sum of money from within the DCC budget and within Arts Council funding has already been identified as potentially available but additional sums will need to be found from Durham County Council. Artichoke would again be contracted to raise a significant part of the funding. The contractual contribution in 2011 was £400,000. The total cost of the event was around £1,000,000 or £1.5m if in-kind costs are included. Artichoke raised the balance of these funds from a wide range of sources including the European Commission Culture fund, the Arts Council & a variety of trusts, sponsors and donors. They also cross subsidise the cost of the festival by not taking a management fee and using their existing infrastructure

A summary of this year's success will be circulated to Durham businesses, County Durham Area Action partnerships and stakeholders including those who provided

funding, in cash or in kind, together with a request to indicate whether they would support commissioning a festival for 2013.

Decision

The Cabinet agreed to the undertaking of the next steps as set out in the report, and to receive a final report on whether to commission a Lumiere event for 2013 at its meeting in July 2012

Annual Enforcement Programme Children and Young Persons (Protection from Tobacco) Act 1991 and Anti Social Behaviour Act 2003

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services that reviewed enforcement activities under the Children and Young Persons (Protection from Tobacco) Act 1991, the Anti-social Behaviour Act and the Licensing Act 2003 for the period April 2011 to March 2012 and sought approval of a new enforcement programme for 2012/13.

The County Council has a statutory duty to consider, at least once a year, the extent to which the Authority should carry out a programme of enforcement under the Children and Young Persons (Protection from Tobacco) Act 1991 and the Anti-social Behaviour Act 2003. These acts deal with the enforcement of under age sales of tobacco and aerosol paint containers respectively. The Council also has a responsibility under various statutes and regulations for enforcement of various age restricted products.

The enforcement programme for the coming year consists of those activities detailed below:

- (a) An intelligence led approach to under age sales enforcement and tobacco control based on the principles outlined in LBRO's Age Restricted Products and Services Framework but not precluding the use of market surveillance projects to determine current levels of compliance.
- (b) Investigation of all consumer and trader complaints.
- (c) Visits to ensure compliance with new legislation relating to the display and pricing of tobacco products
- (d) Closer working with the Police Central Licensing unit and other agencies to adopt a holistic approach to solving problems associated with the accessibility and misuse of age related products. This is to include education, surveillance and test purchasing as well as other alternative enforcement strategies as appropriate.
- (e) Further, more intense enforcement activities at premises that have been known to sell to those under age.
- (f) Continue to work in partnership with the police, HMRC and other agencies to tackle the problem of proxy sales and sales from private premises to children, particularly in relation to alcohol and tobacco.
- (g) Support the promotion of the ID4U County Durham proof of age scheme
- (h) Continue with a policy of reviewing premises when appropriate.

- (i) Continue to work strategically both corporately and with partner agencies to tackle health inequalities and antisocial behaviour associated with the misuse and illegal supply of age restricted products, in particular alcohol and tobacco.

Decision

The Cabinet approved the enforcement plan described above for 2012/ 2013, which will ensure that the Council continues to address the problem of underage sales and access to age restricted products by those under age.

Annual Review of the Constitution

Summary

The Cabinet considered a report of the Head of Legal and Democratic Services that presented proposals for the revision of the Council's Constitution.

In accordance with the Local Government Act 2000, the County Council adopted the new Constitution for the unitary authority. Although legislation has been amended by the Localism Act, a Constitution is still required. The current form of Leader and Cabinet Executive is compliant with statute. An annual review of the constitution is carried out each year by the Monitoring Officer.

The Monitoring Officer has carried out her annual review of the Constitution which includes a review of the delegations to the Chief Officers who have been consulted and asked to submit any amendments.

Other amendments include changes to reflect new legislation by including the designation and duties of an officer to discharge the functions relating to overview and scrutiny; to include the procedural note for meetings of the Highways Committee where representations are made by members of the public; to amend the Terms of Reference of the Environment and Sustainable Communities Scrutiny Committee's to include arrangements to review and scrutinise flood and coastal erosion risk management functions, in line with new legislation with the Council being a lead flood risk authority; and to comply with legislation, in that all Members of the Authority shall be entitled to give notice to the Head of Legal and Democratic Services that they wish an item relevant to the functions of the Board, Committee or Sub-Committee to be included on the relevant agenda, providing that the matter is not one which would be excluded.

Decision

The Cabinet agreed to:-

- (i) The delegation of executive powers as set out in the officer scheme of delegations.
- (ii) Recommend that Council agree the proposed revisions to the Constitution including the delegations to Chief Officers contained therein at the annual meeting of the Council on 16 May 2012.
- (iii) Recommend that Council authorise the Head of Legal and Democratic Services, following consultation with the Constitution Working Group, to make future changes to the Constitution to reflect decisions of the Council or a Council body or to comply with legal requirements.

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

Waste Disposal and Treatment Services

Summary

The Cabinet considered a report of the Corporate Director, Resources relating to the Waste Disposal and Treatment Services, and the Waste Management Company.

Decision

That the recommendations in the report be approved.

Colette Longbottom
Head of Legal and Democratic Services
20 April 2012