



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **Wednesday 6 April 2016**.

The decisions will come into force and may be implemented from **Monday 18 April 2016** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

County Durham Plan – the next steps and Assessing Development Proposals in County Durham [Key Decision: R&ED/03/16]

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development which requested Cabinet's agreement to an approach to deliver a local plan for County Durham including a Local Development Scheme, setting out the timetable for its delivery. The report requested Cabinet's agreement, to the Statement for Community Involvement 2016, for consultation. This will enable comments and views to be sought on how and when communities and other interested parties can influence the planning process. Cabinet Members were also requested to endorse a revised Policy Position Statement intended to provide for a consistent approach to handling development proposals until the emerging local plan has progressed sufficiently to be given weight in planning decisions.

Preparation of the County Durham Plan began in 2009 and has gone through a number of stages, all of which were underpinned by an extensive evidence base and informed by substantial public consultation. Following the final round of consultation, the Plan was agreed by Full Council and submitted for independent examination in April 2014. The Interim Inspector's Report received, following the examination hearings, identified the economic growth as set out by the Council and its partners as over ambitious. This, alongside issues of process, and following negotiations with the inspectorate, left the council no alternative but to challenge the report. Subsequently and with the consent of Government the report was quashed by the High Court. This allowed the Council to revisit the plan process without the constraints of the last inspectors report having any legal weight. In the Statement of Matters within the Consent Order accompanying the decision, the Council agreed that it would withdraw the Plan.

Following the court decision advice was sought from legal advisers. The outcome of these discussions was that it was advisable to undertake a three stage process in the preparation of the new local plan.

Due to the length of time that has passed since preparation of the original plan it is necessary to update the key pieces of evidence that will inform the policies and proposals of the new plan.

A new end date for the Plan of 2033 is proposed to ensure that at least 15 years will be left after adoption of the Plan as identified by the National Planning Policy Framework (NPPF). The first step in the process is to consult on an Issues and Options document which will identify the key issues that affect County Durham and set out different options for addressing them. The Council will then ask for responses on whether the right issues have been identified, whether there are other issues that have not been identified and what the best solutions are for dealing with these issues. This is scheduled to take place in June and July. Following consideration of responses a Preferred Options for consultation will be prepared towards the end of this year. Publication of the Pre-Submission Draft will then follow in Spring/Summer 2017. Cabinet will be asked to consider each stage of the process prior to it proceeding to public consultation.

There are a number of external factors which also make it imperative that the Plan is progressed expeditiously. In October 2015 the Government announced that it would intervene where councils are failing to produce up to date local plans. Similarly the recent consultation on the New Homes Bonus proposed that, from 2017/18 local authorities may not receive New Homes Bonus for the years where they have not submitted a Plan. By submitting before the end of 2017 this should mean that the Council will continue to receive the New Homes Bonus.

Public engagement is at the core of the plan making process. It is a statutory requirement (Section 18 of the Planning and Compulsory Purchase Act 2004) to publish a Statement of Community Involvement (SCI). The existing SCI has become dated and it is proposed to revise it. The SCI also advises Town and Parish Councils and Neighbourhood Forums on how to involve local people and groups in the preparation of Neighbourhood Plans.

Decision

The Cabinet:

- Agreed the approach and proposed timescales as set out in the Local Development Scheme;
- Agreed the draft Statement of Community Involvement 2016 to be published for a four week consultation from the 15th April to the 13th May; and Agreed that any minor modifications to the draft Statement of Community Involvement 2016 following consultation and approval of the final document are delegated to the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development.
- That 'Assessing Development Proposals in County Durham' be agreed as a Council Policy Position Statement to provide clarity to Members, officers, developers and the public.

Joint Strategic Needs Assessment and the refresh of the Joint Health and Wellbeing Strategy 2016-2019

Summary

The Cabinet considered a report of the Corporate Director, Children and Adults Services which presented Cabinet with the summary of key messages from the Joint Strategic Needs Assessment 2015 (JSNA) which was attached to the report at Appendix 2, and, the refreshed County Durham Joint Health and Wellbeing Strategy (JHWS) 2016-2019 which was attached to the report at Appendix 3.

The Health and Social Care Act 2012 places clear duties on local authorities and Clinical Commissioning Groups (CCGs) to prepare a Joint Health and Wellbeing Strategy, through Health and Wellbeing Boards. The JHWS has been refreshed for 2016–19 to ensure it is fit for purpose, continues to meet the health and wellbeing needs of the population, and is aligned to the Sustainable Community Strategy and CCG plans.

Consultation on the Joint Health and Wellbeing Strategy took place between August 2015 and February 2016 with over 500 people from different backgrounds taking part in the process. The JSNA key messages were received by the Health and Wellbeing Board on 21st January 2016 and the JHWS was approved by the Health and Wellbeing Board on 8th March 2016. Durham Dales, Easington and Sedgefield and North Durham Clinical Commissioning Groups will be asked to receive and endorse the JHWS through their Governing Body meetings in May 2016.

The key messages from the Joint Strategic Needs Assessment have been refreshed and, as part of this process, work has taken place to ensure alignment to the indicators in the County Durham Child Health Profile 2015 and the County Durham Health Profile 2015. An Integrated Needs Assessment (INA) is being developed for County Durham. This will bring together, for the first time, the evidence base and wide range of strategic assessments used to inform strategic planning across the council and by thematic partnerships, and will provide links to data, analysis, external frameworks, strategies and plans relevant to life in County Durham. The vision for the JHWS has been re-affirmed as “Improve the health and wellbeing of the people of County Durham and reduce health inequalities” and the report detailed the strategic objectives and outcomes framework. The JHWS includes a number of Strategic Actions that identify the key areas of work which the Health and Wellbeing Board will focus on, linked to the objectives and outcomes. A number of actions have been amended or are new and have been agreed with relevant leads as part of the planning process to develop the Joint Health and Wellbeing Strategy. New Strategic Actions were shown in Appendix 4.

The third Annual Report, for the period 2015/16, will look at the work and achievements that the Health and Wellbeing Board has made and include details of engagement mechanisms used by the Board, areas of best practice and planned work for 2016/17. The Health and Wellbeing Board Annual Report 2015/16 is expected to be presented to Cabinet on 14 September 2016, for information.

Decision

The Cabinet:

- Noted the summary of key messages in the Joint Strategic Needs Assessment
- Received and endorsed the Joint Health and Wellbeing Strategy
- Agreed to receive the Health and Wellbeing Board Annual Report 2015/16 on 14th September 2016 for information.

Annual Review of the Constitution

Summary

The Cabinet considered a report of the Head of Legal and Democratic Services which 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 from 1 April 2009. Although legislation has been amended by the Localism Act 2011, a constitution is still required. An annual review of the Constitution is carried out each year by the Monitoring Officer. Amendments to the Constitution approved by full Council since last year's annual review, have been incorporated into the Constitution and amendments made since the last annual review were detailed in the report.

Decision

The Leader and Cabinet:

- Approved the delegating of executive powers as set out in the officer scheme of delegations.
- Recommended that Council agree the proposed revisions to the Constitution, including the delegations to Chief Officers contained, at the meeting of the Council on 25 May 2016.
- Recommended 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.

ICT Strategy 2016 – 2019

Summary

The Cabinet considered a report of the Corporate Director, Resources which advised Cabinet of the ICT Strategy that will cover the three years from April 2016.

There is an annual iteration of the ICT strategy. The strategy is aimed at all stakeholders who are interested in the technological direction of the Council, including residents, partners, politicians, suppliers, visitors and employees.

It reflects the authority's overall strategic objectives and core values and links closely with other strategies and the Council Plan's themes to support the Council to achieve its Altogether Better themes and to use technology to be an Altogether Better Council.

The Strategy will achieve this by delivering in five outcomes:

- A focus on Durham
- Better technology
- Better Engagement
- Better People
- Better Processes

Whilst the strategy will cover the three year period from April 2016 to March 2019, it will be refreshed each year with actions from the revised ICT Services Service Plan.

Decision

The Cabinet agreed the ICT Strategy 2016 – 2019.

Transport Asset Management Plan – Annual Update

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services which provided an annual update on the Transport Asset Management Plan (TAMP).

The highway network is in a continual process of change. Not only is the infrastructure ageing, bringing with it demands for maintenance and capital improvement, but the inventory also grows with new developments. With finite resources, it is vital to ensure that investment is well directed to ensure a safe, serviceable and sustainable highway network. This approach helps maximise the condition of the highway for the available budget. A TAMP is a key tool in delivering this. It provides an opportunity to systematically understand the condition of the highway asset, and to establish policy and priorities regarding investment. Having a TAMP places the Council in a good position for establishing a clear case for investment, particularly from the Department for Transport. The TAMP was set out in full in Appendix 2 and 3 of the report. It is divided into two separate sections; section one being the policy which set out the principles of TAMP and section two being an annual update report.

Despite unprecedented reductions in government funding since 2010, the Council has protected and continued to prioritise investment in programmed capital maintenance. The DfT provides the majority of the funding for programmed capital maintenance. The Council has recently achieved the maximum Band 3 efficiency rating under the DfT's Incentive Fund. Durham is one of only two highway authorities to achieve this maximum efficiency rating out of 119 participating highway authorities in England. This rating will help ensure the Council maximises funding from the DfT going forward.

The Council has led the development and implementation of the North East Highways Alliance which was formally established in September 2013 and the Alliance has delivered a number of initiatives that are helping all Council's involved, to maximise efficiencies in highways through sharing of resources, collaborative procurement and knowledge sharing.

In addition to the TAMP the Council has a Highway Maintenance Plan (HMP) which sets out the Council's service levels for inspections, reactive maintenance and routine maintenance in accordance with national codes of practice.

The TAMP demonstrates that the highway maintenance backlog is currently stable and work is progressing well in helping to maximise the condition of the highway for the available budget. The TAMP together with the top efficiency rating will ensure that it is well placed to maximise the much needed funding from the DfT going forward.

Decision

The Cabinet:

- Approved the annual update report.
- Noted the substantial investment in programmed capital maintenance and the on-going work to maximise funding going forward.

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 which reviewed enforcement activities under the Children and Young Persons (Protection from Tobacco) Act 1991, the Anti-social Behaviour Act 2003 and the Licensing Act 2003 for the period April 2015 to March 2016, and sought approval to a new enforcement programme for 2016/17.

The Council has a statutory responsibility, through various legislation 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.

The report outlined the key priorities for 2016/2017 include the following:

- An intelligence led approach to under age sales enforcement and tobacco control based on the National Trading Standards Intelligence Operating Model which will follow the principles outlined in the Age Restricted Products Code of Practice.
- Investigation of all consumer and trader complaints.
- Continuation of joint working with the Police Alcohol Harm Reduction Unit and other agencies to adopt a holistic approach to solving problems associated with the accessibility and misuse of age related products.

- To include education, surveillance and test purchasing as well as other alternative enforcement strategies as appropriate.
- Staging of events to raise public awareness of the harms associated with illicit tobacco, to publicise the work of the service and encourage reporting of this criminal activity.
- Continuation of the 'Do You Pass' retailer training including its use as an alternative to fixed penalty notices and other formal action.
- Continuation of our 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.
- Continuation with a policy of reviewing premises when appropriate.
- Continuation of the 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 noted the enforcement activity during 2015/16 and approved the proposed Enforcement Programme for 2016/17.

Colette Longbottom
Head of Legal and Democratic Services
8 April 2016