



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **WEDNESDAY 30 MAY 2012**.

The decisions will come into force and may be implemented from **13 June 2012** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Revitalising Markets within County Durham **Key Decision NH/06/11** **Summary**

The Cabinet considered a joint report of the Corporate Director, Neighbourhood Services, and Corporate Director, Regeneration and Economic Development that presented the findings of the County Durham market review and which sought approval of the draft strategy for 'Revitalising Markets' within County Durham' for public consultation, and options for the future management and operation of markets across the county for further consideration.

There is no statutory duty for the Authority to provide markets on any particular day at any particular location. However, whilst there may be no requirement to hold markets there may be legal considerations relating to the origin and status of the existing markets which dictate when such markets are to be held and their location. In addition, once a market has been formally established, whilst market days and market location may be changed, any such change will be subject to following the correct statutory or other legal processes including consultation, advertisement and change of planning permission.

Under Part IIA of the Food Act 1984, the County Council is a market authority and can establish or acquire a market, appoint market days and hours, demand charges, and make byelaws.

Local Authority managed and operated markets currently operate in 10 locations across County Durham namely Durham City, Chester-le-Street, Crook, Consett, Stanley, Seaham, Spennymoor, Bishop Auckland, Barnard Castle and Stanhope. Other markets exist and operate across the County but they are not under the control of the County Council.

Responsibility for markets was transferred to the Environment, Health and Consumer Protection Service following local government re-organisation in 2009. The existing management arrangements have remained in place since then and as a result the Council has continued to directly manage market provision in some areas. The markets in Consett, Stanley, Seaham and Durham City, are operated under local

agreement by independent market operators. Therefore there are two management models that exist under the current arrangements for markets across County Durham. Different operators continue to operate and manage the markets under the terms and conditions contained in their agreements which were inherited following local government reorganisation.

In order to provide a position statement in the current market provision a review of the markets was commissioned and completed in February 2011. The review recommended that the Council should develop a strategic approach to improve the performance of markets and take appropriate steps to promote market activity within town centres and maximise any opportunities for economic growth.

The success and further development of local markets across County Durham is considered key to town centre development and the Council's aim of achieving 'Vibrant and Successful Towns'. Consultations undertaken as part of the preparation of Town Centre masterplans across the County highlight the importance placed by residents on local town centre markets and aspirations for an improved market offer. A number of initiatives have already been delivered in Durham City, Spennymoor and Bishop Auckland and are currently proposed in Consett which have recognised the importance of a local market to encourage visitors to the town centre, support the local economy as well as enhance the overall visitor experience and potential tourism offer.

The strategy for revitalising County Durham's street markets has been developed as a logical progression from the findings and initial options analysis that were contained in the Markets Review. The strategy aims to further develop a range of practical interventions that will enable the County Council to optimise support for the enhancement and growth of markets across the county. Underlying this key objective is an evidence base which highlights the substantial economic benefits of the best markets coupled with a desire to ensure that any changes to the ways in which the County Council manages its interests in markets is geared towards an integrated approach to maximising assistance to our town centres, existing retailers and traders, local communities, local producers and future entrepreneurs. The strategy also seeks to translate best practice and recent guidance on securing the future of our high streets into a range of key themes for future potential investment and suggested next steps for action

It is proposed to undertake a two stage approach to the development and implementation of the Market Strategy. The first stage is to undertake a further consultation exercise to inform the future development of the strategy ensuring that any market offer is delivered in accordance with a wider development and regeneration plan for town centres. In addition, it is proposed to undertake further soft market testing in relation to the options available for the management of markets within County Durham during this first phase.

All existing contracts/licences currently in place have been extended until 30 June 2012 pending the conclusion of this exercise. Due to the nature of consultation on the draft strategy, and the outcome of the soft market testing in relation to management arrangements these may need extending.

A further report will be presented following completion of the consultation and soft market testing exercises. Subject to approval it is proposed to commence the second

stage of the process which will focus primarily on the key tasks relating to the delivery of the strategy and implementation of any revised management arrangements.

A project plan outlining key milestones and timescales has been developed to ensure that these proposals are implemented in accordance with any agreed timescales.

Decision

The Cabinet agreed:-

- The proposed draft strategy for the 'Revitalisation of Markets within County Durham for public consultation.
- That a further report be considered on completion of the consultation and soft market testing exercises, seeking approval of the final market strategy and agreement of future management arrangements with relevant timescales for their implementation.

Welfare Reform

Summary

The Cabinet considered a report of the Assistant Chief Executive that advised of the Government's welfare reform agenda and the implications for County Durham and the Council.

The Welfare Reform Act 2012 is one of the largest policy changes to be introduced by the current Government. The Act has been designed to deliver £18 billion savings from the welfare budget as announced in the budget and spending review 2010. It does not address the further £10 billion savings expected from welfare spending that was announced in the budget of March 2012.

One of the aims of welfare reform is to simplify a very complex array of benefits available to people who are unemployed, disabled, unable to work, have childcare responsibilities or who are on low incomes. The complexity of both the current arrangements and the proposed changes makes it very difficult to forecast the implications and outcomes of the Act. This report draws on the stated aims of the Act, the impact assessments prepared by the Department of Work and Pensions (DWP); statistical information for Durham and analysis carried out by bodies such as the Institute for Fiscal Studies (IFS) to anticipate potential implications for the county.

The main findings of this analysis are:

- a) The Act will affect over half of Durham households who will have to reapply for a new benefit or be reassessed. It is possible that the transition to new arrangements will be difficult with many claimants likely to be confused by the changes or unable to use new online claim processes;

- b) The Institute of Fiscal Studies estimates the impact on household incomes of tax and benefit reforms due to be implemented in 2012-13 amounts to a net takeaway of about £4.1 billion (an average of £160 per household) in that year. This they suggest will rise to about £9.8 billion (£370 per household) in 2013-14. The largest average losses from the 2012-13 reforms as a percentage of income will be among those in the bottom half of the income distribution. Households with children are set to lose the most from the reforms, and pensioner households are the one major demographic group who will gain from them, on average;
- c) The central premise of welfare reform is that people will move into work and therefore offset any loss of income from benefits. If the loss of benefits is not compensated by an increase in earnings, then there would be significantly less money within the local economy. Analysis in this report suggests an overall loss to the local economy of around £150 million in 13/14;
- d) For the first time Council Tax Benefit (and the Social Fund) would be determined locally with the local authority responsible for any increased volume of demand. A 10 percent reduction in (CTB) means a £5.5 million per year loss to the County on top of other public spending restrictions. Local government rather than central government would assume the risks of potential increased costs should there be an increase in benefit take-up. Clearly authorities with a high proportion of people on benefits face higher risks than those serving less deprived areas. This increased risk comes at a time of unprecedented reductions in resources available to local authorities;
- e) Administratively, there are changes required to council services in order for the council to deliver new or changed responsibilities in accordance with the Act. These include changes to housing, homelessness, housing and council tax benefits, social care and welfare advice. The need to develop new systems to administer localised benefits, e.g. CTB and Crisis Loans is likely to result in increased administration costs. The timescale for the introduction of the localisation of council tax benefit scheme, considering that final details are still awaited, is extremely tight, which could lead to delivery difficulties for both software suppliers and local authorities;

The scale of the change will inevitably mean that the public will contact the council, local members, MPs and partner organisations who will need to be aware of the changes and to assist the public wherever possible.

Decision

The Cabinet agreed that:

- a) further analysis of the Government's equality impact assessment is conducted in order to better understand the winners and losers in County Durham to better support a more targeted approach to respond to

community needs; and in support of the development of the localisation of council tax support scheme;

- b) the potential for collaboration with other local authorities in the North East, via ANEC, is explored;
- c) work to identify how the Council can best support local communities is completed;
- d) project management arrangements for introducing the housing and localised council tax support scheme elements of welfare reform are completed;
- e) the Council's approach to job and wealth creation as part of the altogether wealthier priority is continued;
- f) a communications plan is developed to communicate the change welfare reform will bring for local communities, Members, partners, staff and MPs;
- a) arrangements are put in place to deal with the immediate requirements of customers at Council's customer service points with appropriate staff training;
- b) the council continues to analyse and monitor the impact of Welfare Reform on the communities of County Durham.

Durham Tourism Management Plan

2012-2016

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development that sought endorsement for the Durham Tourism Management Plan 2012-16.

Durham has had a Tourism Management Plan since 2006. It was compiled by Visit County Durham in collaboration with the county's tourism industry and a range of partners, including the county council and the former district councils, and became the blue print for development of the visitor economy in the county. The plan was based on a series of studies that provided intelligence about the county's product, its customers and its competitive position in England and the UK as well as significant input from across the county. It clearly described what all organisations, businesses and individuals in the county with an interest in the success of the visitor economy needed to focus on for future success.

The plan has been refreshed annually since 2006 in the light of new intelligence including visitor surveys in 2008 and 2010, annual economic impact surveys, a major customer segmentation study in 2007, a major study into the image and identity of the county to external audiences and benchmarking at a national level through Destination Performance UK.

The Durham Tourism Management plan is developed and monitored by the board of Visit County Durham. It has also been the subject of several presentations and discussions at the County Council's Economic Development and Enterprise Scrutiny Committee.

In November 2011 Visit County Durham embarked on a programme of work designed to track progress against the original objectives of the Durham Tourism Management Plan, test the existing objectives and the approach to each to see if they were still valid and to discover if any new priorities had emerged since 2006.

The consultation took the form of an industry conference in November 2011 that was attended by 60 delegates, a series of presentations and discussions to relevant organisations and forums (14 separate events in total including meetings of the three AAPs that prioritise tourism) and a conference on rural tourism in March 2012 attended by 80 delegates as part of English Tourism Week.

The plan will be refreshed annually to take account of new and completed projects. In order to support delivery of the plan by the County Council, a Tourism Working Group will be established which will meet quarterly. Appropriate representation from across the County Council will be invited to join this group which it is hoped will assist in the co-ordination of activity to ensure a primary focus on the delivery of the key actions outlined in the DTMap.

Decision

The Cabinet endorsed the refreshed Durham Tourism Management Plan and adopted it as the plan for developing the county's visitor economy.

Visit County Durham Business and Operational Plan 1 April 2011 – 31 March 2014

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development that presented the updated Visit County Durham Business and Operational Plan 1 April 2011 – 31 March 2014.

Visit County Durham (VCD) is the tourism management agency for County Durham working on behalf of businesses and public agencies. It came into being on 1 April 2006 and was the subject of a report to Cabinet in 2010 regarding changes to structural arrangements following the removal of funding from One North East for tourism activity.

The structural arrangements involved Durham County Council transferring the staff from Visit County Durham to its employment to retain their expertise in developing

the tourist economy. The Council also aligned budget to this team. The company, Visit County Durham, provides essential links with the private sector and through the Board, sets the strategic direction for the visitor economy.

With strategic responsibility for tourism, Visit County Durham performs the functions of destination management and marketing in the county to grow the visitor economy using the eight priorities/objectives contained in the Durham Tourism Management Plan (DTMaP). Underpinning all the objectives are the principles of sustainable tourism, particularly in a rural county where the natural landscapes and an historic city are central to our visitor offer.

The strategic framework in which Visit County Durham operates is set at the national level by the Government's Tourism Policy, issued in March 2011 and is complemented by Visit England's strategy for England published in 2010 that sets out four objectives to guide activity at the national, regional and sub-regional levels:

- (a) To increase England's share of global visitor markets;
- (b) To offer compelling destinations of distinction;
- (c) To champion a successful, thriving tourism industry; and
- (d) To facilitate greater engagement between the visitor and the experience.

Although the national strategy has yet to be translated into priorities for the North East of England by the new Local Enterprise Partnership for the purposes of the Visit County Durham Business plan it is assumed that regional priorities for the visitor economy established by One North East will be adopted by the new LEP, which identifies two regional objectives to improve visitor yield, and to reduce seasonal and spatial disparities in visitor arrivals and receipts.

The Visit County Durham business plan was presented to the VCD Board on 10th April 2012 and formally agreed.

Decision

The Cabinet endorsed Visit County Durham's Business and Operational Plan for the period 1 April 2011 – 31 March 2014.

The National Planning Policy Framework and the Impact on the County

Durham Plan

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development that presented key elements of the newly published final National Planning Policy Framework (NPPF). It also identified the specific impacts on the County Durham Plan including changes to its structure and a new timetable, which will be set out in a revised Local Development Scheme. In addition, it sets out how the Council intends to deal with development proposals at this time of national change to planning policy

The NPPF represents a fundamental reassessment of both the overall direction and the detail of the planning system in England, intended to support economic recovery and play a key role in delivering the government's localism agenda. The NPPF is the outcome of a review of planning policy, designed to consolidate policy statements, circulars and guidance documents into a single concise Framework (a reduction of over a thousand pages of guidance to around 50). The NPPF has been the subject of significant and prolonged public debate following consultation on a draft in the autumn of last year.

The overriding message from the Framework is that planning authorities should plan positively for new development, and that 'planning should operate to encourage and not act as an impediment to sustainable growth'.

Development of the County Durham Plan is well advanced and its primary focus is to support the development of the local economy and an 'Altogether Wealthier Durham'. On the face of it, the Plan's focus on promoting economic development is therefore consistent with the NPPF's emphasis on sustainable growth and overcoming barriers to investment. However, the Plan seeks to achieve this by directing development to particular locations and bringing together employment, housing and services to create sustainable communities.

The NPPF states that each local authority should produce a Local Plan for its area which can be reviewed in whole or in part. Additional planning documents should only be used where justified. This is clearly different from the current Local Development Framework system with its suite of documents with an overarching Core Strategy. It does however, reiterate that planning should be genuinely 'plan led' when determining planning applications.

Given the Government's views of plan making were clear in the draft NPPF we have already taken steps to convert our Core Strategy into a Local Plan by adding the following elements:

- Development Management Policies;
- Employment Allocations;
- Retail Allocations; and
- Housing Allocations.

There are two areas of work which it is proposed should be in separate planning documents. These are Gypsy and Traveller Site Allocations and Minerals and Waste Allocations. Because of their controversial nature it is likely that their inclusion in a single Local Plan could unacceptably delay its preparation. In both cases there is no short term need for new sites, new Gypsy and Traveller proposals can be assessed against a new criteria based policy in the Local Plan and there is sufficient minerals and waste sites to meet need for a number of years.

Rather than discard all of the progress made to date and return to the beginning of plan preparation it is proposed that the next formal consultation stage will still be a Preferred Options document. It is considered that the additional areas of work required can be progressed straight to Preferred Options without having to have a formal issues and options stage. Following the consultation on the Submission Draft minor amendments can be made before the Plan is formally submitted for

consideration at an Examination in Public. The Gypsy and Traveller and Minerals and Waste documents would be progressed following adoption of the Local Plan.

The revised timescales result in the Preferred Options being considered by Cabinet in July and out for consultation in September 2012, primarily as a result of the work required for the housing allocations. Following consideration of the consultation responses following Publication and the making of any changes, the Plan will be formally submitted in the autumn of 2013 with the Public Examination to follow in spring 2014 and finally Adoption in July 2014.

The Gypsy and Traveller and the Minerals and Waste Allocations would go out to preferred options at the same time as Publication of the Local Plan. Publication would follow Adoption of the Local Plan with Examinations to following in May 2015 and Adoption, September 2015.

Decision

The Cabinet:

1. Noted the key elements of the National Planning Policy Framework
2. Agreed the timescales and scope of the County Durham Plan as outlined in the report
3. Endorsed the Council Policy Position Statement.

Design and Development Brief for Milburngate House, Durham City Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development which sought approval of the Milburngate House Design and Development Brief for use in planning and related matters.

The brief is the result of a joint commission between National Savings and Investments (NS&I) and Durham County Council (DCC) for the Milburngate House site, which is owned by NS&I. They are looking to move to the Freemans Reach site and are therefore considering the future of their existing premises. Taylor Young Ltd were appointed to produce a brief, the purpose of which is to establish clear guidelines for this sensitive city centre site in order to guide potential developers when they consider redevelopment of the existing building.

NS&I have been working with DCC and the Homes and Community Agency (HCA), owners of the Freemans Reach (former Ice Rink) site on the opposite side of the river. The purpose of this work is to establish a development partner, with NS&I becoming the tenant of the first phase of a new development. The development proposals are shortly to be taken through the planning pre application stage. It is anticipated that NS&I will be able to relocate from Milburngate House in 2014 and they are proposing to market the site in the summer of 2012. Vacating Milburngate House and offering the site for redevelopment is seen as the most cost effective solution due to the deteriorating condition of the building and increasing repairs/improvement costs.

The brief has been the subject of extensive consultation during its preparation, with consultation with a specific range of stakeholders and in addition two rounds of public consultation. The first in May 2011 was to establish reaction to site issues and options through a well attended two day public exhibition in Durham Town Hall. The second (November 2011) was to refine the content of the brief that incorporated comments from the first consultation and this was carried out by e-mail distribution to interested parties. Details of the consultation exercises, and on how the brief has been refined to reflect comments received, are included in the brief.

The brief is intended to deal with full redevelopment of the whole site. Market reaction to such a development opportunity in the current economic climate is difficult to predict and an option for part retention of the building could emerge. If it does, changes may still be related to some of the design parameters in the brief which would also guide any new sections of development. Renovation of any retained building will still need to respect the sensitivity of its setting and uphold quality of design.

Decision

The Cabinet agreed to adopt the Design and Development Brief for Milburngate House (February 2012) to support future redevelopment.

Children, Young People and Families Plan 2012-2016 Summary

The Cabinet considered a report of the Corporate Director, Children and Young People's Services that presented the final draft of the Children, Young People's and Families Plan (CYPFP) 2012-2016 before approval by full Council.

In April 2012, revised statutory guidance issued by the Department of Education on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services stressed the importance of ensuring that Local Authorities (LA) continue to focus on the progression of, and improved outcomes for, children and young people. In order to support the improvement of outcomes, the LA acknowledges that we cannot do this alone and that it is imperative that a strategic partnership plan that articulates how this will be achieved in partnership remains in place. The new plan is pivotal in achieving this vision together with our partners. The new plan covers the four year period 2012-2016 and will be reviewed annually.

Following a review of the Children's Trust in County Durham, a number of changes have been proposed. In order to reflect the increased focus on the needs of the 'family', the Children's Trust has been renamed the *Children and Families Trust* and the Children and Young People's Plan the *Children, Young People and Families* plan.

The involvement and contribution of children, young people and families has been central throughout the development and shaping of this plan and a number of consultative events have taken place.

A formal consultation period for the plan ended on 29 February 2012. 26 responses were received and considered from a variety of stakeholders including the Children

and Young People's Overview and Scrutiny Committee and the Local Safeguarding Children's Board (LSCB). All responses have been considered and the vast majority have been reflected in the plan. The comments received focused mainly around layout/formatting, performance measures, and additional information to strengthen particular points made within the plan (e.g. Elected Member involvement).

After consideration by Cabinet the Plan will be taken to a full Council meeting for approval, and will also be presented to the Children and Young People's Overview and Scrutiny Committee on 16 July 2012.

Decision

The Cabinet noted the Children, Young People and Families Plan, and recommended its approval by full Council.

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

Acquisition of Land at Woodham Community Technology College

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development relating to the Acquisition of Land at Woodham Community Technology College.

Decision

That the report together with the recommendations included therein be approved.

Colette Longbottom
Head of Legal and Democratic Services
1 June 2012