



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **16 JANUARY 2013**.

The decisions will come into force and may be implemented from **28 JANUARY 2013** 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 the Corporate Director, Regeneration and Economic Development that presented the findings of the public consultation and south approval of the draft strategy for Revitalising Markets within County Durham.

At the Cabinet meeting held on 30 May 2012 a report was considered on the findings of the Durham Markets Review. The review indicated that the current sustainability of markets was limited and in order to revitalise markets and get the best market offer for County Durham, market provision would need to change. The report presented a draft strategy for the revitalisation of markets within County Durham. A two-stage approach was proposed, the first stage being a consultation exercise and the second stage, soft market testing of the options available for the management of markets within County Durham.

As part of the consultation, the draft strategy was made available on the website from June to August 2012, and the consultation period was extended until 15 September for the Parish and Town Councils. In addition to this, a series of public consultation events were held. However, the number of responses to the consultation was low.

The strategy contained eight key themes and the consultation survey questions were based on these key themes:

- Structured Effective Management
- Engaging Partners
- Supporting Our Town Centres
- Place Shaping
- Supporting Micro-Businesses
- Supporting Communities
- Supporting Local Produce and Speciality Goods
- Marketing and Public Relations

Some of the main observations from the consultation include the following:

- 46% and 66% of market traders were satisfied with the current level of provision
- Market traders and users felt strongly that markets should be of benefit to the local economy
- Market users felt strongly that markets should provide local produce
- Nine out of ten respondents had shopped at at least one of the markets supported by Durham County Council in the last two years
- The majority of traders and users support the use of market places for other activities
- Local food and produce was the most popular speciality market for traders and users
- Market traders' most popular choice future management of markets was to continue the operation of markets as currently operated with different management models and agreements with some markets operated under licence and others maintained by the council

It is proposed that the most appropriate arrangement for each individual market will be determined on the basis of efficiency as well as the potential for future growth. Should proposed management arrangements involve the transfer of management and operational responsibilities to a third party, the Council will seek prospective partners.

Soft market testing has identified interest from local and national operators in the management of the Council's markets.

The Cabinet report of May 2012 identified that the Council's existing management arrangements are not sufficient or sustainable to deliver the objectives set out in the proposed strategy and the Council must consider alternative management arrangements. Whilst revised management arrangements will seek to promote better market performance, a more realistic income will need to be established to reflect sums payable under contractual agreements.

All existing contracts and/or licenses in place will be extended until 30 June 2013 and may be extended further subject to new arrangements being made. It is proposed to confirm expressions of interest in managing and operating individual markets. These will be assessed and contracts will be awarded in accordance with the procurement rules and framework. A review will be undertaken of current management arrangements of markets directly under the Council's control, to determine the most effective management arrangements.

The complexities surrounding market rights and relevant law may impact upon any future agreements, in particular the situation in respect of the market in Durham city due to its ancient origin.

Decision

The Cabinet agreed:-

- The proposed final draft strategy.

- To delegate authority to the Corporate Director, Neighbourhood Services and Corporate Director, Regeneration and Economic Development in consultation with the Portfolio Holders for Strategic Environment and Economic Regeneration, the determination and implementation of any revised management arrangements for each market, as appropriate.

Overview and Scrutiny Review – Reducing the Council’s Carbon Emissions

Summary

The Cabinet considered a report of the Assistant Chief Executive which included a Report of the Environment and Sustainable Communities Overview and Scrutiny Committee – Reducing the Council’s Carbon Emissions Scrutiny Review which examines the Council’s approach to reducing carbon emissions.

Durham County Council drives and influences carbon emission reductions through the services it delivers and its regulatory and strategic functions. It has been part of the Local Authority Carbon Management Programme since 2009. At the Environment and Sustainable Communities Overview and Scrutiny Committee meeting on 9 July 2012, Members agreed to undertake a review of the Council’s Carbon Management Programme to assess whether the Council is on course to:

- Reduce CO₂ emissions by a minimum of 40% from the Council’s 2008/09 baseline of 105,816 tonnes by 2015.
- Deliver savings in energy costs of at least 20% against business as usual predictions by 2015.
- Quantify the direct carbon emissions from the Council’s activities and allocate ownership of those emissions to Service Groupings and services by 2012 to allow emissions reduction targets and carbon budgets to be included in Service Plans and monitored by 2013.
- Create a ‘low carbon culture’ within the Council by raising awareness, providing formalised training and gaining support from staff and senior management.

The Committee considered the following:

- The Council’s Carbon Management Programme
- The Council’s carbon emissions since 2008/09 and comparisons with other local authorities
- Energy costs
- Capital projects being developed and implemented to help save energy and reduce emissions
- The eco-champions network to promote environmentally positive behaviour, School carbon reduction programme
- Progress being made with regard to Service Groupings taking responsibility for their own emissions

Decision

That Cabinet agreed to formulate a response, within the six month period identified in the report, for systematic review of the recommendations contained in the report.

Mid-Year Report for the period to 30 September 2012 on Treasury Management Service

Summary

The Cabinet considered a report of the Corporate Director, Resources which provided the Mid-Year Report for the period to 30 September 2012 on the Treasury Management Service. The regulatory framework of treasury management requires the Council to receive a mid year treasury review. The report incorporated 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.

Economic sentiment suffered a major blow in August when the Bank of England substantially lowered its expectations for the speed of recovery and rate of growth over the coming months. The UK economy is heavily influenced by worldwide economic developments, particularly in the Euro zone, and it was inevitable that negative sentiment in this area would permeate into the UK's economic performance. Investor confidence in the Euro zone remains weak and uncertainty caused by the Euro zone debt crisis is having a major effect in undermining business and consumer confidence not only in Europe and the UK, but also in America and the Far East/China.

This weak recovery has caused social security payments to remain elevated and tax receipts to be depressed. Consequently, the Chancellor's plan to eliminate the annual public sector borrowing deficit has been pushed back further into the future. On a positive note, the UK's sovereign debt remains one of the first ports of call for surplus cash to be invested in and gilt yields, prior to the European Central Bank bond buying announcement in early September, were close to zero for periods out to five years and not that much higher out to ten years. Euro zone growth will remain weak as austerity programmes in various countries curtail economic recovery.

The overall balance of risks is, therefore, weighted to the downside. It is expected that low growth in the UK will continue. The expected longer run trend for borrowing rates is for them to eventually rise, primarily due to the need for a high volume of gilt issuance in the UK and the high volume of debt issuance in other major western countries. This interest rate forecast is based on an assumption that growth starts to recover in the next three years to a near trend rate (2.5%). However, if the Euro zone debt crisis worsens as a result of one or more countries having to leave the Euro, or low growth in the UK continues longer, then Bank Rate is likely to be depressed for even longer than in this forecast.

Council agreed on 19 September 2012 to delegate power to the Corporate Director, Resources in consultation with the Cabinet Portfolio Holder for Resources, to amend counterparty monetary and time limits. A Revised Time and Monetary Limits Table was appended to the report.

Decision

The Cabinet noted the report and approved the time and monetary limits for investments.

NHS reforms and the transfer of public health functions to Durham County Council

Summary

The Cabinet considered a joint report of the Corporate Director, Children and Adults Services, and Director of Public Health County Durham that provided an update on recent developments in relation to NHS reforms, including the transfer of public health functions to Durham County Council from NHS County Durham.

From April 2013, Strategic Health Authorities and Primary Care Trusts will be abolished, Clinical Commissioning Groups will take responsibility for health care budgets for their local communities, a statutory Health and Wellbeing Board will be in place for County Durham and a Local Healthwatch will be established to give local people a say in how health and social care services are provided.

From 1 April 2013, Durham County Council will have a role across the three domains of public health (health improvement, health protection and health services) and, in addition to improving the health of local people, will have new functions to ensure that NHS commissioners are provided with public health advice.

Regional Developments

All local authorities in the North East completed a public health self-assessment, led by the Local Government Association in October 2012. The main message was that implementation was well under way, with transition milestones being met and on target for completion. Concerns were however expressed over the ACRA funding formula and its implications on long term finance, information governance issues, such as access to NHS data, and the role of the North East Commissioning Support Service. Work is in progress across the region regarding arrangements for Emergency Planning, Resilience and Response. Testing took place as part of Operation Silverstone on Teesside on 7 November 2012 and Exercise Sentinel as part of a national testing exercise. A report is awaited from the Department of Health on the results of the testing exercises.

Developments in County Durham

County Durham Shadow Health and Wellbeing Board

A PCT legacy and handover document and a separate public health legacy document are currently being produced; they will be presented to the Shadow Health and Wellbeing Board for agreement on 6 March 2013.

Constitutional Arrangements

The Health and Social Care Act 2012 requires each upper tier local authority to establish a Health and Wellbeing Board, to be treated as a committee appointed by the council under section 102 of the Local Government Act. A report on changes required to the council's Constitution linked to the County Durham Health and Wellbeing Board will be presented to Cabinet on 13th March 2013.

Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy

The Shadow Health and Wellbeing Board agreed the first Joint Health and Wellbeing Strategy for County Durham on 8 November 2012. On 12th December 2012, Cabinet received a report on the key messages from the Joint Strategic Needs Assessment 2012 and the Joint Health and Wellbeing Strategy 2013/17.

The Joint Health and Wellbeing Strategy will enable Durham County Council and Clinical Commissioning Groups' commissioning plans / intentions to be developed from April 2013. The Joint Health and Wellbeing Strategy objectives are as follows:

- Children and young people make healthy choices and have the best start in life
- Reduce health inequalities and early deaths
- Improve the quality of life, independence and care and support for people with long term conditions
- Improve mental health and wellbeing of population
- Protect vulnerable people from harm
- Support people to die in the place of their choice with the care and support that they need

Clinical Commissioning Groups

Clear and Credible Plans have been published by Durham Dales, Easington and Sedgfield Clinical Commissioning Group (DDES CCG) and North Durham CCG for a five year period from 2012/13 – 2016/17.

Durham County Council is working collaboratively with DDES CCG and North Durham CCG to develop a system-wide improvement to intermediate care services across the county – Care Closer to Home. The outcome of this work will be presented to the Shadow Health and Wellbeing Board in early 2013.

Local Healthwatch

Local Healthwatch will give citizens and communities a stronger voice to influence and challenge how health and social care services are provided within their locality. Updated key milestones in the commissioning of Local Healthwatch in County Durham are as follows:

- Evaluate submissions from potential providers of Local Healthwatch – January 2013
- Award contract to chosen Local Healthwatch provider – February 2013

- Establish Local Healthwatch and decommission the Local Involvement Network (LINK) by 1 April 2013.

NHS complaints advocacy

The Independent Complaints Advocacy Service (ICAS) is a national service which supports people who wish to make a complaint about their NHS care or treatment. As part of the Health and Social Care Act 2012, local authorities must commission NHS complaints advocacy from any suitable provider (including local Healthwatch) from 1 April 2013. Gateshead Borough Council is taking the lead commissioner role for the North East councils for the NHS complaints advocacy service.

Medical Examiner Role

Following the passing of the Health and Social Care Act 2012, responsibility for the provision of Medical Examiners will transfer from primary care trusts to local authorities from April 2014. A Durham County Council project group has been established, led by Legal and Democratic Services, to take this work forward.

Public Health Funding

On 19 December 2012, the Department of Health announced that it had not yet made a decision about public health budgets for local authorities from April 2013. Durham County Council had expected to receive its public health allocation for 2013/14 in December 2012. Further information is now expected from the Department of Health in early 2013.

Review of Public Health Contracts

Following the public health contract prioritisation process, a review of current contracts is taking place to determine how services will be commissioned from 1 April 2013. A workshop has already taken place with providers of public health services, with another planned for 28 January 2013.

Role and responsibilities of the Director of Public Health within Durham County Council

In October 2012, the Department of Health issued guidance related to the role and responsibilities of Directors of Public Health from April 2013. A report on delegated powers of authority for the Director of Public Health County Durham and changes to the council's Constitution will be presented to Cabinet in March 2013.

Transfer of public health functions and staff to Durham County Council

As previously agreed by Cabinet in March 2012, the public health functions to be transferred from NHS County Durham to Durham County Council will not take place until 1 April 2013.

A draft public health structure has been developed and will form part of the formal consultation process with staff, so that a final public health operating model can be agreed in early 2013.

Clarification is still awaited from the Department of Health on HR arrangements to be implemented under a 'transfer order' with regard to Transfer of Undertakings (Protection

of Employment) Regulations 2006 (TUPE) and / or the Cabinet Office Statement of Practice.

In the meantime, an induction programme for public health staff has been agreed and initial induction sessions have taken place. The programme will continue in January 2013 and be completed by the end of March 2013. Transitional arrangements will be put in place during January to March 2013 to prepare for the relocation of public health staff to County Hall.

Decision

The Cabinet agreed:

- That a further report regarding NHS reforms, including public health, will be provided to Cabinet in April 2013
- To note the developments relating to community infection prevention and control, to transfer to Durham County Council
- To note that a report on the revised Constitution, to include public health, will be provided to Cabinet in March 2013

125 Year Lease to the Woodland Burial Trust CIC at South Road Cemetery, Durham

Summary

The Cabinet considered a joint report of the Corporate Director Regeneration and Economic Development and the Corporate Director, Neighbourhood Services which sought approval to grant a 125 year lease to the Woodland Burial Trust to occupy Council land for use as a natural burial site.

Prior to Local Government Reorganisation, Durham City Council planned to lease land adjacent to South Road Cemetery to an established community organisation for the purposes of natural burials. The group, now the Community Interest Company (Woodland Burial Trust) have maintained an active interest in the site. The 2011 bereavement services cemetery consultation found 69% of respondents in favour of the scheme with only 5% against.

A range of other options exist, including direct delivery. Working with the group was proposed as the Council would be at no investment risk, the group has expertise in the area and the site would be opened up to income opportunities that would not be available to the Council. The use of the site is limited to burials through a covenant on the land and complies with the requirements of both planning and Environment Agency.

Decision

The Cabinet agreed:

- To grant The Woodland Burial Trust a lease of 125 years with the sole permitted use of a natural burial facility for the internment of human remains.

This term is required as the burial rights for an individual last for 50 years and maintenance well after the site is full will be required.

- That an annual rent will be payable at the rate of 17.5% of net income generated from the sale of burial plots (for the avoidance of doubt net will be 50% of gross income). The rent will be reviewable every five years. The rent will be reduced to £1.00 (one pound) p.a. once the site has reached capacity. This initial rental period is in line with Council policy for the disposal of land at undervalue.
- That the Woodland Burial Trust would be responsible for the repairs, maintenance, insurance and all outgoings associated with the premises for the term of the lease.
- That the Woodland Burial Trust would be responsible for the payment of the Council's legal and surveyors fees in this matter.

Colette Longbottom
Head of Legal and Democratic Services
18 January 2013