



Local Government Act 1972

I Hereby Give You Notice that an **Ordinary Meeting** of the **Durham County Council** will be held in the **Council Chamber, County Hall, Durham** on **Wednesday 23 March 2011 at 10.00 am** to transact the following business:-

1. To confirm the minutes of the meeting held on 23 February 2011 (Pages 1 - 10)
2. To receive any declarations of interest from Members
3. Chairman's Announcements
4. Leader's Report
5. Questions from the Public
6. Petitions
7. Report from the Cabinet (Pages 11 - 42)
8. Regulation of Taxis in County Durham (Public Consultation on Zoning, the Control of Hackney Carriage Numbers and Colour Policy) - Report of Corporate Director, Neighbourhood Services (Pages 43 - 144)
9. Council Plan and Service Plans 2011-14 - Report of Assistant Chief Executive (Pages 145 - 252)
10. Local Transport Plan 3 - Joint Report of Corporate Director, Regeneration and Economic Development and Corporate Director, Neighbourhood Services (Pages 253 - 260)
11. Shotley Papermill Footbridge - Joint Report of Corporate Director, Neighbourhood Services and Corporate Director, Resources (Pages 261 - 274)

12. Houses in Multiple Occupation - Adopted Standards and Licence Conditions - Report of Corporate Director, Neighbourhood Services (Pages 275 - 338)
13. Members' Allowances - Report of Head of Legal and Democratic Services and Independent Remuneration Panel (Pages 339 - 342)
14. Local Code of Corporate Governance - Report of Corporate Director, Resources (Pages 343 - 364)
15. Scheme of Delegation relating to Housing matters - Report of Head of Legal and Democratic Services (Pages 365 - 368)
16. Contract Procedure Rules Annual Review - Report of Corporate Director, Resources (Pages 369 - 388)
17. Committee provisions applicable to Licensing and Highways - Report of Head of Legal and Democratic Services (Pages 389 - 402)
18. Access to Information Procedure Rules - Report of Head of Legal and Democratic Services (Pages 403 - 404)
19. Motions on Notice
20. Questions from Members

And pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting

Dated this 15th day of March 2011



Colette Longbottom
Head of Legal and Democratic Services

To: All Members of the County Council

DURHAM COUNTY COUNCIL

At an Ordinary Meeting of the County Council held at the County Hall, Durham on Wednesday 23 February 2011 at 10.00 a.m.

Present

Councillor Williams in the Chair

Councillors Alderson, Armstrong, Arthur, Avery, Bailey, A Bainbridge, B Bainbridge, Barker, E Bell, J Bell, R Bell, Blakey, Bleasdale, Bowman, Boyes, Brookes, J Brown, Brunskill, Burn, Campbell, Carr, Chaplow, Charlton, Cordon, Cox, Crute, Davidson, Docherty, Farry, Foster, Freeman, Gittins, Graham, Gray, Hancock, B Harrison, N Harrison, Henig, Hodgson, Holland, Holroyd, Hovvels, Hugill, Hunter, E Huntington, G Huntington, Iveson, Johnson, Jopling, Lee, Lethbridge, Liddle, Maddison, Magee, C Marshall, D Marshall, L Marshall, Martin, May, Moran, Morgan, Murphy, B Myers, D Myers, Napier, Naylor, Nicholls, Nicholson, O'Donnell, B Ord, Paylor, Plews, C Potts, Richardson, J Robinson, S Robinson, Robson, Rowlandson, Shield, Shiell, Shuttleworth, Simmons, Southwell, Stelling, Stephens, Stoker, Stradling, P Taylor, Tennant, Thompson, Thomson, Todd, Tomlinson, Turnbull, Allen Turner, Vasey, Walker, Wilkes, Wilkinson, Willis, J Wilson, Wood, Woods, B Young, R Young and Zair.

Apologies for absence were received from Councillors Barnett, A Bell, D Brown, Crooks, Dixon, Hopgood, Laing, Maslin, Mavin, R Ord, M Potts, Savory, Sloan, T Taylor, Temple, Andy Turner, B Wilson, Wright and Yorke.

A1 Minutes

The Minutes of the meeting held on 12 January 2011 were confirmed by the Council and signed by the Chairman as a correct record.

A2 Declarations of interest

Councillor Crute declared a personal and prejudicial interest in Item No. 10 – Monk Hesleden Parish Council as his wife was a Member of the Parish Council.

Councillor Napier declared personal and prejudicial interest in Item No. 11 – Murton Parish Council as his wife was a Member of the Parish Council.

A3 Chairman's Announcements

Chairman's Junior Citizens Medal

The Chairman provided Council with details of two Chairman's Junior Citizen Medal's he had recently presented to Jack Philips and Christian Spencer.

Chairman's Medal

The Chairman provided Council with details of three Chairman's Medal's he had recently presented to Jackie Postgate, Janet Blackburn and Joe Anderson.

A4 Leaders Report

Councillor Henig provided the Council with an update report which included the following:

- At the beginning of January 2011 he had attended the launch of the Best Bar None awards. The Awards, which promoted accredited licensed premises, were an excellent example of partnership working and had led to a reduction of anti-social behaviour in the night time economy.
- He had delivered the welcome address at the Holocaust Memorial Day event held at Durham Cathedral. The event was to value all those who were killed and those who risked their lives to protect or rescue victims, and to try to make sure that such an atrocity never happened again.

A5 Questions from the Public

Two questions had been received from two members of the public covering the following issues:-

- Non-statutory redundancy and Early Retirement payments
- Cuts to Carers and Disabled Services

One questioner was in attendance and a response was provided to the question by the relevant Cabinet Member. The Head of Legal and Democratic Services informed the Council that a detailed written response would be provided to each questioner and published on the Council's website.

On behalf of the Council, the Chairman thanked members of the public for taking the time and effort to submit their questions and attend the meeting.

A6 Petitions from the Public

There were no petitions received from the public.

A7 Report from the Cabinet

The Council noted a report from the Cabinet which provided information on issues considered by the Cabinet on 19 and 26 January 2011.

A8 Budget 2010/2011 - Report under Section 25 of Local Government Act 2003

The Council considered a report from the Corporate Director of Resources which provided information on the robustness of the estimates and the adequacy of reserves in accordance with the requirements of Section 25 of the Local Government Act 2003 (for report see file of Minutes).

Moved by Councillor Napier, **Seconded** by Councillor Henig and

Resolved:

That the Council have regard to the report when approving the budget and the level of Council tax for 2010/11.

A9 (a) Medium Term Financial Plan and 2011/12-2014/15 and Revenue and Capital Budget 2011/12

The Council considered a report from Cabinet which detailed budget recommendations for 2011/12 and the Medium Term Financial Plan 2011/12 to 2014/15 (for report see files of Minutes).

In moving adoption of the Cabinet report, Councillor Henig made a statement on the Budget and Precept for 2011/12, summarised as follows:

The Budget process for the forthcoming year had been very difficult, given the unprecedented level of Government funding cuts. The cuts, which were front-loaded, affected the north east more than the south and were weighted towards Local Government. The effect of the cuts represented more than £100 less for every resident in County Durham. Various consultation exercises had been carried out including the AAP's, local press and web surveys to assist in the development of the Medium Term Financial Plan that had identified the top areas to be protected as Adult Care Services, Child Protection and Winter Maintenance, and these areas of spending would be protected as far as was possible. As a result of protecting these services, the cuts needed to be passed on to other services, including management and communications. The Medium Term Financial Plan was a reasonable response to the funding cuts, and the County Council would continue to invest in its Capital Programme to stimulate the economy of County Durham.

In seconding the adoption of the Cabinet report, Councillor Napier added his thanks to all involved in the budget process. Updates to the Medium Term Financial Plan would be continually produced, with the Overview and Scrutiny Management Board tracking the future financial direction of the Council.

An Amendment was **Moved** by Councillor Martin and **Seconded** by Councillor G Huntington as follows:

- (a) That the Welfare Rights Service be retained; cost £163,000 (Ref AWH 18);*
- (b) That the Citizens Advice Bureau grant be retained; cost £74,000 (Ref AWH 19);*
- (c) That a subsidised post-16 School Transport be created for students living more than three miles from their school or college at an eventual annual cost of £1M and a cost in 2011-12 of £400,000 relative to the savings identified in CYPS 15(b).*

The total cost of these actions being £637,000, to be funded by

- (1) Ceasing publication of the Durham County News thus increasing the entry at ACE 2 so the saving increases by £265,000 to £400,000 from this proposal, and*
- (2) Reducing the Corporate Risk Contingency Budget (Line 8 Appendix 9) to £528,000 thus creating a saving of £372,000.'*

Upon a vote being taken, the Amendment was **lost**.

An Amendment was **Moved** by Councillor Bell and **Seconded** by Councillor A Bainbridge as follows:

'That post-16 school transport be retained and reference to this as a saving at CYPS 15(b) for 2011/12 be deleted.

That the £930,000 of savings which will be required to fund this will be found by:

- (a) Reducing Prudential Borrowing for funding of new capital projects where the funding has not yet been committed in 2010 and 2011, thus releasing £565,000*
- (b) Ceasing publication of the Durham County News, saving £265,000, thus increasing the entry at ACE2 to £400,000 from this proposal*
- (c) Implementation of harmonisation of car parking charges across the County, raising £100,000.'*

Upon a vote being taken, the Amendment was **lost**.

An Amendment was **Moved** by Councillor Shuttleworth and **Seconded** by Councillor Arthur as follows:

- '1. That £1m additional funding is provided for the highways maintenance budget*

2. *That this funding be provided by:*
- *Making further savings in the Communications Team of £400,000 for 2011/2012 (ref ACE 1)*
 - *Making further savings of £600,000 in the Policy and Performance Team for 2011/2012 (ref ACE 1)'*

Upon a vote being taken, the Amendment was **lost**.

On a further vote being taken it was:

Resolved:

That the report of the Cabinet and its recommendations be adopted in full.

(b) Council Tax Setting in order to meet the County Council's Budget Requirement for 2011/12

The Council considered a report from Cabinet which detailed the information to set the council tax for the Council's area for 2011/12 (for report see files of Minutes).

Moved by Councillor Napier, **Seconded** by Councillor Henig that the report of the Cabinet and its recommendations be adopted, and with it the setting of the Council Tax.

Resolved:

That the following be adopted

- (a) That the following amounts be calculated by the County Council for 2011/12 in accordance with sections 32 to 36 of the Act and relevant regulations:
- i) the aggregate amount which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act: (total expenditure including Parish Precepts): £1,236,529,324.
 - ii) the aggregate amount that the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act : (total income raised in the year plus the movement on revenue balances): £789,269,000.
 - iii) the amount by which the aggregate at (a) i) above exceeds the aggregate at (a) ii) above, calculated by the Council, in accordance with Section 32 (4) of the Act, as its budget requirement for the year: £447,260,324.
 - iv) the aggregate of the sums that the Council estimates will be payable for the year into its General Fund in respect of

redistributed non-domestic rates, revenue support grant and surplus on the Collection Fund: £236,270,808.

- v) the basic amount of council tax for the year, calculated by the Council in accordance with Section 33 of the Act: £1,361.04.
 - vi) the aggregate amount of all special items referred to in Section 34 (1) of the Act: (total of all Parish precepts including Charter Trustees): £12,119,148.
 - vii) the basic amount of council tax for those parts of the area that have no parish precepts or other special items calculated in accordance with Section 34 (2) of the Act: £1,282.86.
 - viii) the basic council tax for 2011/12 calculated in accordance with Section 34 (3) of the Act for dwellings in those areas with parish precepts be as set out in Appendix 3, column 6.
 - ix) The amounts of council tax at items (a) vii) and viii) multiplied by the proportion set out in paragraph 35 which is applicable to each category of dwelling in its area, in accordance with Section 36 of the Act be as set out in Appendix 4.
- (b) That it be noted for 2011/12 County Durham and Darlington Fire and Rescue Authority had recommended the following amounts would be in the precept issued to the County Council, in accordance with Section 40 of the Act, as shown:

Band	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Fire Authority	58.56	68.32	78.08	87.84	107.36	126.88	146.40	175.68

- (c) That it be noted for 2011/12 Durham Police Authority had recommended the following amounts would be in the precept issued to the County Council, in accordance with Section 40 of the Act, as shown:

Band	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Police Authority	102.27	119.32	136.36	153.41	187.50	221.59	255.68	306.82

- (d) That the County Council, in accordance with Section 30 (2) of the Act sets the amounts set out in Appendix 5 as the amounts of council tax for 2011/12 for each of the categories of dwellings.
- (e) That the Corporate Director, Resources be authorised to incorporate any necessary adjustments for publication of the Budget Book.

- (f) That the Chief Executive be instructed to publish a notice in accordance with Section 38 (2) of the Act, relating to the amounts of council tax set.

(c) Housing Revenue Account Medium Term Financial Plan 2011/12 to 2014/15 and 2011/12 Budget

The Council considered a report from Cabinet which detailed recommendations for the 2011/12 Housing Revenue Account (HRA) budget and rent levels and also provided an update on the development of the HRA Medium Term Financial Plan (for report see files of Minutes).

Moved by Councillor C Robson, **Seconded** by Councillor Napier and

Resolved:

That the report of the Cabinet and its recommendations be adopted in full.

Councillor Crute left the meeting

A10 Request for Reduction of Council Size – Monk Hesleden Parish Council

The Council considered a report of the Head of Legal and Democratic Services regarding a request from Monk Helseden Parish Council to reduce the number of Parish Councillors on the Parish Council from 21 to 15 (for copy see file of Minutes)

Resolved:

That an order be made to reduce the number of Councillors on Monk Hesleden Parish Council from 21 to 15.

A11 Request for Reduction of Council Size – Murton Parish Council

The Council considered a report of the Head of Legal and Democratic Services regarding a request from Murton Parish Council to reduce the number of Parish Councillors on the Parish Council from 21 to 16 (for copy see file of Minutes)

Resolved:

That an order be made to reduce the number of Councillors on Murton Parish Council from 21 to 16.

A12 Composition of Standards Committee

The Council considered a report of the Head of Legal and Democratic Services regarding the composition of the Council's Standards Committee (for copy see file of Minutes)

The Head of Legal Services informed Council that since the report had been written the resignation of a further Independent Member of the Standards Committee had been received.

Resolved:

- (i) that the Head of Legal and Democratic Services be authorised to temporarily appoint independent standards committee members from one of the affiliated authority's to Durham County Councils Standards Committee, in consultation with the Chair of the Standards Committee;
- (ii) that such appointments be until such time as the Decentralisation and Localism Bill comes into force.

A13 Motions on Notice

No Motions had been received.

A14 Questions from Members

In accordance with the Council Procedure Rules, the following question was asked:

Councillor J Shuttleworth

When we need to have good relations with the media, and get good news, and useful information, out to the people, of our County, why are we evicting the BBC radio and studio facility from this building?

Councillor Napier replied as follows:

The Office Accommodation strategy approved at Cabinet on 2nd November 2010 detailed how the Council proposed to maximise the use of its office portfolio and retain a continued presence in the Civic Centre which would be County Hall until the implementation of the Aykley Heads Masterplan was approved.

The project team had identified that this building was not being utilised to its' maximum capacity and staff who require to be based in the centre of the County for service alignment and operational delivery purposes were unable to be properly accommodated. It had sought to minimise the space allocated to external organisations to enable the Council to fully utilise this building over the next 4 to 5 years. The BBC was just one of those organisations.

Upon speaking to Andrew Robson from BBC Radio Newcastle, he freely expressed the opinion that the facilities offered were not fit for purpose and that they would prefer to use more modern technologies for their media operations. He requested that he be given a few weeks grace from issue of notice to seek alternative accommodation. The Council believed this to be a reasonable request and would work alongside the BBC to ensure their business continuity was not compromised. The Council remained committed to offering the same access, support and communication to both the BBC and independent media. The County Council enjoyed excellent relations with the media.

A feasibility study had been carried out relating to premium use of the building and this information would be reported back in due course.

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23 March 2011

Report from the Cabinet



Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 2 and 9 March 2011 and to enable Members to ask related questions. Members are asked to table any questions on items in this report by 2 pm on 22 March in order for them to be displayed on the screens in the Council Chamber.

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9 March 2011

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1. Future Delivery of Waste Collection Services
Key Decision NH/NS/17/10
MTFP NS 5
Cabinet Portfolio Holders – Councillors Bob Young and Brian Stephens
Contact – Oliver Sharratt- 0191 3725205

We have considered a report of the Corporate Director, Neighbourhood Services that set out the implementation of a wide range of efficiency measures to improve value for money in waste collection services, consider the feedback from a recent residents and stakeholders survey on waste identifying ways in which the service might be further improved, and building on this survey and the need to reduce costs and improve performance, and to seek approval to the development of plans to introduce a twin bin collections service countywide.

Refuse and recycling collection services are high performing and well valued by residents. The recent countywide resident survey (BMG Research 2010) highlighted 92% and 90% satisfaction from residents in refuse and recycling respectively which is amongst the highest levels for Council services. The Association of Public Service Excellence award of Waste Team of the Year

2010 was a reflection of the Council's commitment to improvement in this area which has seen a revised waste strategy, new countywide policies, new green waste services for over 90,000 residents, plastics collection now countywide, improvement to Household Waste Recycling Centres and a very smooth transition to direct operation of recycling services following the collapse of a major contractor.

The Council currently spends £15.7M a year on waste collection services. From the outset of Local Government Reorganisation these were services recognised for an opportunity to improve value for money through economies of scale, and a holistic approach to waste management that unitary status affords. This work has been well underway for example through the reduction of spare vehicles, closure of Sacriston Depot, securing improved prices for recyclate income, ceasing separate glass collection in Derwentside and a move to split bodied recycling vehicles allowing a further reduction of 4 vehicles and 24 agency staff. Combined, these bring a saving of over £816,000 that has already been factored into 2010/11 budgets.

Over and above this work, the implementation of the Medium Term Financial Plan arising from the Government settlement clearly brings challenges for all services, including those for waste collection where the highest proportion of respondents in the recent budgetary consultation (46.8%), opted for a standard budgetary reduction of 25%. In responding to these challenges operational measures are currently being discussed with Trade Unions and staff:

- *Route rationalisation.* Utilising vehicle tracking technology new routes (ignoring former artificial District boundaries) have been devised allowing a reduction in rounds, fuel costs and tip runs. As part of this it is proposed 4 refuse vehicles and twelve agency staff are to be reduced.
- *Four day week.* Four out of seven of the former Districts already operate on a four day week, which saves money by reducing fuel and allowing weekday vehicle maintenance. Subject to a successful ballot it is proposed that Chester-le-Street, Teesdale and Wear Valley adopt this system.
- *Recycling of street sweepings.* Rather than taking these directly to landfill, an innovative practice has been developed, with advice from the Environment Agency whereby the street sweepings can be recycled avoiding significant and escalating landfill costs.

Note should be made that in the implementation of the four day week and route optimisation it is likely that bin collection days will change. Clearly residents would be advised of any changes in advance of this, which subject to agreement with Trade Unions and workforce would be implemented in July 2011. The above measures are anticipated to result in savings of £654,875 in 2011/12, but there is a clear need to explore further savings, beyond this. This will include our desire for refuse and recycling services to eventually be provided throughout the county on a four day week with normal operations being delivered between Tuesdays and Fridays.

In parallel with the need to identify savings, is a need to further improve performance. Whilst it is important to recognise that in the last two years recycling performance has dramatically improved by over 12% to the current in year level of 42%, more work is required to meet the national targets of 45% by 2015 and 50% by 2020. The consequences of not meeting waste targets, in particular the diversion of biodegradable municipal waste from landfill could be considerable. The current legislation drafted in the Localism Bill (subject to passing without amendment) would give powers to pass on to Councils the European penalties where local breaches of statutory targets are incurred. In addition, the continuing escalation of landfill tax by £8/tonne/year considerably increases the cost of landfill into the future.

Decision

We have:-

- Noted the considerable progress in delivering savings to date, including the on-going implementation of route rationalisation and operation of four day week. This will result in changed collection days for many households.
- Approved the principle of a twin bin collections, similar to Derwentside and the development of a detailed implementation plan in conjunction with Portfolio Holders.

2. Sport and Leisure Strategy **Key Decision NH/NS/16/10** **Cabinet Portfolio Holder – Councillor Bob Young** **Contact – Stephen Howell- 0191 3729178**

We have considered a report of the Corporate Director, Neighbourhood Services that sought approval for the Sport and Leisure Service Strategy, following consultation, which sets out the essential background to service delivery for the next three years (2011/12 to 2013/14) and was agreed by Cabinet for consultation in June 2010.

Durham County Council requires a sport and leisure strategy that clearly defines how the service is to move forward over the next 3 years. The Strategy provides a starting point from which the Authority can develop its sport and leisure offer to the community. The document also provides a context to the continued development of the service within a framework of the Authority's wider aims and aspirations: thereby, establishing an essential background to future officer, Member and wider stakeholder decisions.

The Strategy has been intentionally written as a *service* strategy for the purpose of supporting a range of corporate, regional and national strategies and will be underpinned by the development of further strategies relating to specific service areas including; Countryside, Play, Sport, Indoor and Outdoor Facilities and Services. Whilst a service strategy, the document does define

the links and relationships to key partners both within and beyond the Authority.

The Sport and Leisure Strategy is about stimulating opportunity and change. It outlines the existing service and the importance of its contribution within local communities and to achieving corporate goals and priorities. The intended outcome of the strategy is to further develop the sport and leisure opportunities across the County to contribute to, and improve, the quality of life of local residents and also to make County Durham a more attractive place to visit.

The Strategy focuses on improving three main areas - service cost, impact and satisfaction and sets out how it intends to do this over the next three years; with the ultimate aim of contributing to an Altogether Better Durham.

Consultation has now been completed in line with corporate procedures and the Strategy amended in light of feedback. It is apparent from the results of the survey that the Strategy has been viewed favourably by our partners and stakeholders and represents a shared view on how we can move forward together.

While the draft Strategy was prepared prior to having the insight into future resource levels that we now have, its impact on the Strategy has not been as dramatic as may have been predicted. The Strategy was prepared on the basis of considering how available resources should be deployed relatively over the Service. So whilst the available resource will be substantially reduced over the Strategy period, the distribution and direction of the Strategy is well positioned to support the current efficiency agenda.

Decision

We have approved the Sport and Leisure Strategy as the framework for the Service from 2011/12 to 2014.

3. Consett Academy/Leisure Facilities- Capital Funding Options Key Decision Cyps/01/11 Cabinet Portfolio Holders – Councillors Alan Napier, Claire Vasey, and Bob Young Contact – David Ford- 0191 3833133

We have considered a joint report of the Corporate Director, Children and Young People's Services, Corporate Director, Resources, and Corporate Director for Neighbourhood Services that explains the background to the planned construction of a new academy and leisure facilities in Consett. It presents the options facing the County Council because of a much reduced Central Government Academy Grant offer, from £31.7m to £20.7m with a recommendation following an assessment by officers.

As part of the previous Government's Building Schools for the Future programme there was a commitment by the County Council to construct a

single site, new build academy, to replace Moorside Community Technology College and Consett Community Sports College. In July 2009, it was agreed that this should be sited at Belle Vue in Consett.

The construction of a new academy at Consett was one of the projects caught by the Government's review of spending via the Building Schools for the Future programme. An outline Business Case had been approved by the previous Central Government administration in April 2010 that provided funding for the project of £31.7m.

In late December 2010 a much reduced offer of only £20.7m of Government grant was made. This is available for a limited period and means that the County Council has to undertake a review of the scope of the original project. Consideration needs to be given to making a contribution towards the project, if it is to go ahead in a way which meets the original educational vision of a new purpose built 21st century single site academy, capable of building further on the successes of the two existing schools.

The original proposal has been the subject of extensive and complex negotiations with the Consett community and particular sports groups who are located on the Belle Vue site. When it became clear that the level of funding for the academy was in jeopardy, a consultation process was commenced on alternative options to the previously approved plan. Within this process, it was made clear that should capital be sufficient to take forward the original project, the consultation would be taken no further.

A commitment flowing through from Local Government Review has been the building of a new leisure centre on the Belle Vue site, including a 25m swimming pool and learner pool. Agreement had been reached as part of the site plan to relocate Consett Football and Rugby clubs and demolish the Consett Civic Centre building. Public consultation has been lengthy. The Consett Academy probably represents the last opportunity to build a brand new secondary age education facility in the County in the current austere public funding climate and would have the added benefit of providing integrated leisure provision on the same site.

Faced with this cut in funding, the Council could choose not to build the academy on the basis that the funding gap is too great. In such circumstances up to £1m of abortive design and planning fees would be lost. A significant capital grant would not be taken up and we would be left with secondary schools at Moorside and Consett which are not in good condition, in need of repair/refurbishment and not best suited to deliver a modern curriculum.

The funds (£14.778m) for a new leisure facility would remain, but any economies arising from a larger scale construction project would be lost. The extensive negotiations to secure a consolidated education and leisure facility in a prime location in Consett would prove fruitless.

If the Council wishes to proceed with the plan then it is necessary to address how the gap in funding could reasonably be filled. Due to the lack of clarity around the available funding, the BSF team has been working with GLEEDS

our external BSF technical advisor to identify and test variations of the original proposal and others to identify ways of making the project more affordable. The overall project cost would be about £6m lower than the original project. The affordability gap is closed considerably by factoring in an increased capital receipt estimate. The scheme has an affordability gap of £3.382 million, essentially due to the shortfall in Government grant.

The scheme has a budget shortfall and a range of possible ways to close the funding gap have been considered (it is relevant when considering capital financing that should the project go ahead then the start on site would be expected to be mid-2012, with a new academy scheduled to open in Spring 2014). In practice the funding gap would be a matter for the 2013/14 budget at the earliest.

All capital schemes of this size involve risk that needs to be carefully managed. More detailed analysis of the recommended proposal would need to be carried out and it is recommended that a contingency sum is held centrally should the BSF Team encounter unforeseen difficulties in developing and delivering the project. Initial assessments suggests that this contingency should be set at £2m with any release of these funds subject to Cabinet approval. There should be enough headroom in the funding options to fund this contingency.

Decision

We have:-

- (i) agreed to take forward the Academies Programme in Consett as outlined in the report;
- (ii) authorised the most appropriate final capital funding options to be determined by the Corporate Director Resources, the Corporate Director of Children and Young People's Services and the Corporate Director for Neighbourhood Services in conjunction with the Lead Cabinet Members for Resources, CYPS and Strategic Environment and Leisure. The addition of any agreed supplementary capital spending to the County Council's Capital Programme, profiled in line with the project design and construction period;
- (iii) noted that if they gave approval to the proposal, thereby identifying funding for the academy, the consultation regarding implementation options linked to the final capital allocation will cease.

**4. Building Schools for the Future: Wellfield Community School
Key Decision CYPS/02/10
Cabinet Portfolio Holder – Councillor Claire Vasey
Contact – David Theobald- 0191 3708853**

We have considered a report of the Corporate Director, Children and Young People's Services that sought to enter into the design and build contract for the remodelling of Wellfield Community School in Wingate under the Building Schools for the Future (BSF) programme.

Building Schools for the Future (BSF) was intended to be a large scale transformation of secondary education. The objective was to create 21st century learning environments to drive forward improvements in educational attainment and the aspiration of young people in County Durham.

As previously approved by Cabinet (22/6/06), Durham's BSF Programme will be delivered through a single Local Education Partnership (LEP). Durham County Council awarded the framework and initial contracts for Building Schools for the Future (BSF) in August 2009 to the Local Education Partnership Inspiredspaces.

Wellfield Community School is the final project from the original wave 3 group of schools in the east of the County to seek cabinet approval. A detailed planning application was submitted for the school in January 2011 following community consultations in the local area. Detailed design work is continuing with the school which will conclude with a Stage 2 submission for the project in February 2011 which will then be evaluated by the team identified above plus other key stakeholders.

The New Project Development Process is concluded by submitting a Final Business Case (FBC) to Partnerships for Schools (PfS). The FBC for Wellfield will be submitted to PfS in March 2011 and we are expecting approval of this document and the subsequent release of capital funding in May 2011. The proposals are expected to be considered by the planning committee on 12th April 2011. Approval of the FBC allows Durham County Council and the LEP to finalise the contractual documentation and achieve contract award.

Wellfield Community School is designed for a capacity of 910 11-16 pupil places. The proposed scheme is a remodel of the existing school with a new façade to the entrance with better arrival arrangements for students, visitors and the community out of hours, and significantly better internal arrangements within the school itself. The building was the subject of a major scheme completed in 1995 which included the construction of new accommodation as well as the partial remodelling and refurbishment of existing facilities. The premises are therefore in fair condition, but certain areas do not meet current educational standards, and there are accessibility problems which need to be addressed. In particular, a number of very narrow corridors in the upgraded original accommodation were retained, and internal remodelling is needed to provide appropriate circulation. There is also a lack of spaces for social

interaction both internally and externally within the school, and wasted space exists at the interface between the newer extensions and the original building.

The net funding gap for the design and build for the school is £1,720,834. This gap will be financed from the overall resources available to the BSF programme. The gap is within that anticipated in the BSF affordability model. The ICT contract will generate a small surplus for contingency.

Decision

We have approved the award of the design and build contract for Wellfield Community School to InspiredSpaces, and authorised the BSF Project Board to approve any final adjustments to the details of the contract from that detailed in the report.

5. Adult Learning Review – Strategy Cabinet Portfolio Holders – Councillors Eunice Huntingdon, and Neil Foster Contact – Jeanette Stephenson- 0191 3833738

We have considered a joint report of the Corporate Director, Adults, Wellbeing & Health, and Corporate Director, Regeneration and Economic Development that presented an Adult Learning Strategy that has been developed following a review of Adult Learning conducted by the National Institute of Adult Continuing Education (NIACE). The report gives some background with regards to current adult learning policy, strategy development and the key messages.

The strategy has been developed in order to shape the new Adult Learning and Skills Service, its priorities, delivery mechanisms and strategic direction. The strategy also aims to give some strategic direction to and gain support from the Service's learning partners both within the Authority, Children and Young People's Services and Regeneration and Economic Development as well as other Further Education (FE) and Third sector providers across Durham. The medium term future of adult learning in County Durham is articulated in the strategy.

There are a number of key messages arising from the strategy which should be noted.

- The re-organisation of the Adult Learning Service, which will become the Adult Learning and Skills Service: a new, more flexible staffing structure will be developed, subject to consultation with staff.
- A focus on the learning priorities.
- The Adult Learning and Skills Service will undertake direct provision such as skills for life, family and employability learning (areas that were identified as well performing in the NIACE review).
- Strategic decisions on the use of Skills Funding Agency contracts and bidding opportunities will be taken jointly between Adults Well Being and Health; Regeneration and

Economic Development and Children and Young People's Services.

- Work will be commissioned from other providers such as FE colleges, the third sector and social enterprises.
- The curriculum will be reviewed; and
- A new approach to quality will be introduced, addressing performance standards and the need for flexibility.

It is important that the strategy is seen in the context of the wider skills agenda in the local economy which is led by the County Durham Economic Partnership (CDEP) through its Employment and Skills Executive Group (ESEG). The strategy has been presented to this group and implementation of the strategy and its corresponding action plans will support the delivery of the County's Economic Assessment People Implementation plan.

The recent Comprehensive Spending Review has had a significant impact upon how learning will be delivered from August 2011 onwards: cuts by the Department for Business Innovation and Skills (BIS) to grants are set at 25% over the next 4 years.

The strategy for Adult Learning ensures that the Council takes a new more cohesive approach to the delivery of adult learning, reflecting the broader corporate inputs and the need to ensure delivery is outcome focussed. It is also a strategy that is in part to be delivered in partnership with other FE providers and the Third Sector.

The Adult Learning Review and development of the strategy have highlighted that changes will be required in relation to the Service's business model and staffing structure, in particular the management of the service, which will need to become leaner and focus on the development of a programme of learning that meets the identified priorities. This will be in line with the Medium Term Financial Plan.

Delivery of the strategy will be through a high level action plan which is part of the Strategy. Under this will sit a series of detailed action plans which will be delivered upon by a series of task and finish groups led by named responsible officers.

Decision

We have noted the rebranding of the Adult Learning Service as the Adult Learning and Skills Service, and endorsed the strategic priorities which will be delivered through the Adult Learning Strategy.

6. Strategic Review of Community Alarm and Telecare Services
Cabinet Portfolio Holder – Councillor Morris Nicholls
Contact – Nick Whitton- 0191 3834188

We have considered a report of the Corporate Director, Adults, Wellbeing and Health on the progress of the Strategic Review of Community Alarms and Telecare Services. The total current contract value after MTFP efficiency savings is £3,573,279 per annum.

Community Alarm Services have been provided in County Durham for over 20 years. The service provides an alarm unit linked to a telephone line together with a pendant or pull-cord which the user can activate to summon help from a 24 hour staffed control centre. The assistance can be from family, friends and health / social care staff or from a mobile warden. There are currently over 13,000 community alarm users in County Durham subsidized by DCC from Supporting People Grant, together with another 5,000 users who pay for the service themselves. Most users are older or disabled people.

Telecare services are often an adjunct to a traditional community alarm service. They offer additional sensors which help to support people at home including fall detectors, hypothermia detectors and door exit sensors. Some Telecare sensors are not linked to a community alarm but provide support to people who are being cared for by family carers or supported living staff. These could include epilepsy sensors or sensory support devices amongst others. Telecare users must have assessed critical or substantial needs and include a range of client groups, but principally older people and people with learning disabilities.

Current Community Alarm / Warden Support Service contracts were awarded in April 2007 following an open tender. The contracts were awarded for 3 +2 years, with the intention that the strategic relevance and models of provision would be fully reviewed prior to the end of the contract in March 2012. Telecare contracts were introduced in 2006 and have continued on a year to year basis. Because of the inherent interrelationship between community alarms and Telecare both services need to be considered jointly.

Cestria Housing have given notice of termination of their contract from 31 March 2011. As a result, from April 2011 these services will be provided across the whole County by DCC Care Connect in –house service.

The strategic review will inform the decision-making in relation to any future commissioning and procurement processes for these services.

A strategic review group has been established including the following key partners: AWH Commissioning (lead); DCC Strategic Housing; DCC AWH Adult Care; NHS County Durham and Darlington. The project reference group has been consulted about current and potential future community alarm and Telecare services. The overall finding from the initial consultation is that the current service is highly valued by both the service users and the professionals involved in their care and support. The core elements of the existing service are considered to have high importance in future services and

are key preventative services for older and vulnerable people in County Durham.

Future commissioning options have been considered within the strategic review group. Because this service provision is delivered in-house there are two options available.

- DCC Commissioning Service can develop a new service specification and negotiate with the current in-house provider to deliver.
- The service can be put out to open tender either as a single package or as multiple packages.

A public consultation process which will be open for 3 months and will incorporate a variety of consultation methods with stakeholders, service users and the wider public.

Detailed work will take place with Corporate Procurement and partners to determine the commissioning option which will deliver the highest quality service at the best value, to include market testing, further work with stakeholders to determine service options for wide public consultation during March to June 2011.

Decision

We have:-

- Approved the proposal that the service options are exposed to wide public consultation from March to June 2011.
- Authorised the delegation to the Corporate Director in conjunction with the Portfolio Holder the recommissioning of the service taking into account the results of consultation.
- Approved the submission of a report to Cabinet in September 2011 on the outcomes of consultation and the recommended service model/procurement option.

7. Disposal of former Nursery school site at Gilesgate Cabinet Portfolio Holders – Councillors Alan Napier, Clive Robson, and Morris Nicholls Contact – Jenny Warren- 0191 372 5498

We have considered a joint report of the Corporate Director, Adults Wellbeing & Health, Corporate Director Regeneration and Economic Development, and Corporate Director, Resources that sought approval to dispose of an area of a former Nursery School site at Gilesgate to Tees Valley Housing (TVH) at affordable housing market value in order to facilitate the provision of a supported housing scheme for Young Parents and their children.

Since 2007, TVH have successfully provided and managed a Young Parents supported housing scheme in Bishop Auckland. TVH have been working closely with Commissioners in Adults to identify a suitable site from a long list of possible options. Following investigations, the site shown verged on the attached plan at Gilesgate which is owned by the County Council, was identified as the best option. The site was chosen because it is best placed for community integration, close to schools, Sure Start, shops and health centre as well as accessible by public transport. The site also has good access to further education and vocational training agencies that young parents may access.

The site extends to approximately 0.5 hectares or thereabouts and would support both the proposed young parents' scheme consisting of 9 self-contained flats and some communal facilities, as well as 11 units of affordable housing for rent and purchase. Strategic Housing are supportive of the need for additional family housing of this type in the area.

The access road is adjacent to a Primary School. The Headmaster of the School has been consulted on the scheme design and purpose and is satisfied with the proposals. Access issues have been considered by Highways and Planning and an agreement has been reached for the road to be improved and widened with additional safety features installed including a new footpath with safety railings and rumble strips to slow traffic.

There is a commitment to revenue fund the service through Supporting People grant. Capital funding for the scheme is being provided by the Homes and Communities Agency (HCA) and TVA and the scheme will bring an estimated inward investment of £3m into Durham, together with local jobs and apprenticeship opportunities.

The HCA grant must be claimed this financial year, with a start on site required by March 2011. The sale price has been agreed at £195,000 which represents market value for affordable housing. There is however no specific requirement for affordable housing on this site and if the site was advertised for sale it is considered that a capital receipt in the region of £400,000 could be achieved.

Decision

We have approved the disposal of the site to Tees Valley Housing at less than best consideration in order to facilitate the provision of a supported housing scheme for Young Parents and their children plus affordable housing for rent and purchase.

**8. Older Persons Accommodation and Support Strategy
Cabinet Portfolio Holders– Councillor Clive Robson and Morris
Nicholls
Contact – Norman Hunt- 0191 5274513**

We have considered a joint report of the Corporate Director, Regeneration and Economic Development, and Corporate Director, Adults, Wellbeing and Health that sought approval of the Older Persons Accommodation and Support Strategy.

There is a significantly ageing population in County Durham. By 2026 the numbers of people aged 65 and over are projected to increase by almost 50%, whilst those aged over 85 will increase by over 115% with the highest increase in single pensioner households. DCC and its partners are very aware of this and are keen to ensure that the right homes and services are in place to respond to this large and important customer group.

Housing Quality Network (HQN) was jointly commissioned by Housing and Adults Wellbeing and Health in February 2010 to undertake a review of older persons accommodation and support services in County Durham.

The Older Persons Accommodation and Support Services Strategy has been developed by HQN in partnership with a multi agency project group on behalf of DCC Housing Service and Adult Commissioning Service. The strategy and delivery plan set out our joint commissioning priorities over a 3 to 5 year period. It should be noted that there is no additional funding to deliver these priority actions therefore existing resources will be prioritised over the delivery plan period. The Project Team will be exploring innovative ways of accessing alternative funding sources for example partnership working with the third sector.

The Strategy was subject to a 3-month public consultation period, which ran from 16th July up until 15th October 2010. This comprised of a series of consultation events with stakeholders, portfolio holders, wider public, County Durham Housing Forum and Age Concern as well as utilising the Council's on line consultation portal Limehouse to enable as many people as possible to comment. There were over 100 comments from over 65 respondents and over 92% agreed with the overall principles and objectives of the Strategy. Some very valuable feedback was received which has been incorporated within the delivery plan where appropriate and a full consultation report is Feedback will be provided to respondents who provided contact details.

Decision

We have approved the final strategy documents.

9. Review of Indoor Sport & Leisure Facilities
MTFP Ref: NS1
Cabinet Portfolio Holder – Councillor Bob Young
Contact – Stephen Howell- 0191 3729178

We have considered a report of the Corporate Director, Neighbourhood Services that set out a basis for selecting Sport & Leisure facilities for consultation on closure. This is part of the current programme of MTFP required efficiency savings and is in line with the Council's Sport and Leisure Service Strategy.

Indoor facilities form only part of the Sport and Leisure offer alongside Sport and Leisure Development, Outdoor Sport and Countryside Services; all of which have a focus on participation. The Sport and Leisure Strategy (approved for consultation June 2010) is explicit in proposing a shift in emphasis from indoor facilities to alternative approaches such as maximising the use of the outdoor environment and more targeted interventions more able to engage hard-to-reach groups. Similarly, the Strategy proposes a greater emphasis on raising participation via community settings and specifically through voluntary sector sports clubs.

Whilst this changing emphasis on the nature of provision forms a central strand of the service's Strategy, Sport and Leisure Services are challenged by a 25% reduction in available resources in the Authority's Medium Term Financial Plan (MTFP). This equates to a £3.5M reduction in the Sport and Leisure revenue budget over the next four years with £1.46M falling in year 1 due to the front loading of efficiency savings requirements in the MTFP. Proposals to meet this include a saving of £1,098,100 from a review of indoor facilities. The target date for commencement of this saving is October 2011, and therefore any rationalisation of indoor facilities would need to occur on or before 01 October 2011.

By way of context the efficiency savings arising from a reduction in the number of indoor facilities forms part of total savings of £20.29M required of the Neighbourhood Service grouping over the next four years.

Whilst this report is presented as part of the efficiency agenda, and certainly proposes a significant reduction in the number and cost of indoor facilities, Members' attention is drawn to the fact that such a change was already an integral part of plans to transform the nature of the service post LGR. The current facility stock is in many cases outdated and poorly located, being premised on the previous district boundaries and structure. Similarly, indoor facilities should not be seen as the only mechanism through which participation in Sport and Leisure can be grown. Indeed, indoor facilities have proven unsuccessful in engaging hard to reach groups and a change in emphasis to community based activity will bring with it a number of benefits in this area, which is a cornerstone of the Sport and Leisure Strategy.

The Council currently provides 19 indoor sport and leisure facilities across the County; many of which were constructed in the 1970s and early 1980s. 14 of these are managed directly by the Sport and Leisure Service and 5 are

managed under contract by third party organisations (two of which, Belle Vue Leisure Centre and Swim Centre are operated as a single site).

In addition to those facilities above the service also provides two cultural facilities which are managed by the Derwentside Trust for Sport and Arts; the Lamplight Arts Centre and Empire Theatre. The future of Roseberry Golf Course is currently the subject of consultation.

In bringing these proposals forward the service has considered a range of ways in which to achieve the level of saving required. In order to meet this requirement the service will also be proposing a range of additional saving around management options, staffing structures and other cost reducing initiatives. Given, however, the large proportion of costs associated with indoor facilities it would not be possible to achieve the saving without some impact on this service area.

A sustainable distribution and improved quality of indoor facilities will provide hubs of activity for all the family and community, which will contribute to increased participation. However, these are just one part of the offer, and increasing participation across the county requires a more balanced use of resources. As outlined earlier, the overall approach of the new Sport and Leisure Service Strategy is to ensure that a greater emphasis is placed on the use of the outdoor environment and more targeted interventions, which are more able to engage hard to reach groups.

The future service provision will include increased support for voluntary and community providers through whom more local and accessible opportunities in participation can be provided. In sport, this includes increasing the number of high quality clubs within communities and working with clubs to increase access, expanding membership, and link school participation to community settings. Supporting clubs includes, resource for new coaches to be trained, mentored and supported as active volunteers or professional coaches and officials

In physical activity, this includes a clear range of opportunities for all ages, such as community legacy gyms, walks, cycle routes and sportsability clubs. The new sport and leisure structure also recognises the importance of mobile resources to reach specific neighbourhoods to tackle specific challenges, and an increased team of specialist staff to target those with health conditions. This is further supported by increased recognition of our natural and outdoor environment, to extend the range and choice of opportunities.

Increased emphasis on development also includes encouraging other major providers to increase their offer critically, this includes providing advice and support for educational establishments to open their amenities sustainably. Supporting the University and Colleges to provide activities within their communities. Equally, supporting the voluntary sector to attract funds and develop local facilities and amenities in a shared and sustainable manner; will help increase access and re-shape the local sporting offer. Finally, increased resource to developmental activity, seeks to maximise external funding to the County, helping to support economic development during challenging times,

and providing further opportunities to communities to take part and be involved in sport and physical activity.

Whilst a sustainable distribution and improved quality of indoor facilities provides important family hubs, an increased focus on sports and leisure development is recognised as having a wider impact on hard to reach communities. Where an indoor facility is removed, this approach will be accentuated to support communities to access current and newly developed services, and in so doing, ensure an overall balanced distribution of opportunities. Consideration of future programmes will be determined by the equality profile of the residents within localities impacted through the rationalisation process.

A full equality impact assessment has been undertaken as part of this review. This assessment has sought to identify the impacts to customers who make use of specific Leisure Centres that are to be subject to potential closure. This information is complex and varied as Leisure Centres not only deliver activities, but also provide space for a wide range of local community uses. To capture details of the specific impact associated with closures, an audit of provision was conducted, specifically focusing on provision made to statutory equalities strands.

Through this, it is recognised that closure of local facilities may have a disproportionate impact on older and disabled people together with children and teenagers, as they may have to travel further to access leisure centres than previously and may have limited access to a car or public transport. The increased costs associated with accessing services incurred through transport may disproportionately affect these groups.

In order to ensure that comprehensive consideration has been given to this issue, the review has used the latest data available on the levels of deprivation, as indicated by the Index of Deprivation in relation to the facility location, so that any potential detrimental impact on particularly vulnerable communities can be examined and the most vulnerable wards identified. All centres have been mapped against the most vulnerable wards and none of the main areas are affected by the proposals. The map shows the extent of those areas with high deprivation levels against the areas affected. As referenced earlier there will be an increased focus on sport and leisure development work within such areas, to support communities to access current and newly developed services, to ensure an overall balanced distribution of opportunities.

As identified through the equality and diversity impact assessment and also through the audit of the facilities themselves, there are many stakeholders potentially impacted by the potential closure of these facilities. It is important therefore that a period of consultation is entered into before any final decision is made on the future of these facilities. A consultation plan has therefore been developed to ensure that users of the facilities, residents, partner organisations and other key stakeholders are given the opportunity to give their views on the proposal and to put forward any alternative options to closure during a 12 week consultation period.

It is important in any consultation that the Council is clear about what it is consulting key stakeholders on. In terms of the review of indoor facilities, the Council will be seeking two key outcomes as a result of carrying out the consultation process. Firstly, the consultation will seek views and comments in relation to the proposal to close the 6 leisure centres, and the potential impact on communities. Secondly, this period will be used to offer the opportunity for any individual group or business to put forward a viable alternative option to closure of facilities. Support for this process will be provided in accordance with the Council's agreed mechanisms, but initially channelled through the project team assigned to this review within the sport and leisure service.

The consultation process will be tailored to ensure that those particularly impacted by the proposals are provided an opportunity to put their views forward in terms of the two outcomes identified above. In order to achieve this, a range of mechanisms will be used in terms of online and written surveys, public meetings, use of the AAP's, Town and Parish Council network and partner arrangements. Meetings with Members and MP's will be arranged to discuss how they can contribute to the process.

The consultation will run for a period of 3 months, from the date of the Cabinet approval of this report and both a consultation and communications plan has been developed to effectively manage this process. The consultation will be publicised through information in all leisure centres, through press and media coverage, letters to stakeholders and a link on the Council's website. Sport England, Area Action Partnerships, County Durham Association of Local Councils and other significant partners will also be given the opportunity to discuss the proposals in detail. Community groups and associations who may have an interest in discussing new community models with the County Council will be encouraged to develop sustainable proposals for further discussions. A full consultation plan has been developed in relation to this project and will be available on request or via the Members' Library.

The outcome of this consultation process will then be brought back for Members' consideration in the summer before any final decisions are made on the future of these facilities.

Decision

We have:-

- Authorised consultation on a proposal to close the following centres:
 - a Abbey Leisure Centre
 - b Coxhoe Leisure Centre
 - c Deerness Leisure Centre
 - d Ferryhill Leisure Centre
 - e Glenholme Leisure Centre
 - f Sherburn Leisure Centre

- Agreed that The Head of Sport and Leisure prepares a further report for Cabinet on the outcome of the consultation and taking it into account, makes recommendations in relation to the centres.

10. Council Plan and Service Plans 2011 - 2014
Key Decision CORP/A/03/11/3
Leader of the Council – Councillor Simon Henig
Contact – Tom Gorman- 0191 3836518

We have considered a report of the Assistant Chief Executive that provided a draft of the Council Plan for 2011-14 attached for consideration and comment before being submitted for approval by Council on 23rd March 2011.

The Council Plan is the overarching high level plan for the County Council. It covers a three year timeframe and is updated annually. It links closely with our Medium-Term Financial Plan and in broad terms sets out how we will consider our corporate priorities for improvement and the key actions we will take in support of delivering the longer term goals in the Sustainable Community Strategy (2010-2030) and the Council's own improvement agenda. The Council Plan for the forthcoming period has been revised alongside the review of the Sustainable Community Strategy.

The Council Plan is underpinned by a series of Service Plans at a service grouping level. Service Plans provide more detailed information on the actions we are taking to deliver the Council's priorities, plus actions required for other service specific priorities. They have been prepared to a standard format and provide more detailed information on service context, details of strategic links, key actions, additional resources required and reference to relevant risk assessments.

Decision

We have:-

- Agreed the content of the draft Council Plan and recommended it for approval by full Council on March 23rd, subject to any final minor amendments by the Assistant Chief Executive.
- Noted that Service Plans are now complete and copies are available from the Corporate Improvement Team.

11. Concessionary Fares
Medium Term Financial Plan Proposal

Key Decision CORP/R/10/10
Cabinet Portfolio Holders – Councillors Alan Napier and Neil Foster
Contact – Adrian White- 0191 3833435

We have considered a joint report of the Corporate Director, Regeneration and Economic Development, and Corporate Director, Resources that sought approval to change the local enhancements offered as part of the County Durham Concessionary Travel Scheme.

The English National Concessionary Travel Scheme is a statutory scheme which provides free travel on local buses to the elderly and disabled between 0930 and 2300 Monday to Friday and at all times on weekends and Bank Holidays.

The County Durham scheme offers enhancements above that of the national scheme, in that bus travel is free at anytime, and also offer half fare on local rail journeys (from all local stations excluding Durham) and provide passes to registered carers who can travel free when accompanying a disabled pass holder who would otherwise be unable to travel.

The bus operators are reimbursed for carrying passengers on the principle that they should be left 'no better and no worse off' as a result of the concessionary travel scheme. Payment is made for each journey on an 'average fare' discounted for generated travel using a reimbursement formula.

The County Council's current year (10/11) spend on concessionary fares is as follows:

	£m
Original budget	9.880
Addition to base budget (Q1)	0.542
REVISED BASE BUDGET	10.422
Overspend met from contingencies	0.581
EXPECTED 2010/11 OUTTURN	11.003

The DfT issued draft guidance and a revised reimbursement formula in October 2010. This was alongside an announcement, as part of the Comprehensive Spending Review, that they expected to save between 10 and 20% on the national concessionary fares budget through "lower payments to operators" and through "moving the duty from lower to upper tier authorities".

Using the draft reimbursement formula our forecast of spend for 2011/12 was £9.6m. This equates to a reduction of 13% and appeared to be in line with the DfT announcement.

The MTFP proposals being developed in early December therefore built in a saving of £800k (ie current revised base budget of £10.4m for 2010/11 reducing to a forecasted base budget of £9.6m for 2011/12).

The DfT issued their final guidance on 21 December 2010 which made some significant changes to the way in which reimbursement payments should be calculated. It also indicated that County Durham should now use a higher reimbursement rate applicable to Public Transport Executive (PTE) type areas. This is based on car ownership levels (from 2001 census) which suggest that County Durham concessionary travel market behaves with the same characteristics as the metropolitan PTE areas. County Durham is the only county shire in the list of authorities which DfT suggest should be treated as having PTE characteristics.

Given the current budget pressures, it was recommended that Cabinet consider reducing the non-statutory elements of the current scheme i.e. travel before 0930, after 2300 and half price local rail. This is in line with the actions of many other authorities, who are either already operating to the statutory time limits or proposing to charge pass holders for travel before 0930.

A marketing and communications strategy has been prepared by the Corporate Communications Team to ensure that pass holders are informed of the changes and the reasons why this has been necessary. The strategy also sets out proposals for the consultation exercise on rail concessions.

Decision

We have:-

- Agreed to the introduction of a 50p flat fare for concessionary pass holder travel before 0930 from the 1 April 2011, as set out in paragraph 16 of the report.
- Authorised consultation on the future of the half fare concession on local rail journeys; and to delegate authority to the Corporate Director Regeneration and Economic Development in consultation with the portfolio holder to make a decision whether or not to remove this concession, taking into account the outcome of the consultation.

12. Digital Durham Next Generation Broadband (Key Decision CORP/R/10/1) Cabinet Portfolio Holders – Councillors Alan Napier and Neil Foster Contact – Phil Jackman- 0191 3708905

We have considered a joint report of the Corporate Director, Regeneration and Economic Development, and Corporate Director, Resources that sought agreement to the proposed plans to provide next generation (super fast) broadband in County Durham through a funding bid to seek the investment

required from Broadband Delivery United Kingdom (BDUK) and the commercial broadband providers.

Access to digital services, through broadband, is essential to provide services and information to businesses, customers and services users. This access is key to enabling a modern economy and a research and learning service to customers.

Current private sector business plans would extend next generation broadband (to the very fast response time speeds of circa 24 to 50 Megabits per second, as compared to existing of between 0 and 8 Megabits per second) coverage to only around 40% of the homes and businesses within the County. This would lead to significant disadvantage for the majority of residents and businesses within these areas.

The majority of premises are able to receive first generation broadband through a copper infrastructure, at speeds of up to 8 megabits per second (Mbps). Speeds however are very dependant upon the distance between the premises and the BT exchange, as well as the amount of concurrent use, which is known as contention. In many locations speeds can fall away quickly to effectively zero.

Without public sector intervention much of County Durham risks being left outside of the knowledge economy, which could impair the Council's ability to deliver against all of its priority themes. A successful funding bid would help alleviate this shortcoming.

The most effective way to provide next generation broadband is through fibre optic connections, which can give virtually unlimited speeds and capacity. The highest speeds are delivered through fibre to the premise (FTTP) but this can be a very expensive option where 'last mile' distances between premises are significant.

Certain parts of the County, due to geography, do not lend themselves to the installation of fibre but here other options are available such as wireless networks (which use radio wave connections) or communications satellites (which use microwave radio connections). Speeds and capacity are more limited with these options as opposed to fibre.

Durham County can be split into three types of area in terms of next generation broadband investment based upon the likelihood of commercial return: those areas with a high likelihood; those areas with a medium likelihood; and those areas with a low likelihood.

The Council's investment and development plans will influence which parts of the county will fall into which of these areas.

As the likelihood of commercial return drops then the case for public intervention increases to address market failure. This intervention can be in many forms, including direct investment, provision of anchor tenancy, public sector aggregation and assistance with easement.

Durham County Council should only intervene in those areas where direct investment can underpin the development of next generation broadband services, it is affordable to do so and there is a low likelihood of commercial return.

The Council has approved £2 million within the capital programme to be used for the provision of next generation access broadband.

Broadband Delivery UK (BDUK) has been created within the Department for Business, Industry and Skills (BIS) as a delivery vehicle for the Government's policies on broadband. Their aim is to ensure that the UK has next generation broadband coverage but they are especially focussed on the 'final third', those areas that are unlikely to be covered entirely by commercial investment.

BDUK will be inviting a further round of regional based bids against the investment money, starting in March, with a decision expected in June 2011.

Other sources of funding are still available and the option to make bids will be investigated, including European Regional Development Fund (ERDF) and Rural Development Programme for England (RDPE).

ICT Services and Economic Development have been working together to identify the areas of the County that most require investment in next generation broadband.

The Council will make a bid in the next round for the BDUK money. The bidding round is to start in early March 2011. As part of the bid, the Council will enter into a full procurement exercise to identify delivery partners or combinations of delivery partners.

The project will be delivered in stages, as and when finances become available.

The Council will work with other interested parties working towards the same objective, such as other public sector and the community and voluntary sector, to deliver next generation access broadband across the County.

Decision

We have:

- Agreed to the proposed approach to the provision of next generation broadband in County Durham.
- Authorised ICT Services and Economic Development to enter into a full procurement exercise to identify delivery partners or combinations of delivery partners.
- Agreed to the proposed objectives as identified above.
- Authorised ICT Services and Economic Development to bid for the next round of BDUK money.
- Agreed to the high level roll out plan as detailed in the report.

13. Proposals for the Delivery of Business Support Services in County Durham
Key Decision R&ED/14/10
MTFP RED 1
Cabinet Portfolio Holder – Councillor Neil Foster
Contact – Sarah Robson- 0191 3833444

We have considered a report of the Corporate Director, Regeneration and Economic Development on the outcome and final recommendations of the review into services for businesses in County Durham and how these recommendations are being taken forward by DCC within the Regeneration and Economic Development service.

In accordance with these recommendations, to seek agreement to implement structural changes to the services provided by the County Council that support new and existing businesses in County Durham through the merger into one integrated business focused team of County Durham Development Company and the Business Services Team within Economic Development.

In addition, to ensure that the promotion of County Durham as a business and inward investment location is optimised within a broader place based marketing function that embraces the ambition of the Regeneration Statement to “create places where people want to live, work, invest and visit”.

The report deals firstly with the review of countywide business services that was commissioned by Cabinet in July 2009, before moving on to examine how the services of the County Council have also been examined. Recommendations about a proposed model for future DCC service delivery then follow.

In July 2009 Cabinet approved a proposal to review services provided to business in County Durham, based upon a high-level option paper that had been prepared through LGR work-streams prior to vesting day. Cabinet agreed that the review would encompass a range of agencies and services to ensure that improvements could be made from the customer perspective rather than individual providers.

The review was carried out through a multi agency working group chaired by the Council’s Business Services Manager and was reported through the Council’s Economy and Enterprise Scrutiny Group in October 2009 and February 2010.

Decision

We have agreed that:-

- (a) County Durham Development Company and Business Services be brought together into one team within with the Economic Development service in the Regeneration and Economic Development service grouping.

- (b) The functions of business space, start up and general business support, business innovation and growth be agreed as the basis of any activity to be delivered by the new business team.
- (c) TUPE consultation commences to transfer CDDC's function and staff into DCC.
- (d) Delegated authority be approved to the Portfolio Holder and the Corporate Director for Regeneration and Economic Development to negotiate the terms of this organisational restructure.
- (e) The reserves of CDDC be retained by the Company to support future delivery of business services activity.
- (f) The Corporate Director of Regeneration and Economic Development be delegated to sign the joint accord regarding future delivery of business services by Durham County Council.

14. Buy Local: Buy Durham (including electronic quotations)
Key Decision R&ED/15/10
Cabinet Portfolio Holders – Councillors Alan Napier and Neil Foster
Contact – Pater McDowell- 01207 218239

We have considered a joint report of the Corporate Director, Regeneration and Economic Development and Corporate Director, Resources that sought agreement to the "Buy Local: Buy Durham" initiative which will change and standardize the process by which the Council seeks quotations. This initiative will have a positive benefit to businesses based in County Durham.

A key ambition of the County Council is to develop a new approach to public procurement and wherever possible, to create more opportunities for local suppliers. However the Council needs to be mindful that although procurements valued at below the EU procurement thresholds (currently set as – Goods and Services £156,442 Works £3,927,260) are not covered by the Public Contracts Regulations 2006 the EU Treaty principles of transparency, equal treatment and proportionality do apply and the Council cannot give preference to local suppliers when making an award. The purpose behind these proposals is to address the frequently aired concerns from the business community that the procurement machinery of councils disadvantages smaller businesses in the local community and is more suited to the resources of larger national and international operators.

In 2009/10 the County Council spent over £500m with approximately 13,000 suppliers. It is estimated that around 40% of this spend was with businesses in County Durham.

The Council's Contract Procedure Rules, which form part of the Council Constitution, set out the financial thresholds and procurement process which need to be followed for any procurement. Currently all County Council procurements over £50,000 must be advertised and managed via the Council's electronic tendering system called Pro-Contract. Companies must register on the system which is part of the NEPO (North East Purchasing Organisation) Portal to be able to access the tender opportunity.

Procurement projects up to £50,000 operate on a quotation only basis with the use of the Pro-Contract system encouraged but not mandatory. Quotations can be sought through a variety of sources including the electronic tendering system, fax, telephone, post/letter, e-mail etc. Currently 3 quotations are required for any procurement with an estimated value of between £5,001 and £50,000 and 1 quote for any procurement up to £5,000.

The introduction of Buy Local: Buy Durham will see two major changes to these procedures.

Firstly, the introduction of “Buy Local: Buy Durham” will require a change in the Council’s Contract Procedure Rules which, when in place, will mandate that all procurements with an estimated value between £5,001 and £50,000 be carried out electronically on the Pro-Contract system. This will provide increased transparency; ensure procurement compliance and a standardized process for buyers.

Secondly, the introduction of “Buy Local: Buy Durham” will create more opportunities for local suppliers by ensuring buyers seek a minimum of one quotation from companies based in County Durham where the procurement has an estimated value between £5,001 and £50,000.

Decision

We have agreed to:-

- (i) Amend the Council’s Contract Procedure Rules.
- (ii) Support the creation of the Buy Local: Buy Durham scheme.

15. Renewable Energy Technologies **Key Decision R&ED/16/10** **Cabinet Portfolio Holder – Councillor Neil Foster** **Contact – Maggie Bosanquet- 0191 3834253**

We have considered a report of the Corporate Director, Regeneration and Economic Development to agree a set of actions in respect of renewable energy technologies which will generate income, cut energy costs, reduce carbon emissions and create social and economic benefits.

The Government has recently announced that local authorities can now generate and sell energy which opens up new sources of income for councils. This includes benefiting from the feed-in-tariff which was brought in by the previous Government in April 2010 to incentivise the generation of renewable electricity for schemes installed and registered by March 2012.

Low carbon economic growth offers major opportunities for County Durham. The Council is already supporting local SMEs in renewable technologies and County Durham has one of only two manufacturers of Photovoltaic panels in the UK

The Council has significant potential to generate income and/or free electricity from its own land and buildings. The renewable technology currently offering the greatest opportunity is solar photovoltaics (PV), although other technologies are also being considered to ensure we maximise the potential, including wind, hydro and biomass.

The Council is recognised as one of the most forward looking Authorities in the Country in respect of renewable technologies. We now have a number of opportunities to further this reputation, to ensure that we meet targets for reducing carbon emissions and to maximise financial benefits to the Council.

Only a small window of opportunity exists (until March 2012) to take advantage of the feed-in-tariff before the Government reduces the rates that it will then guarantee over 25 years. The advantages are significant, including increased income, free electricity, reduced carbon emissions and potential new jobs and training opportunities.

Decision

We have agreed to adopt a positive and proactive approach to the installation of renewable energy technologies by:-

- (a) Agreeing the lease or sale of land at Stella Gill to a local supplier to pilot a solar PV farm for County Durham;
- (b) Marketing sites deemed suitable for solar PV through a tendering process;
- (c) Providing financial help to homeowners through the Council's 'Helping Hands Loan Scheme' to facilitate the installation of renewable technologies.
- (d) Authorising for an initial capital investment of £6m on an Invest to Save basis with the cost of borrowing financed from the income generated by the installations. It is estimated that this investment will generate a net surplus of £234k per annum after allowing for repayment of borrowing.

16. Strategic Housing Inspection Report
Cabinet Portfolio Holders – Councillors Clive Robson and Neil Foster
Contact – Anne Smith- 0191 3836609

We have considered a joint report of the Corporate Director, Regeneration and Economic Development, and Assistant Chief Executive that advised of the result of the inspection of the Council's Strategic Housing Service and to agree the Council's response to the recommendations contained within the inspection report.

The Audit Commission acts in the capacity of an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone. Inspection activity carried out by the Audit Commission is concentrated on areas of service delivery where it will have the most impact and is based on an assessment of risk.

The Strategic Housing Service in County Durham has recently been established by bringing together services for the seven former district and borough councils. A significant amount of restructuring has been undertaken to ensure that the strategic housing function is operating as a single service across the county.

The Audit Commission decided to carry out a strategic housing inspection across all new unitary authorities established following Local Government Review in 2009. The onsite inspection of the County Durham Strategic Housing Service was carried out during October 2010 with a Final Report of all findings published in January 2011.

The inspection report contains four high level recommendations for the council to make improvements in the following areas, in relation to strategic housing:

- equality and diversity in the delivery of the service
- the strategic approach to housing
- access and customer care
- performance management

The detailed recommendations are included in the summary Inspection report.

Decision

We have:-

- Noted the findings and recommendations contained within the inspection report.
- Agreed the Council's response to the recommendations as detailed in the attached action plan.

17. Local Transport Plan 3

Cabinet Portfolio Holders – Councillors Bob Young and Neil Foster

Contact – Harris Harvey- 0191 3833459

We have considered a joint report of the Corporate Director, Regeneration and Economic Development, and Corporate Director, Neighbourhood Services that sought approval for the new local transport plan, LTP3, which is to come into effect 1 April 2011 on expiry of the current plan.

The Transport Act 2000, as amended by the Local Transport Act 2008, places a statutory duty on the County Council to produce a local transport plan and to keep it under review. This is the third local transport plan for County Durham and is the successor plan to LTP2, covering the 5-year period from April 2006 to March 2011. It has been drawn up in accordance with Department for Transport (DfT) guidance on the preparation of third generation local transport plans, issued in July 2009 and is in two parts:

A **Transport Strategy** that looks some 10 years ahead and the key issues facing the county and the actions we need to take to achieve our objectives.

A **Delivery Programme** firmed up for the first year of the plan period, with an indicative programme for subsequent years, subject to agreement within the Council's capital programme.

Decision

We have:-

- Approved the third Local Transport Plan (LTP3), comprising the Transport Strategy and the Delivery Plan including the capital programme for 2011/12 and recommend its adoption by full Council;
- Noted the intended annual review (in compliance of the statutory requirement) and reporting regime that will monitor and update the ongoing performance and delivery of the Plan's objectives.

18. Houses in Multiple Occupation – Adopted Standards and Licence Conditions Cabinet Portfolio Holder – Councillor Bob Young Contact – Joanne Waller- 0191 3835672

We have considered a report of the Corporate Director, Neighbourhood Services that sought approval of revised standards and licence conditions for houses in multiple occupation (HMO) and delegated authority to make minor amendments and legislative changes to update HMO standards and licence conditions as and when required.

Well managed HMOs meet the needs of a diverse population, including young professionals, low paid workers and older single persons. In the City Centre, privately owned HMOs provide accommodation for more than half of all University students. Conversely, poorly managed HMOs have traditionally been associated with some of the worst housing conditions in the private rented sector. The latter often manifests through increased risks to the health and safety of the occupants arising from poor fire safety measures, inadequate kitchen and sanitary provision, poor management standards and dangerous fixtures, fittings or layout. The improvement of standards in HMOs remains a priority to protect residents from unsafe and unhealthy conditions.

The national standards for HMOs which are licensed by the Council are now prescribed in regulations made under the Housing Act 2004. These relate to provision of bathrooms, WCs, kitchens, fire safety and heating within HMOs. They are used to determine whether or not a property is reasonably suitable for occupation by a certain number of households or persons. If these standards are not met, a licence cannot be granted.

Even if these prescribed standards are met, the Council must still determine whether the HMO is or is not reasonably suitable for occupation. More detailed standards can therefore be set to reflect local housing conditions, provided they do not fall below the prescribed national standards.

Adopting local HMO standards will also furnish landlords with the detailed information on what is expected of them, and provide the basis for enforcement standards.

There are currently 345 licensed HMOs across the County and to the best of our knowledge this represents all known HMOs that fall into the category for mandatory requirements for licensing. It is estimated that there could be a further 1000-1200 other smaller HMOs, which currently fall outside of the scope of the mandatory licensing regime.

Current HMO standards exist for the following types of HMO:

- Shared houses
- Bedsits
- Hostels, Guest Houses and Bed and Breakfast premises.

These existing standards were set by the various district authorities prior to Local Government Reorganisation in County Durham.

It is important that therefore that the Council regularly reviews and develops local standards and licence conditions to ensure that the regulation of HMOs is in line with current legislative requirements and to ensure that accommodation is maintained at the level or above prescribed by the minimum national standards where appropriate.

The Council's Cabinet meeting held on 15th December 2010 approved the Report "Licensing of Houses of Multiple Occupation". The main purpose of the report was to consider the HMO fee structure for new HMOs and those subject to re-licensing; and to agree in principle to the introduction of an 'Additional' licensing regime for houses in multiple occupation, subject to a further report following completion of the appraisal and consultation process.

The current proposals for re-licensing provide an opportunity to review existing standards and licence conditions and update them into line with current legislation.

The improvement of conditions in HMOs remains a priority to protect residents from unsafe and unhealthy conditions. It also contributes to their overall quality of life and general health which are some of the core principles of the new Public Health White Paper, "Healthy Lives, Healthy People" which sets

out the Government's long-term vision for the future of public health in England.

Decision

We have:-

- Agreed to recommend the report and Appendices 1 to 5 for adoption by Council.
- Authorised the Director of Neighbourhood Services and Head of Environment, Health and Consumer Protection in consultation with the Head of Legal Services to amend the standards and licence conditions to reflect changes in legislation as and when necessary.

19. Consett Academy Cabinet Portfolio Holder – Councillor Claire Vasey Contact – David Ford- 0191 3833133

We have considered a report of the Corporate Director, Children and Young People's that sought endorsement to the Department for Education's proposal for new sponsorship arrangements for the Consett Academy following the withdrawal of Durham University from the role of lead sponsor within the Durham Excellence in Education Partnership (DEEP) Academies Trust.

The Consett Academy project was initiated under the academy arrangements put in place by the previous government. Under these arrangements each academy required an external sponsor. Following a rigorous selection process agreement was reached with the government on sponsorship for the academy from the DEEP Academies Trust, comprising Durham University (as the lead sponsor), the Durham Association of Secondary Headteachers (DASH), and the North East Chamber of Commerce with Durham County Council as co-sponsor. This met the two key aims of a lead sponsor with an educational background who was prepared to work in partnership with the County Council as co-sponsor.

At the same time agreement was also reached for the Stanley Academy to be sponsored by New College Durham again with the County Council as co-sponsor.

Following discussions with the County Council the Department for Education has proposed that New College Durham replace the DEEP Academies Trust as sponsor for the Consett Academy with the County Council continuing as co-sponsor.

Lord Hill of Oarefood, Parliamentary Under Secretary for Schools confirmed the sponsorship arrangements, and also stated that the Academy would open in January 2012.

The Chairman of the County Council in consultation with the Chairman of Overview and Scrutiny Management Board consented to the call-in procedure not applying as the decision taken by the Executive was urgent.

Decision

We have:-

- Endorsed New College Durham as the Lead Sponsor for the Consett Academy with the County Council continuing as co-sponsor.
- Agreed the closure of Moorside Community Technology College and Consett Sports College with effect from 31 December 2011 to enable the Consett Academy to open on 1 January 2012.

**Councillor S Henig
Leader of the County Council**

15 March 2011

County Council

23 March 2011

The Regulation of Taxis in County Durham (Public Consultation on Zoning, the Control of Hackney Carriage Numbers and Colour Policy)



**Report of Corporate Management Team
Terry Collins, Corporate Director of Neighbourhood Services
Councillor Bob Young, Cabinet Portfolio Member for Strategic
Environment and Leisure**

Purpose of the Report

1. To inform Members of the outcome of the consultation exercise with stakeholders relating to the regulation of hackney carriages and private hire vehicles licensed by Durham County Council.
2. To approve recommendations for the revision of the current DCC licensing of hackney carriage and private hire vehicle policy with particular reference to the following issues:-
 - zoning
 - the regulation of hackney carriage numbers
 - colour policy

Background

3. In the context of this report, 'taxi' includes both hackney carriage and private hire vehicles.
4. Prior to the 1st April 2009, the taxi licensing function was undertaken by the former District Councils in County Durham. Each of the Districts had their own taxi related policies and requirements concerning matters such as vehicle, driver and operator licence conditions, fees and charges and taxi fares etc.
5. To provide the general overriding principles against which the licence conditions were set, Durham County Council (as the newly designated Licensing Authority) produced and adopted a single taxi licensing policy, which included various relevant licensing conditions. This policy, in its current revised form, provides guidance for members when making taxi related decisions, informs the trade of the operating standards with which they are expected to comply and informs the public of the service that they can expect from the taxi trade.

6. As from 1 April 2009, hackney carriage vehicles have continued to be licensed and can only operate as hackney carriage vehicles within the zone in which their license was granted. These zones correspond to the areas of the County previously identified by the former District Councils boundaries.
7. Two of the zones, namely the former Durham City Council area and Chester-le-Street District Council area, had by regulation under the Transport Act 1984, limited the number of hackney carriage vehicle licenses that were made available to the taxi trade. Current limits in these zones are 74 hackney carriage licenses in Durham City and 92 in the case of Chester-le-Street. These limitations had been imposed following detailed surveys that established at the time of the surveys, there was no unmet demand for hackney carriages within the respective areas.
8. The limitation on the availability of hackney carriage vehicle licences is directly associated with the existence of the zones in which the restrictions apply. Removal of a zone would therefore have the immediate effect of removing any associated limitations on taxi licence numbers. In this context, the removal of the limitations of taxi numbers is known as deregulation.
9. Since vesting day, maintenance of the existing arrangements in respect of zoning and the regulation of hackney carriage numbers was influenced by a number of important factors. It would not have been lawful to remove the zones immediately on transition from the former administrative authorities to the new Council. It was also accepted by the Authority that the situation relating to zoning was both complex and emotive in nature and that the removal of zones would impact on members of the taxi trade, the travelling public and the local authority.
10. In addition to the issue of zones and regulation of hackney carriage numbers, two of the former District Councils had also previously adopted a colour policy which affected the hackney carriages and private hire vehicles licensed and operating within their areas. Both the former Chester le Street and Wear Valley District Councils had adopted a white colour policy which meant that in these areas only, licensed private hire vehicles could not be white.
11. Cabinet had previously considered reports on the regulation of hackney carriage and private hire vehicles in November 2008 and March 2009 and at that time resolved to remove the colour requirement from the Durham County Council Hackney Carriage and Private Hire Policy. Any future decisions relating to zoning arrangements including regulation of licences and the introduction of a county wide colour policy would be taken subject to the outcome of further consultation.
12. Since the adoption of the Durham County Council Hackney Carriage and Private Hire Licensing policy, the Council has embarked on a major public consultation process concerning the future control and regulation of the hackney carriage and private hire trade (zoning, limitation of taxi numbers and colour policy).

13. There are five main options available for dealing with the issue of zoning for consideration by the Council. Although zoning and regulation are separate issues, because existing regulation arrangements are relevant to two out of the seven zones, the options presented also include for 'hackney carriage regulation' in addition to the issue of zoning. The options A to E listed below do not however, incorporate aspects of licensed vehicle colour policy which, is regarded as a separate, 'stand alone' issue in its own right.
- A. Removal of the 7 zones with the simultaneous removal of all limits on hackney carriage numbers throughout the County of Durham.
 - B. Retain the status quo, with seven zones, two of which are regulated (limitation of hackney carriage vehicle numbers in Chester le Street and Durham City zones).
 - C. Maintain the zones with removal of all existing limitations on numbers of hackney carriages.
 - D. Maintain the zones and undertake further demand surveys in all zones with a view to carrying out further regulation.
 - E. Removal of the 7 zones with the simultaneous removal of all limitations on hackney carriage numbers in the Chester le Street and Durham City zones; and then to undertake a demand survey for the whole of the County of Durham with a view to carrying out further regulation.

Consultation Process

14. A phased consultation process was designed in September 2009 that aimed to be broad ranging, inclusive, balanced, and transparent and applied lessons that had been learned from the earlier licensing consultation processes. A detailed description of the phased consultation process is attached as Appendix 2 to this report. An 'options appraisal' was included in the consultation briefing paper see attached Appendix 3. A list of all interested parties who provided a response to this consultation is given in Appendix 4.
15. A detailed summary of the responses from the countywide public consultation exercise on zoning, the control of hackney carriage numbers and colour policy is contained in Appendix 5 and Appendix 6 provides a comprehensive presentation and analysis of results from the consultation process. This includes the tabular and graphical presentation of the consultation results, including statistics and various response data. The information and the analysis of the consultation results, set out and discussed in paragraphs A4, A5 and A6 of Appendix 5, are referenced to and should be read in conjunction with Appendix 6 of the report.

Outcome of the consultation exercise

16. Each one of these five options has associated with it various possible positives/advantages and negatives/disadvantages for the public, for the trade, for the Council and for other interested parties and stakeholders. The most significant advantages and disadvantages associated with the five options that were identified are detailed in the briefing paper attached as Appendix 3.

17. Overall the countywide response to the consultation process from individual members of the licensed hackney carriage and private hire trade was very low (7%).
18. Further representations from the licensed trade however were received via the County Working Group (CWG) / Area Working Groups (AWG) which were established prior to the consultation process as County / Area forums to support trade members and promote effective communications between the licensing authority and trade representatives.
19. Since the closure of the consultation there have been further representations made and these have been placed in the Members library.

Zoning and regulation of hackney carriage and private hire licensing

20. Using the overall member representation within Area Working Group (AWG) as an indicator, nearly 72% of the countywide licensed membership supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses).
21. Option B was supported by 3 of the AWGs and Option E was supported by 2 of the AWGs. Option A, as a preference, was supported by 2 of the AWGs. Overall 5 of the 7 AWGs supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses).
22. CWG members gave Options A and B as being their most preferred options with Option E also receiving support from two of the CWG members. Again, by grouping together the supporters of Option A with the support for option E, the CWG had more members who supported the removal of the zones than those who wanted to retain them.
23. In relation to the question of the regulation of hackney carriage numbers, 6 CWG members favoured regulation either within the existing zones or on a countywide basis should a survey of demand be supportive of this.
24. Grouped according to their zone, a much greater percentage of licensed individuals from three zones Chester le Street, Durham City and Wear Valley responded to the survey. Option B was the preference of more individual respondents from this category than any other preferred option. The greatest supporters of this option operated within Chester le Street and Durham City areas.
25. Of the individuals representing or associated with other interested parties who responded in respect of the zoning options, 5 favoured options that removed the zones and 4 respondents in this category wanted the zones to be retained.
26. Durham Constabulary recommend and support the removal of the 7 taxi zones with the implementation of one single taxi zone and the concurrent removal of the

limitations on hackney carriage numbers in the Durham City and Chester le Street.

Colour Policy

27. AWG representatives from two areas, Chester le Street and Wear Valley said “yes” to a colour policy. AWG representatives from three areas, Durham City, Derwentside and Easington said “No” to a colour policy.
28. Two members of the CWG said “Yes” to a colour policy and three members of the CWG said “No” to a colour policy.
29. During the consultation both Sedgefield and Teesdale AWG considered that the introduction of a colour policy was unnecessary as there was already sufficient means of identifying a vehicle as a hackney carriage. Since the Cabinet meeting in January 2011 however a representative from the Sedgefield AWG has approached the authority to clarify their position in that the Sedgefield AWG would be opposed to a colour requirement, should the Council be minded to introduce one.
30. Of the 154 individual licensed hackney carriage and private hire respondents, 102 did not want a colour policy. The zone which yielded the greatest percentage of individual respondents in opposition to a colour policy was Durham City.
31. Overall two of the three zones which yielded the greatest percentages of individual respondents in this category (Chester le Street and Wear Valley) are the zones which, under the control of the former District Councils, were previously subject to a colour policy.
32. The most popular colour for a hackney carriage amongst this group of respondents was white and the most popular colours for private hire vehicles were white and black.
33. The number of responses from the general public in relation to the issue of taxi colour policy was particularly small. 5 respondents from the general public said “yes” to the imposition by the Council of a taxi colour policy and 1 said “no”. Of the 6 ‘interested party’ respondents who commented, 5 favoured having a colour policy. No colour preferences were put forward. Durham Constabulary made no comments in relation to colour policy.

The position of governmental organisations

34. The Department for Transport advises that a limit on taxi numbers is unlikely to be in the best interest of consumers. They do however recognise that local licensing authorities are in the best position to determine whether taxi numbers should be limited.
35. The Office of Fair Trading considers that quantity regulation limits the number of taxis and reduces availability and lowers the quality of service to the public.

36. Paragraph 90 of the Department of Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guide (March 2010 edition) states:

“The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.”

The Guide referred to above does not refer to colour policies. Vehicle identification by colour is not addressed and the colour of a licensed vehicle is not specifically mentioned in the guidance.

37. The introduction of a colour requirement for hackney carriage vehicles has been undertaken already by 8 of the 12 (66%) local authorities operating within the north east region. 37% of those authorities have adopted a single black colour policy and 25% have adopted a single white colour policy.

Material Considerations

38. Zoning and the Regulation of Hackney Carriage Numbers within Zones:
- Should the existing zones be kept or should they be removed?
 - Should the existing regulation of hackney carriage numbers in two existing zones be maintained or ended?
 - Should the regulation of hackney carriage numbers in the remaining zone(s) be considered?
39. The Council may resolve to remove the existing zones and concurrent limitations on hackney carriage numbers in zones 1 and 2 and resolve not to regulate hackney carriage numbers anywhere within the County. **(Option A).**
40. If Council were to make a resolution to remove the zones and to deregulate hackney carriage numbers, an appropriate date would need to be set to enable the following prescribed process to be undertaken:
- (1) The Council has to pass an extension resolution under the Local Government Act 1972, Schedule 14, Part 2, Para 25 which is to abolish the zones and apply hackney carriage licensing uniformly throughout County Durham.

- (2) In order to propose the resolution the Council has to give notice in accordance with paragraph 25(5) which is to advertise the intention for two consecutive weeks in a local newspaper
- (3) The Council must also no later than the date on which the advertisement is first published, serve notice of the intention on every parish or community council or parish meeting whose area, or part of whose area, is affected by the resolution.
- 41 If the existing zones are kept, and the Council continue to seek the regulation of the numbers of hackney carriages in zone 1 (Chester le street) and in zone 2 (Durham City), it would require regular (at least every three years) independent hackney carriage demand surveys to be undertaken in these two zones in order to assess the level of demand/unmet demand, followed by the regulation of numbers should these surveys show no significant unmet demand in existence. This is a costly and time consuming process. The fees for the demand surveys could be recovered via the licence fees applicable within the regulated zones. **(Option B)**
- 42 If the existing zones are kept, the Council may resolve to remove all imposed limitations on hackney carriage numbers in zones 1 and 2; and also resolve not to carry out any more demand surveys which would be needed if the future regulation of hackney carriage numbers in any of the zones were to be considered **(Option C)**.
- 43 If the existing zones are kept, and the Council continue to seek to regulate the numbers of hackney carriages in zone 1 (Chester le street) and in zone 2 (Durham City) the Council may resolve to undertake further surveys into the demand for hackney carriages in the other five zones with a view to regulating hackney carriage numbers in all zones? This is a costly and time consuming process. **(Option D)**.
- 44 If the existing zones are removed the Council may seek to regulate the numbers of hackney carriages across the County which would need to be supported by further assessment of the level of demand / unmet demand within the single zone, followed by the regulation of numbers should these surveys show no significant unmet demand in existence. It is however considered that it would be highly unlikely that such a survey would find sufficient evidence of unmet demand within such a large and diverse geographical location. This assessment would be a costly and time consuming process, the cost of which may be recovered via the licence fees. **(Option E)**.
- 45 In the event that any decision is taken other than retaining the status quo, a sufficient lead in period would be necessary to enable the Council to revise its administrative systems and procedures in order to adapt to any countywide changes in hackney carriage regulation. This would include the unification of fees and charges and, in conjunction with the trade, the setting of new countywide hackney carriage tariffs and; most importantly, to enable existing and future members of the licensed hackney carriage and private hire trade in the

County to plan for and adapt to any changes that may affect their business activities that may result from such changes.

46. In addition to the above the Council may resolve to adopt a colour policy for hackney carriages and private hire vehicles, a single colour for hackney carriage vehicles could be specified allowing private hire vehicles to be any other colour. Alternatively, parts of vehicles could be colour banded.
47. If the Council resolved to introduce a colour policy an appropriate date would need to be set for its implementation. Consideration would have to be given to how the policy would apply to new applications for vehicle licences and for existing vehicles.

In Conclusion

48. Whilst the individual consultation responses have been relatively low, the views expressed by the countywide and area working groups would appear more representative of the trade across the County. With this in mind there is clear support for those options which include the removal of zones (Options A and E) across the County and this view is further supported by the Police.
49. The removal of zones within County Durham would effectively remove any current limitations on the number of hackney carriage licences within Chester-le-Street and Durham City areas (Option A). Deregulation is supported by the Police, as well as other government organisations, however there is strong support amongst the trade from these two areas to maintain the regulation of hackney carriage licences either within zones or throughout the entire County. If the countywide regulation of hackney carriage numbers was to be supported by the Council in addition to the formation of one zone, an assessment of demand across the whole of the county would then have to be undertaken. If a survey found there was evidence of any significant unmet demand, the Council could then seek to regulate hackney carriage licences (Option E).
50. Given the need to undertake regular assessments of demand to support regulation of hackney carriage licences and that this would require significant investment by the authority, leading to increased costs of providing licensing services, Option A would be the preferred option.
51. The responses concerning the introduction of a colour requirement were originally somewhat inconclusive because whilst some AWGs, members of CWG, individuals and members of the public were able to present a preferred option, there were two members of the CWG who were unable to express a single or clear preference on behalf of the two AWGs that they represented. However, as stated in paragraph 28 of this report, since the Cabinet meeting in January 2011 a representative from the Sedgfield AWG has approached the authority to clarify their position in that the AWG would be opposed to a colour requirement should the Council be minded to introduce one. Notwithstanding above, comments were received from both AWG and CWG to the effect that they would expect that

should the vehicle colour requirements be introduced that this would be on a phased basis over an appropriate time scale.

52. The introduction of a colour requirement for hackney carriage vehicles would promote the safety of persons who flag down taxis in the street as this would assist them in identifying legitimate taxis operating within the Durham area and more importantly help them avoid rogue taxi drivers operating unlicensed vehicles. Taking this approach would contribute to ensuring the safety of residents and visitors to the area, reduce crime and promote confidence in using local taxi services. It will also assist in enforcement.
53. In relation to colour preferences, it is proposed that a single white colour policy is introduced for hackney carriage vehicles with private hire vehicles being any other colour except white.
54. It is acknowledged that the introduction of a colour requirement with immediate effect however would have financial implications for local taxi operators and in order to reduce any burdens on local businesses it was originally proposed that the introduction of any colour requirement for all hackney carriage and private hire vehicles is phased in over a five year transitional period with effect from 1 April 2011. However, having taking account of further representations from the trade with respect to this (see below), who have highlighted what their financial concerns are, it is now proposed to introduce this from the 1st April 2011 but only to apply to new applications and when an existing licensee is to replace his vehicle. There is also proposed a provision to minimise costs to licensees when their vehicles are temporarily off the road and they may not be able to comply with the policy for a short period whilst repairs are carried out.

General Licensing Committee

55. The General Licensing Committee of the Council considered this report on the 6th December 2010. In advance of its meeting letters had been received making representations. One from the trade's Association, writing on behalf of the Durham Taxi drivers, supporting the keeping of regulated areas and having no colour policy. That correspondence was read by the Committee before the meeting started and the views expressed taken account of.
56. The meeting was attended by members of the trade who spoke on its behalf and all representations were taken into account by the Committee. The Committee considered that removing the zones and deregulating the provision of taxis was the preferred option in that, whilst there would inevitably be a settling down period, it would produce a better service for the public
57. The Committee was advised that it has been considered the colour policy in Chester le Street has been successful.
58. The original recommendation for compliance with a colour policy was by April 2016. The objections voiced with respect to that only related to cost of compliance and the Committee considered it was right to take those concerns into account and that they could be adequately met by removing the

compliance date and replacing it with only when a vehicle is changed and also making provision for emergency occasions when a vehicle may be off the road. This would thereby remove the cost concerns that had been expressed.

Recommendations

59. That Members consider the contents of this report and approve the following:
- Adoption of Option A as detailed in paragraph 13, to remove the existing seven zones across the County and deregulation of existing hackney carriage licence limitations, to be effective from midnight on the 31st August 2011.
 - The introduction of a colour requirement in respect of vehicles submitted for licensing as hackney carriage vehicles or private hire vehicles as follows:-
 - (i) Hackney carriage vehicles shall be white.
 - (ii) Private hire vehicles shall be any colour other than white or a colour that could be mistaken for white, for example cream or ivory.
 - (iii) That the colour requirement for hackney carriage and private hire vehicles shall apply from the 1st April 2011 to all new applications for a vehicle licence. It shall not apply on the renewal of an existing vehicle licence but only when that vehicle is replaced. Nor shall the colour policy apply to a vehicle licensed or provided for a maximum period of two months on a temporary basis to substitute for an owner's existing licensed vehicle that cannot be used as a result of an accident or breakdown.
 - (iv) That this policy will apply to all licensed vehicles including purpose built vehicles and minibuses, but will not apply to any special vehicles as defined within the policy which will be exempt from any colour requirement.

Background Papers

- Durham County Council hackney carriage and private hire licensing policy
- Cabinet Report 19 March 2009 - Licensing Arrangements Results of Consultation

Contact: Joanne Waller Tel 0191 383 5672

Appendix 1: Implications

Finance

Significant financial implications would be associated with the carrying out of future hackney carriage demand surveys.

Staffing

None

Risk

Without the introduction of a colour policy there is a greater risk that members of the public will mistakenly use unlicensed vehicles.

Equality and Diversity

The issues associated with zoning and colour policy have been addressed by the Council's Equality and Diversity team. The effects of the Equality Act 2010 have also been considered by the General Licensing Committee which felt that the recommendations would make it easier to comply therewith. An Equalities and Diversity Impact Assessment has been carried out and is attached at Appendix 7.

Accommodation

None

Crime and Disorder

The police consider there to be advantages associated with the removal of the existing zones in terms of crime and disorder reduction.

Human Rights

None

Consultation

A countywide public consultation process has been undertaken.

Procurement

None

Disability Discrimination Act

The Equality Act 2010 contains new provisions which will, when commenced, tighten the law by placing duties on Hackney Carriage and Private Hire Vehicle drivers to provide assistance to people in wheelchairs and to carry guide dogs or assistance dogs.

Guidance relating to the Equality Act 2010 and the changes relating Taxis and Private Hire Vehicles is available on the Department for Transport website www.dft.gov.uk.

Legal Implications

There is a potential for an application for judicial review

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Appendix 2 The Phased Countywide Consultation Process.

The process consisted of 3 phases: **Phase One** – This phase of the process began in October 2009 and was concerned primarily with establishing the national context and setting up a countywide licensed taxi trade working group; **Phase Two** – the identification and investigation and appraisal of available options together with the production of an informative briefing paper (see appendix 5); and finally, **Phase Three** – the formal consultation and survey phase of the process which, ended at midnight on Sunday 12th September 2010. Phase three utilised a traditional postal survey, a web-based survey and the use of survey proformas used to record information from members of the trade (see appendix 6).

Consultation Process	Activities and Milestones	Key Dates
Phase I	Process design	September 2009
	1 st Member workshop	23 rd October 2009
	1 st Press Release	23 rd October 2009
	Postal Survey	November 2009
	Dept Transport Enquiry	November 2009
	Briefing paper started	December 2009
	Stakeholder analysis	December 2009
	1 st Trade Presentations	December 2009
	Development of Working Group Model Options	January 2010
	Report to committee (ongoing review of policy, technical revision and request for extension to phase consultation process)	January 2010
	2 nd Press Release	24 th February 2010
	Model for countywide working group chosen by trade by ballot	
	2 nd Trade presentations and trade nominations	March 2010
	Meeting with Police	16 th March 2010
	Ballot Durham City Trade	March 2010
	Phase II	Full AWG membership established
First meeting AWG		April/May 2010
Nominations for CWG		April/May 2010
3 rd Trade AWG and CWG meetings		May/June/July/August 2010
Citizen Panel, AAP and Interested Party Presentations and workshops		July/August 2010
Completion of Briefing Paper and Options Appraisal		July 2010
Phase III	3 rd Press Release	July 2010
	Postal and Web Based Survey	July/August 2010
	Survey Results and Committee Report/Policy Revision	October/November 2010
	4 th Press Release	October/November 2010

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Neighbourhood Services

Environment, Health and Consumer Protection

Public Safety (Licensing Services Section)

PUBLIC CONSULTATION ON TAXI LICENSING POLICY AND REGULATION

**BRIEFING PAPER ON HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLE REGULATION IN COUNTY DURHAM
(ZONES, THE REGULATION OF HACKNEY CARRIAGE VEHICLE NUMBERS AND COLOUR POLICY)**

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1.0 INTRODUCTION

- 1.1 This briefing paper forms one part of the overall consultation and appraisal process associated with hackney carriage and private hire vehicle regulation in the County of Durham. The overall consultation and appraisal process aims to bring together relevant information concerning a number of important issues associated with the regulated operation of hackney carriages and private hire vehicles within the County of Durham. Specifically, the issues of zoning, colour policy and the control of taxi numbers are major subjects for consideration. It is these three important issues that are mainly covered in this paper.
- 1.2 Every attempt has been made to ensure that the information provided in this briefing document is accurate and factual. A balanced approach has been taken in the production of this paper and care has been taken to ensure that all known relevant and significant matters are included. The consultation and appraisal process as a whole has been designed to be both open and transparent. The Licensing Authority welcomes your ideas, thoughts and suggestions in relation to any aspects of the consultation and appraisal process. If you would like to comment on this briefing paper or any matters associated with the consultation and appraisal process as a whole, please contact us. Our contact details are given at the end of this document.

2.0 Zoning

- 2.1 The licensing of taxis is complex and involves the application of a substantial amount of legislation and case law, some of which dates back to 1847. The effect of this regulation is to require any vehicle which is to be used as a taxi, to be licensed by the licensing authority, either as a hackney carriage or as a private hire vehicle. The difference between a hackney carriage and a private hire vehicle is detailed in the glossary at the end of this paper. Prior to the 1st April 2009, when the County of Durham was divided into 7 District Council areas, hackney carriages were licensed by the 7 District Councils. Each District had its own taxi policy which related to matters such as vehicle, driver and operator licence conditions, fees and charges and taxi fares etc. With the coming together and merging of the former Durham District Authorities with the County Council, a new, single Council was formed.
- 2.2 In order to provide the general overriding principles against which the licence conditions can be set, the new Durham County Council (the Licensing Authority) adopted a single taxi policy, which includes appropriate licensing conditions. The policy provides guidance for members when making taxi related decisions, informs the trade of the operating standards with which they are expected to comply and informs the public of the service that they can expect from the taxi trade.

- 2.3 From 1st April 2009, hackney carriage vehicles continued to be licensed only to operate as such within the zone in which their license was granted – i.e. in one of the areas of the previous District Councils. Council members had to make a decision on whether taxis should continue to operate in 7 zones (corresponding to the original District Council boundaries) or as 1 single zone covering the entire geographical area of County Durham.
- 2.4 The decision had been taken by the new Authority to initially maintain the status quo in relation to the zones but to harmonise licence conditions across all 7 zones by adopting one single policy. Transitional arrangements were put in place allowing for the situation where there would initially be differing licence conditions applying across the 7 zones for a period of time to give drivers and operators time to adapt to the various changes resulting from the new policy and associated conditions. In this manner the process afforded some means of protection to those who were involved in the taxi trade, whilst ensuring that the transition to the standard adopted by the Licensing Authority was managed in an orderly fashion for the benefit of the public.
- 2.5 The initial decision to maintain the status quo was influenced by a number of important factors: It was accepted by the Authority that the situation relating to zoning was both complex and emotive in nature and may have important consequences for the trade, the travelling public and for the local authority. A decision to change the zoning arrangements could therefore not be taken lightly or without full consideration of all of the various associated issues. Most importantly, in order to allow for the appropriate long term taxi licensing policy and arrangements to be put in place, the Council accepted that it would need to carry out extensive consultation in order to make a proper decision on zoning arrangements. The time was not available to carry out such a detailed study and consultation exercise prior to the vesting day for the new authority.
- 2.6 Having outlined the nature of zoning and circumstances that resulted in the current situation within County of Durham the possible ramifications resulting both directly or indirectly from either keeping or changing the current zoning arrangements are set out below. However, before concentrating on the possible advantages and disadvantages of zoning arrangements and the various options available, the subject of taxi quantity regulation must be highlighted. This particular issue is inextricably linked to the zoning situation.
- 2.7 Two of the former District Councils, Durham City Council and Chester-le-Street District Council had, by regulation (the Transport Act 1984), limited the number of hackney carriage vehicle licenses that were available to the taxi trade. 74 in Durham City and 92 in the Case of Chester-le-Street District Council. These limitations had been imposed following detailed surveys that had established at the time of the survey that there was no unmet demand for hackney carriages within the area of these two former District Councils. The limitations on available vehicle licences are directly associated with the existence of the zones in which the restrictions apply. Removal of a zone would have the effect of removing any associated limitations on taxi licence numbers. In this context, the removal of the limitations of taxi numbers is known as deregulation. Within the County of Durham, there are currently approximately 950 Hackney Carriages, 550 Private Hire vehicles and 2500 drivers licensed by the Council.

3.0 Zoning Options

There are five main options available for dealing with the issue of zoning that are available to the Council:

- A. Removal of the 7 zones with the simultaneous removal of all limits on hackney carriage numbers throughout the County of Durham.
- B. Retain the status quo, with seven zones, two of which are regulated (limitation of hackney carriage vehicle numbers in Chester le Street and Durham City zones).
- C. Maintain the zones with no limitations on numbers of hackney carriages.
- D. Maintain the zones and undertake further demand surveys in all zones.
- E. Removal of the 7 zones with the simultaneous removal of all limitations on hackney carriage numbers in the Chester le street and Durham City zones; and then to undertake a demand survey for the whole of the County of Durham.

Each one of these five options has associated with it various positives or advantages and negatives or disadvantages for the public, the trade, the Council and several other and interested parties. Some of these pros and cons are outlined below. It is important to note however that what may be perceived as an advantage for one party may be thought of as disadvantageous to others. These lists are not exhaustive and there may well be other pros and cons associated with any one or more of these options that are either not known or predictable at the present time.

3.1 Removal of the 7 zones and removal of all limits on hackney carriage numbers throughout the County of Durham i.e. the creation of a single zone and removal of all current restrictions on hackney carriage numbers - OPTION A

De-zoning the whole County area and removing limitations could prove to be the most straight forward, simple and cost effective method of administration for Hackney Carriage licensing. Any significant savings that might result from such changes would then be reflected in licensing fees and charges. Under this system, there would be a greater consistency in terms of licensing conditions/restrictions and hackney carriage fares or tariffs throughout the County would be the same. The enforcement of taxi licensing conditions and legislation would be simplified and made easier. This option could have the biggest impact upon the taxi trade as it currently stands, especially in the two existing zones that currently have regulated numbers of hackney carriages in them. De-zoning and deregulation may have a positive affect in terms the service made available to the public in these two zones as more taxis may be available at peak times.

3.1.1 Some possible advantages and positive attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers.

- The Office of fair Trading considers this approach to conform to best practice.
- The Department of Transport also consider the one zone approach to be the best practice.
- Potentially could lead to greater availability of hackney carriage vehicles in some busy areas at peak times.
- Could result in fewer or shorter taxi queues in some busy areas at peak times.
- Could lead to reduced waiting times for customers in some busy areas at peak times.
- May be beneficial to hackney carriage owners and drivers who are currently excluded from operating as such outside their current zones.
- There would be no waiting list for hackney carriage vehicle licences as is currently the case in the existing Chester le Street and Durham City zones.
- Could result in increased in revenue for the Council from potentially more hackney carriage vehicles and drivers entering the trade from outside the County. Any increase in such revenue would be used to maintain and improve the provision of licensing services.
- This option could encourage new drivers and vehicle owners to enter the trade and provide new employment opportunities.
- It would provide greater freedom and the ability for hackney carriage trade members to operate throughout the County area as opposed to just one zoned area.
- There is the potential for an increase in income for some members of the hackney carriage trade as a result of a lifting of restrictions.
- The system would be beneficial to enforcement regime.
- This option could support crime and disorder reduction by assisting in the efficient transport of pedestrians in town and city centres and help promote the safe night time economy.
- By removing limitations and restrictions and making it easier for new drivers and vehicles to be licensed in currently controlled zones, this option could reduce the number of unlicensed drivers and vehicles. This would also support public protection and public safety measures.

- One set of hackney carriage fares or tariffs would give a greater degree of uniformity for the travelling public in County Durham.
- There could be some reduction in officer workload particularly in administration but also in terms of enforcement.
- This option would remove some existing confusion and complexity. It would provide a simplified and more a uniform system of hackney carriage licensing.

3.1.2 Some possible disadvantages and negative attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers.

- There may well be insufficient provision for taxi ranks in some busy, high demand areas at peak times.
- There is the potential for increased traffic movements and congestion in busy town and city centre areas especially during periods of high demand at peak times. This could lead to increases in road traffic pollution at certain times.
- Option A could be detrimental to the business interests of some existing members of the hackney carriage trade operating in the currently regulated and controlled Chester le Street and Durham City zones. The ability of taxis from outside existing zones to operate throughout the County and for new people and vehicles to enter the trade in previously restricted and controlled areas, could lead to a reduction in available work and income for some existing trade members. The imposition of unrestricted hackney carriage trade and changes to both supply and to demand for hackney carriage services could have a significant impact on existing trade members in the Chester le Street and Durham City zones.
- The imposition of a single set of hackney carriage tariffs throughout the County could be damaging to the income of some existing members of the hackney carriage trade. Current tariffs reflect the nature of hackney carriage movements and usage associated with service user patterns within the existing zones. A single set of tariffs would to some extent alter the incomes of hackney drivers and proprietors and they may not properly align with service usage across all parts of the county. (Taxis in city centres characteristically make more frequent but shorter journeys whilst out of town and city cabs may make fewer but longer passenger journeys. Current zone related tariffs do take account of these differences to some degree).

3.2 Retain the status quo, with seven zones, two of which are regulated and maintain the existing limitation on hackney carriage vehicle numbers i.e. the maintenance of a multi-zone system and limitations on taxi numbers in the Durham City and Chester-le-Street zones - OPTION B

This option requires the least effort on the part of the new authority in the short term. Over the longer term however it would prove costly due to the need to administer the different licensing regimes and to maintain the regulation of taxi numbers.

Regular, expensive, independent surveys of user demand for taxi services must be carried out. This option may also be perceived to be anomalous with the provision of other services which affect the public in the County, as the boundaries of the zones will remain as the administrative areas for the dissolved district councils.

3.2.1 Some possible advantages and positive attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones.

- Choosing this particular option would maintain the status quo
- Potentially, this option could help in the reduction or control of traffic congestion by controlling numbers of hackney carriage vehicles in some busy areas at peak times. This may help to prevent increases in road traffic pollution as well.
- The necessity for extra Taxi ranks would be lessened, as the number of such facilities could, more justifiably, be maintained as is current. Increases in Hackney carriage numbers operating in towns and city areas would require a review and assessment of taxi rank provision which, may lead to an identifiable need for more ranks in certain areas.
- In the short term there would be a reduced officer workload in the administration of taxi licensing in comparison to any other option which changes the current situation and which would inevitably lead to some changes in the management of taxi licensing services hence changes to and increases in workload.
- Option B would continue to provide a certain degree of business or trade protection to existing hackney carriage trade members operating in the individual zones. Arguably this would give greater benefit to those trade members who are associated with the two regulated zones.
- Maintenance of the zones and continuation of the limitation of numbers of hackney carriage vehicles in Durham and Chester le Street areas would necessitate future, regular surveys of unmet demand. Irrespective of the costs involved in such exercises, the results may provide a good indication of demand for taxi services in those zones and the numbers of hackney carriage vehicles allowed to operate could therefore reflect the needs of the travelling public in those zones.

3.2.2 Some possible disadvantages and negative attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones.

- Arguably, this option has some effect in terms of reducing choice for consumers (taxi service users) in controlled or regulated areas, especially in some busy areas at peak times.
- By a similar process, the status quo reduces trade and business choices and options available to all existing hackney carriage trade members by preventing their ability to operate freely as hackney carriages throughout the County.

- This option will continue to restrict those potential members of the hackney carriage trade who may want to set up business in the zones that have limitations on hackney carriage vehicle licence numbers.
- This option does restrict open competition and prevents free market conditions in relation to hackney carriage trade and business activities, especially in the Chester le Street and Durham City areas of the County.
- Limitation of hackney carriages could lead to insufficient taxi numbers in some locations at certain times. In some busy areas at peak times the balance of supply against demand could be disadvantageous to the service users.
- There is a greater potential for higher or increased levels of enforcement activities to control errant hackney carriage drivers who may seek to flout the zoning requirements and carry out hackney carriage activities outside the zones in which they are so licensed.
- The administration system is more complex in comparison to what would be required under option A, involving the use of a multi-plating identity system and other differences in hackney carriage vehicle identification methods. Such differences are necessary to match the vehicles to the zones in which they are licensed.
- Under the current economic climate, there is a potential negative impact on existing businesses who may be unable to expand their operations and access new markets as they are restricted in their operations by both the zoning arrangements and the associated limitations on available vehicle licences in two areas of the County.
- Anecdotally, there currently exists a certain level of confusion or a lack of understanding amongst the public and the trade in relation to the current operation of hackney carriage zones and the restriction of hackney carriage licence numbers.
- There is a continuing risk of applications being made for a Hackney Carriage license and, when refused, appealed to the Crown Court.

3.3 Maintain the zones but with no limitations on numbers of hackney carriages i.e. the maintenance of a multi-zone system and the removal of limitations on hackney carriage numbers in the Durham City and Chester le Street zones - OPTION C

This option if chosen might produce some of the advantages and the disadvantages associated with the removal of the regulation of hackney carriage vehicle numbers outlined in option A along with some of the possible pros and cons associated with maintaining the 7 zones highlighted in option B. However, because zoning and the regulation of numbers are to some degree inextricably linked, it is also conceivable that the nature extent of any possible advantages and disadvantages stemming from this option could be somewhat different when compared to those which may result from either option A or B. It should be noted that although a rigorous demand survey is always required in order to enable an Authority to limit or to maintain limitations in respect of hackney carriage numbers in a given zone, no such survey would be required in order to remove any existing limitations. Any decision to de-limit numbers could be subject to Judicial Review by those most affected by the decision to de-limit numbers (i.e. those who have hackney carriages currently licensed in Durham and Chester-le-Street).

3.3.1 Possible advantages and positive attributes associated with a multi-zone system and the removal of limitations on hackney carriage numbers in the Durham City and Chester le Street zones.

See 3.1.1 above (some possible advantages and positive attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers – associated with option A) for those identified pros possibly associated with the removal of limitations on hackney carriage numbers.

See also 3.2.1 above (some possible advantages and positive attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones – associated with option B) for those identified pros possibly associated with maintaining the existing 7 zones.

3.3.2 Possible disadvantages and negative attributes associated with a multi-zone system and the removal of limitations on hackney carriage numbers in the Durham City and Chester le Street zones.

See 3.1.2. above (some possible disadvantages and negative attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers – associated with option A) for those identified cons possibly associated with the removal of limitations on hackney carriage numbers.

See also 3.2.2 above (Some possible disadvantages and negative attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones – associated with option B) for those identified cons possibly associated with maintaining the existing 7 zones.

3.4 **Maintain the zones and undertake further demand surveys in all zones - introduce limits for the zones not currently limited Maintain the zones – OPTION D**

It is possible to impose and maintain a limit in any zone; provided that there is an up to date survey that confirms that there is no significant unmet demand for Hackney Carriages within that zone. If Members wish to exercise this option, in addition to maintaining the zones as they currently exist, it would be necessary to conduct demand further surveys in all of the zones to establish the demand status in each, and to repeat these surveys at least every three years thereafter in all or some of the zones in order to maintain any identified and arguably justifiable limitations.

This option might produce some of the advantages and the disadvantages associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones, together with some possible concurrent disadvantages and negative attributes as outlined in option B above. This option would be an expensive one due to the amount of demand survey work that would be necessary and it is also probable that if further limitation of hackney carriage numbers was to occur in zones additional to those that already exist, then any probable and associated advantages and disadvantages could be magnified and affect larger areas of the County.

3.4.1 Possible advantages and positive attributes associated with a multi-zone system and additional limitations on taxi numbers throughout all zones

See 3.2.1 above (*some possible advantages and positive attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones – associated with option B*) for those identified pros possibly associated with maintaining the existing 7 zones and the regulation of hackney carriage numbers. Could lead to such affects being experienced in other zones should the need for limitation of hackney carriage vehicles in other zones be identified and the regulation of numbers be imposed as a result.

3.4.2 Possible disadvantages and negative attributes associated with a multi-zone system and additional limitations on taxi numbers throughout all zones

See also 3.2.2 above (*Some possible disadvantages and negative attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones – associated with option B*) for those identified cons possibly associated with maintaining the existing 7 zones and the regulation of hackney carriage numbers. Could lead to such affects being experienced in other zones

should the need for limitation of hackney carriage vehicles in other zones be identified and the regulation of numbers be imposed as a result.

3.5 Removal of the 7 zones with the simultaneous removal of all limitations on hackney carriage numbers in the Chester le street and Durham City zones; and then to undertake a demand survey for the whole of the County of Durham – OPTION E

Theoretically it would be possible to remove the zones but then to impose and maintain a limit in the one zone that would be created by the administrative boundary of the whole of County Durham; provided that there had been a suitable survey that had confirmed that there was no significant unmet demand for Hackney Carriages within the entirety of County Durham. It is however considered that it would be highly unlikely that such a situation would exist within the whole of County Durham and that it would be very unlikely that such a survey, if carried out would ever find evidence of a countywide situation involving unmet demand within such a massive and diverse geographical area. Notwithstanding this, If Members wished to exercise this option, it would be necessary to conduct a countywide survey to establish that there was in fact unmet demand, and repeat this survey at least every three years thereafter on a countywide basis. Any possible advantages or disadvantages resulting from this option would to a greater or lesser degree mirror those highlighted above in relation to options that include removal of the zones with the imposition of limitations on hackney carriage numbers where this was proved to be both possible and necessary.

3.5.1 Possible advantages and positive attributes associated with a single zone with limitations on taxi numbers throughout the County.

See 3.1.1 above (some possible advantages and positive attributes associated with a single zone, unregulated in terms of hackney carriage numbers - associated with option A) pros in relation to the single zone aspects highlighted.

See also 3.2.1 above (some possible advantages and positive attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones - associated with option B) pros in relation to the limitation of hackney carriage numbers – but within one zone only, not the existing two.

3.5.2 Possible disadvantages and negative attributes associated with a single zone with limitations on taxi numbers throughout the County

See 3.1.2. above (*some possible disadvantages and negative attributes associated with option A - a single zone, unregulated in terms of hackney carriage numbers* – associated with option A) cons in relation to the single zone aspects highlighted.

See also 3.2.2 above (*some possible disadvantages and negative attributes associated with maintaining a multi-zone system and continuation of the regulated limitations of hackney carriage numbers in the Durham City and Chester le Street zones* – associated with option B) cons in relation to the limitation of hackney carriage numbers – but within one zone only, not the existing two.

3.6 Opinions of the Department of Transport

The Department for Transport (DFT) advised the Council in September 2009 that it remains the Department's view (as set out in the Department's response to the Office of Fair Trading report in 2004 and the Best Practice Guidance in 2006) that a limit on taxi numbers is unlikely to be in the best interest of consumers. However, Ministers recognise that local licensing authorities are in the best position to determine whether taxi numbers should be limited and section 16 of the Transport Act 1985 remains the statutory means by which they can limit numbers if they so choose.

The DFT further advised that the Department's most recent research, from a survey carried out in 2008, showed that 88 licensing authorities (including Chester le Street and the City of Durham) out of 343 imposed a limit on the number of hackney carriage licences.

3.7 Opinions of the Office of fair Trading

The Office of Fair Trading considers that quantity regulation (limiting the number of taxis), reduces availability and lowers the quality of service to the public. In the OFT's opinion, which was expressed in two separate reports published in 2003 and 2007, these restrictions should therefore be lifted by the local authorities that have imposed such restrictions.

The OFT study that led to its 2003 report identified a number of benefits to consumers that should flow from adoption of its recommendations. Specifically, the OFT believes that acting on their recommendations in respect of removing quantity restrictions would benefit consumers by:

- Putting more taxis on the road – removing quantity restrictions could increase the number of taxis in affected areas by 30 per cent.

- Making journeys safer – removing quantity restrictions and increasing the number of licensed taxis will reduce the need for illegal taxis where neither the driver or vehicle have been subject to appropriate quality and safety checks. Last year (2006) around 1.8 million people used an illegal taxi, exposing themselves to potentially serious safety risks.
- Reducing passenger waiting times – removing quantity restrictions will save an overall 2.5 million hours across the UK
- Creating more choice – removing quantity restrictions could put an extra 15,000 taxis on the road. This will substantially increase peoples' choice of transport modes when deciding how to reach their destination.

3.8 Opinions of Durham Constabulary

The report supplied by Durham Constabulary to Durham County Council on the 7th May 2010 is the official police contribution to the countywide taxi consultation process and contains the views, opinions and observations of the Local Constabulary. This will contribute to the report presented to members on completion of the consultation.

3.9 Opinions of the Licensed Hackney Carriage and Private Hire Trade

In early December 2009, following a consultation process specifically involving members of the hackney carriage and private hire trade licensed by and operating within the County of Durham, 7 separate, area based working groups were established. Each one of the area working groups (AWGs) is associated with one of the existing 7 zones. These AWGs were designed to be forums for discussion and they form a vital part of the ongoing wider consultation process. The groups themselves have no decision making role or powers. The outcomes from these meetings are passed to a Countywide Working Group (CWG) that will meet at least 4 times every year on a 3 monthly basis. Although the trade representations at the AWG and CWG were elected by their peers, the views expressed and opinions they have given may not represent all members of the trade throughout the County. All licensed trade members will be asked to comment on these options individually as well as through the AWG forums.

3.9.1 Opinions expressed by the local Area Working Groups (AWGs) representing the hackney carriage and private hire trade associated with the existing zones.

Table (i)

Area Working Group	Zones Keep or Remove? (1 zone or 7)	Regulation of HC Numbers Maintain or End?	Colour Policy Yes or No?	Option Favoured by AWG (Zoning and regulation of HC numbers)
Chester le Street	Keep the 7 zones	Regulate HC numbers	Yes to Colour policy	Option B
Easington	Remove the 7 zones	Regulate HC numbers	No to colour policy*	Option E
Derwentside	Remove the 7 zones	Regulate HC numbers	No to colour policy*	Option E
Durham City	Keep the 7 zones	Regulate HC numbers	No to Colour policy	Option B
Sedgefield	Remove the 7 zones	Regulate HC numbers if 7 zones are kept	No clear opinion expressed	Option A or Option E
Teesdale	Keep the 7 zones	No clear opinion expressed	No clear opinion expressed	Option B or Option E
Wear Valley	Remove the 7 zones	No clear opinion expressed	Yes to Colour policy	Option A or Option E

(See also paragraph 28 of the main report)

3.9.2 Opinions expressed by the County Wide Working Group (CwWG) comprising representatives from the 7 AWGs whose membership represents the hackney carriage and private hire trade associated with the existing zones.

Table (ii)

All Area Working Groups	Zones Keep or Remove? (AWG Responses)	Regulation of HC Numbers Maintain or End?	Colour Policy Yes or No?	Option Favoured by AWG (Zoning and regulation of HC numbers)
Countywide Working Group Representatives	3 Keep 4 Remove	5 Regulate 2 Unclear	2 Yes 3 No* 2 Unclear	2 for Option B 2 for Option E 2 for Options A or E 1 for Options B or E

(See also paragraph 28 of the main report)

Note: *Comments were received from both AWG and CWG representatives to the effect that if a colour policy was introduced despite their opposition to such a policy, they would expect that the vehicle colour requirements would not be brought in immediately but would be phased in over an appropriate time scale e.g. that existing vehicles of whatever colour would continue to be able to be licensed until they were changed by their owners and the colour policy would then be adopted on renewal of such vehicles.

4.0 Vehicle Identification and Colour Policies

A Council can require any hackney carriage licensed by them under the Town and Police Clauses Act 1847 Act to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage. In a similar way, under the Local Government (Miscellaneous Provisions) Act 1976, a Council can require private hire vehicles not to be of such a design and appearance as to lead the public to believe that it is a hackney carriage.

In order to assist the public in recognising a hackney carriage that has been licensed by the Authority such vehicles may therefore be required by license conditions to conform to a specified colour policy. This may assist in the promotion of public safety by helping to reduce the possibility of customers getting into unlicensed vehicles or getting in to private hire vehicles that are unlawfully plying for hire in the street or from a taxi rank.

Of secondary consideration, the adoption of a colour policy would, in addition to the main public safety purposes, provide a readily identifiable 'Durham Countywide Taxi Fleet'. Three of the former District Councils had adopted a colour policy and white was the colour chosen by the former District authorities. This colour was chosen at the time as it had been considered that there were generally fewer white non-commercial vehicles on the road. Another consideration that had led towards white being chosen was that with white, the issue of colour shading was thought not to be as prevalent as with other car colours.

Arguably, the need to specify the colour of hackney carriages and private hire vehicles is not so great when such licensed vehicles may be easily identified as such in other ways with the appropriate use of decals, roundels, top signs, for hire signs etc. In the Department for Transport publication '*Taxi and Private Hire Licensing Best Practice Guidance*' DfT February 2010, reasons for and means of vehicle identification are addressed.

The colour of a vehicle is not specifically mentioned however as a means of identification which is considered to equate to best practice although the publication does say in the section on vehicle identification that in addition to the display of licence plates and discs on vehicles "...requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the traveling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;". The use of colour policies is not referred to however and some degree of interpretation or extrapolation may be thought necessary if this section were to be used to give justification to a colour policy in terms of perceived best practice.

5.0 The national perspective

Information provided by the Department for Transport revealed in September 2009, that at the time of their survey carried out in 2008, 88 of the 343 authorities in England had a working policy to restrict the number of Hackney Carriage licenses in all or some parts of their administrative areas. This includes Chester le Street and Durham City zones within the County of Durham.

5.1 The situation in other new unitary authorities

The 7 other new unitary authorities that along with Durham County Council were created under the latest round of local government reorganisation were contacted to find out about the situation concerning zoning, limitation and colour policy in their administrative areas. These new authorities, formed by the merger of former County and District Councils were Wiltshire County Council, Shropshire County Council, Northumberland County Council, Cornwall County Council, Cheshire East, Cheshire west and Central Bedfordshire.

As may be seen from the two tables below, only one new Unitary Authority has removed zoning in respect of hackney carriages (HC). Central Bedfordshire had no number limitations or colour policies in either zone and the amalgamation of the zones was with the co-operation of the trade.

Table (iii) Zoning, limitation and colour policies in the new Unitary Authorities

Authority	No of zones pre LGR	No of zones post LGR	No of zones regulated	No of zones with colour policy
Central Beds	2	1	0	0
Cheshire East	3	3	2	0
Cheshire West	3	3	1	2
Cornwall	6	6	2	2
Northumberland	6	6	0	1
Shropshire	5	5	0	0
Wiltshire	4	4	0	0

Table (iv) Zoning, consultation and policies in the new Unitary Authorities

Authority	Has authority de-zoned post LGR?	Is consultation ongoing or proposed re de-zoning?	Has a single policy been adopted, proposed, or in consultation?
Central Beds	Yes	N/A	Yes
Cheshire East	No	No	No
Cheshire West	No	No	No
Cornwall	No	No	No
Northumberland	No	Yes	Proposed
Shropshire	No	Ongoing	In consultation
Wiltshire	No	No	Yes

NOTES: *By the end of 2009, Cornwall and Shropshire were in the process of consultation regarding the possible removal of zones in their administrative areas.*

Cornwall had met with the trade only and was consulting via a questionnaire. The questionnaire's responses were designed to fit into categories ranging from 'strongly disagree' with the proposal/suggestions to 'strongly agree'. The responses we are told have been very poor with only 10 – 11% of questionnaires from the trade being returned. The results were to be reported to the appropriate committees and the final decision was to be left to members with no officer recommendations given at all in the final report. The proposals were to address the issues of removing zones in the first instance and then to proceed with the issue of restricting/de-restricting Hackney Carriage numbers. The eventual outcome of this consultation and decision making process in Cornwall was that local members decided to keep the existing 6 zones and to maintain the limitation of numbers in two of these zones.

Shropshire adopted a single policy for April 1st 2009 and consulted on revisions to this alongside the issue of the removal of existing zones. They consulted with the trade by way of forums but not working groups. Their consultation document on their website simply asked for any comments on the issue of de-zoning among the proposed amendments to the policy. At the time of writing this briefing paper Shropshire County Council have not made a decision on the issue of zones and they are continuing to operate as they had previously done prior to LGR.

Appendix 1

The Phased Consultation Process

Durham County Council Phased Consultation Process on the Future Regulation of Hackney Carriages and Private Hire Vehicles in County Durham

(Taxi Zoning, Colour Policy and HC Quantity Regulation Consultation Process)

1.0 Introduction

This briefing paper outlines the methodology used to appraise options for the future of taxi zoning, colour policy and quantity regulation in County Durham and for undertaking a countywide public consultation exercise to determine preferred options.

2.0 Background

A broad public consultation exercise was undertaken in the **Spring of 2009** as part of the development of the Council's Hackney Carriage and Private Hire Licensing Policy. However, the issues of the quantity regulation, zoning and colour policy in relation to hackney carriages licensed by the County Council were intentionally omitted from this consultation because of the limited timescales available. Decisions on these critical issues were postponed until sufficient time was available to allow for a full and open debate.

The phased consultation process was designed in **September 2009** and aims to be broad ranging, inclusive, balanced and to apply any lessons learned from the earlier consultation process. In December 2009, following conversations with the Neighbourhood Services Communications Team advising on communications and publicity and as a result of information provided by the Chair of Licensing it was decided that more time than had been originally planned was needed in order to carry out the 3 phases of the consultation process.

We wanted to ensure that the consultation process not only followed the designed methodology but also that it was done properly and carefully. It had become evident that the process was dependant on a number of external inputs which could not be guaranteed to have been accomplished within the original time constraints.

A committee report was drafted for presentation in **January 2010** which, along with a presentation of minor but important technical amendments/revisions to the HC and PH Licensing Policy, requested of members more time to undertake and complete the phased consultation process. This report has recently been to Licensing Committee and Cabinet and is about to go to full Council.

3.0 The Phased Consultation Method

PHASE I – To Establish the National Context and Set up a Licensed Trade Working Group

- Member workshop – An event to brief members on the key issues, options available and to receive relevant feedback took place at County Hall on **23rd October 2009**. The format included an opening presentation followed by breakout groups led by members of the Licensing Team.
- Undertake a postal survey of new Unitary Authorities and other Authorities that have recently addressed issues of zoning, colour policy and quantity regulation to ascertain results, rationale and experiences. This postal survey was completed in **November 2009** by the former Environmental Health Manager of Easington DC.
- Obtain up to date national figures from the Department for Transport for Authorities that use quantity restrictions and for their future intentions for the relevant legislation. This work was completed by Area Licensing Team Leader (Central and East) in **November 2009**.
- Production of a definitive briefing paper summarising the current legal position, relevant government guidance, expert opinion and options available. This is a work in progress and was/is updated and developed throughout phase I and II of the consultation process. The most up to date version is attached as appendix 2.
- Stakeholder analysis undertaken and key contact list developed. Licensing Team Leaders were given this responsibility and contacted the Business Support Manager to ensure the production of a definitive list for consultation purposes.
- Role out public relations strategy. A press release to publicly announce the start of the consultation was developed with Vanessa Glover in the PR Team and was released on **24th February 2010** to coincide with the invitations to the taxi working group meetings.
- Circulation of the briefing paper to specialist groups and ‘interested parties’. This was done by sending out copies of the briefing paper to the various ‘single’ interest groups prior to workshops and presentations towards the end of phase II and the beginning of phase III.

- Establishment of a countywide taxi working group (a joint trade, Member and Officer Group with democratically elected representatives that meets formally on a regular basis), based on a model chosen by the trade. The Licensing Manager held a series of presentations to trade groups at three venues in the North, Central and South of the County on the **6th, 9th and 10th of December 2009**.

These trade presentations invited trade members to engage with the Authority in the setting up of the Countywide Hackney Carriage and Private Hire Working Group. A number of group options or models were made available to the trade. Following the presentations, in **January 2010**, two identifiable favoured models for the working groups were designed and presented to trade members who subsequently voted for one particular model in **February 2010** which incorporates 7 'Area Working Groups' and 1 'Countywide group'.

Following the announcement of the chosen group, the Licensing Manager and Licensing Team Leaders held seven separate meetings in early **March 2010**, with licensed trade members at various locations around the County to implement the necessary arrangements to enable trade members to pick their own trade representatives for group membership. These meetings were also attended by members of the Licensing Committee. Representatives in four licensed categories (private hire drivers, hackney carriage drivers, hackney carriage proprietors and private hire operators) were chosen at these meetings and in all but two of the licensed categories at one of the zone related AWG locations (Durham City), without the necessity for a ballot.

A ballot was required in this area and the necessary paperwork was prepared by the Area Licensing Team Leader. **This was sent out to the relevant trade members by the 19th March 2010**.

Once the membership of the Area Working Groups was established (**by the beginning of April 2010**), the groups met for the first time to consider the various licensing and regulatory issues that surround the consultation process. The first meeting of the CWG took place in **June 2010**.

PHASE II – Option Appraisal

- **The Licensed Trade** – The use of the area and countywide taxi working groups (7 AWG and 1 CWG) based around the existing 7 zones but organised by Team Leaders working on the 3 area service delivery model. (**May/June/July 2010**).
- **The Public** – It is envisaged that an educative approach be adopted with significant use of press releases to generate public interest. A Citizens Panel presentation and workshop will be held as well as a possible postal survey as a follow up exercise. (**July/August 2010**).

- **Interested Parties** – Separate meetings and a workshop based event held **15 June 2010**, for bodies such as Transport Planning Officers, Fleet Management and Disability Groups etc. This approach enabled any “single or focused issue” group’s points to be considered in context.

The Police - The Licensing Manager met with the Licensing Sgt North Durham region on a number of occasions to discuss the consultation process and the main issues. In addition, a meeting was held at Chester le Street Police Station on **16 March 2010** to discuss the police response to the Phase II options appraisal process. A subsequent report sanctioned by the Assistant Chief Constable detailing Durham Constabulary’s views and opinions in relation to zoning and the limitation of HC numbers in Chester le Street and the City of Durham was received.

This phase of the project, has enabled a highly detailed, well informed and inclusive option appraisal, used to inform the third phase of the process.

PHASE III – Formal Consultation

- A traditional postal survey and a web-based survey **August / September 2010**. The surveys will contain details of the option appraisal developed during phase two. This part of the consultation process will be available to anyone with an interest in the issues and also survey material will be distributed to those contacts identified through the stakeholder analysis carried out during phase I and II.

Timetable

The phased consultation process as outlined above began in **September 2009**.

Phase I: September 2009 to March 2010.

Phase II: March 2010 to July 2010.

Phase III: July 2010 to September 2010.

The final survey results will be used to draft a report for consideration by Council in October/November 2010.

Consultation Process	Activities and Milestones	Key Dates
Phase I	Process design	September 2009
	1 st Member workshop	23 rd October 2009
	1 st Press Release	23 rd October 2009
	Postal Survey	November 2009
	Dept Transport Enquiry	November 2009
	Briefing paper started	December 2009
	Stakeholder analysis	December 2009
	1 st Trade Presentations	December 2009
	Development of Working Group Model Options	January 2010
	Report to committee (ongoing review of policy, technical revision and request for extension to phase consultation process)	January 2010
	2 nd Press Release	24 th February 2010
	Model for countywide working group chosen by trade by ballot	
	2 nd Trade presentations and trade nominations	March 2010
	Meeting with Police	16 th March 2010
	Ballot Durham City Trade	March 2010
Phase II	Full AWG membership established	April 2010
	First meeting AWG	April/May 2010
	Nominations for CWG	April/May 2010
	3 rd Trade AWG and CWG meetings	May/June/July/August 2010
	Citizen Panel, AAP and Interested Party Presentations and workshops	July/August 2010
	Completion of Briefing Paper and Options Appraisal	July 2010
3 rd Press Release	July 2010	
Phase III	Postal and Web Based Survey	July/August 2010
	Survey Results and Committee Report/Policy Revision	October/November 2010
	4 th Press Release	October/November 2010

Definitions

Zoning

- County Durham is sub divided into 7 areas for taxi purposes.
- The 7 areas correspond to the administrative areas of the former 7 District Councils (Chester-le-Street, Derwentside, Durham City, Easington, Sedgefield, Teesdale and Wear Valley)
- Hackney carriages may legally ply for hire only in the zone where they are licensed.
- The 7 zones result from the merging of the District Authorities into Durham County Council.

Quantity Regulation

- A limit is placed on the number of hackney carriages in a particular zone. (The number of hackney carriage licences is limited or restricted).
- Quantity regulation was initiated and used by the former Chester-le-Street and Durham City Councils and continues in these two zones.
- Quantity regulation can be implemented and maintained when there is significant evidence to show that there is no unmet demand for hackney carriages following a special survey.

Colour Policy

- A colour policy exists where the Council imposes a standard colour for either hackney carriage or private hire vehicles or for both.
- Colour policies are used by some authorities to distinguish between hackney carriage vehicles and private hire vehicles. Some councils do not have colour policies for taxis.
- Some policies use single colours and some have multiple colours in their policies.

6.0 REFERENCES

Taxi and Private Hire Best Practice Guidance (Department for Transport) March 2010.

Evaluating the impact of the taxis market study (A report for the OFT by Europe Economics OFT 956) October 2007

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Appendix 4

A list of all interested parties who provided a response to this consultation

A list of the interested parties and organisations, who provided responses during the consultation process and who expressed preferences in relation to the issues of zoning, regulation of hackney carriage numbers and/or colour policy

- Sgt Tim Robson, Durham Constabulary
- Councillor David Freeman, Durham County Council
- Councillor Joseph Armstrong, Durham County Council
- Councillor Ken Holroyd, Durham County Council
- Roger Cornwell, City of Durham Trust
- Mrs A Boll, Belmont Parish Council
- Mrs L Swinbank, Sedgefield Town Council
- Wendy Hetherington, One North East
- Richard Startup, Passenger Transport, Durham County Council
- Colin Austin, Phoenix Security Limited
- Horden Parish Council

Note: James Button, James Button and Co Solicitors provided information to the County Council, prior to the development of the phased consultation process.

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Appendix 5: Summary of Responses to countywide public consultation exercise on zoning, the control of hackney carriage numbers and colour policy

A1.0 Statistics and data relating to hackney carriage and private hire trade membership currently licensed by Durham County Council (September 2010)

A1.1 The number of people licensed as hackney carriage and private hire trade members by the Council in mid September 2010 was 2126 persons. These people work as drivers of hackney carriage and private hire vehicles, owners or proprietors of such vehicles and as private hire operators.

A1.2 The 2126 licensed drivers (976 hackney carriage drivers, 362 private hire and 654 jointly licensed drivers) are all licensed to drive throughout the entire County but the hackney carriage vehicles that appropriately licensed drivers use may only be used as hackney carriages in the zones in which they are licensed. Hackney carriages may also be used as private hire vehicles but not visa versa. Private hire vehicles and hackney carriages operating as private hire vehicles, licensed by the Council may operate throughout the County.

A1.3 Current statistics for the hackney carriage and private hire licensed trade in Durham County are presented below in table 1 and in graphs 1 to 5. The numbers of licensed individuals and vehicles are categorised by type of licence and by zone. The zones are numbered from 1 to 7 and correspond to the following areas of the County. Zone licensed membership at September 2010.

Zone 1	Chester le Street area	165 members
Zone 2	Durham City area	251 members
Zone 3	Derwentside area	526 members
Zone 4	Easington area	566 members
Zone 5	Sedgefield area	256 members
Zone 6	Teesdale area	93 members
Zone 7	Wear Valley area	269 members

A2.0 Consultation results – licensed hackney carriage and private hire trade response.

A2.1 Consultation response statistics for the hackney carriage and private hire licensed trade in Durham County are presented below in tables 2, 3,4 and 5 and in graphs 6 to14(a-e) below. The numbers and in some cases the relevant percentages of licensed individuals, are categorised by type of licence and by zone. Where appropriate, percentage figures are given which serve to compare responses on specific issues (colour policy, zoning and regulation) from individuals members of the hackney carriage and private hire trade with the total number of trade members countywide; the total number of trade members in the different zones; and the numbers who responded to the issue in question, both countywide and according to zone.

A2.2 Of the 2126 members of the hackney carriage and private hire trade licensed by the Council, a total of 154 individuals (7.24%) responded directly to the consultation on zoning, regulation of hackney carriage numbers and colour policy. From those

respondents, 154 responses related to zoning and hackney carriage number regulation the 154 also related to colour policy but included 2 'no comments'.

A2.3 The 7 hackney carriage and private hire area working groups (AWG) and the countywide working group (CWG) that were set up by the Council as forums to represent members of the licensed taxi trade operating throughout the County, also responded directly to the consultation on behalf of the trade and these group responses are also recorded below in tables 4 and 5.

A3.0 Consultation results - police, interested parties and the general public (non-licensed hackney carriage and private hire trade responses)

A3.1 A total of 22 people, including members of the public and individuals either representing or associated with organisations having an interest in taxi licensing and regulation within the County, provided responses to and participated in the consultation process. From this group of 22 respondents, 15 responses related to zoning and hackney carriage number regulation and 12 also related to colour policy.

A3.2 Consultation response statistics for this grouping of respondents from Durham County are presented in Appendix 2, tables 6 and 7 and in graphs 15 and 16. (A list of all interested parties who provided a response to this consultation is given in appendix 6).

A3.3 As the total number of respondents in this grouping is low and because this grouping of mixed respondents includes people commenting on an individual basis and also those acting on behalf of a group or organisation, percentages of responses are not given or used as indicators of relative preference. For example the response from Durham Constabulary represents the corporate viewpoint of a very large, countywide organisation but their response to the individual consultation questions is numerically only counted as a single response from a single respondent. In this respect, therefore, the recorded numbers themselves give no indication of the weighting that may be attached to the responses of such organisations. (A full and in depth report, submitted to the Council by Durham Constabulary in response to the consultation process, is attached as appendix 6).

A4.0 Discussion and Appraisal

In early December 2009, following a consultation process specifically involving members of the hackney carriage and private hire trade licensed by and operating within the County of Durham, 7 separate, area based working groups were established. Each one of the area working groups (AWG) is associated with one of the existing 7 zones.

These AWGs were designed to be forums for discussion and they formed a vital part of the ongoing wider consultation process. The groups themselves have no decision making role or powers. The outcomes from these meetings are passed to a countywide working group CWG that will meet at least 4 times every year on a 3 monthly basis.

Although the trade representatives at the AWGs and CWG were elected by their peers, the views they expressed and opinions they have given may not represent all members of the trade throughout the County. All licensed trade members were therefore invited to comment on these options individually as well as through the AWG forums.

A4.1 Consultation responses from the individual licensed members of the hackney carriage and private hire trade - zoning options including the regulation of hackney carriage numbers.

Out of 2126 countywide licensed trade members, 154 people in total (7.24% of the trade) responded to the consultation on zoning and regulation matters. The zones which yielded the highest responses from the total numbers of licensed HC/PH members were Chester le Street (Zone 1) and Durham City (Zone 2). In both of these zones, 17.5% of the individual members of the licensed HC/PH trade in each of these zones responded. Easington (zone 4), Sedgefield (zone 5) and Teesdale (zone 6) yielded the lowest percentage responses; 0.5%, 1.2% and 2.1% respectively.

Option A – 23 respondents (15%) of the 154 who responded wanted this option (see Appendix 2, graph 12b). Grouped by zone, the biggest supporter of this option was Zone 7 with 56% of the respondents from this zone preferring Option A (see in Appendix 2, graph 14a.2). The 17 'Option A' preferred responses from the zone 7 respondents equates to 74% of the total number of total of the received Option A preferred responses (see Appendix 2, graph 14a).

Option B – 85 respondents (55%) of the 154 who responded wanted this option (see Appendix 2, graph 12b). Grouped by zone, the biggest supporters of this option were zones 1 with 82.5% and zone 2 with 95.5% of respondents from these zones preferring Option B (see Appendix 2, graph 14b.2). The 24 and the 42 'Option B' preferred responses from zone 1 and 2 respondents, equates to 28% and 50% of the total number of total of the received 'Option B' preferred responses respectfully (see Appendix 2, graph 14b).

Option C – 3 respondents (2%) of the 154 who responded wanted this option (see Appendix 2, graph 12b). Grouped by zone, only 3 supporters of this option were from zones 1, 3 and 7 with 3%, 2.5% and 2% of respondents from these 3 zones preferring Option B (see Appendix 2, graph 14c.2). The 3 supporters of 'Option C' from these 3 zones each equated to 33% of the total number of the received 'Option C' preferred responses (see Appendix 2, graph 14c).

Option D – 0 respondents (0%) of the 154 who responded wanted this option.

Option E - 41 respondents (27%) of the 154 who responded wanted this option (see Appendix 2, graph 12b). Grouped by zone, the biggest supporters of this option in ascending order were zones 7, 6, 3 and 4 with 31%, 50%, 63.5% and 100% of respondents from these 4 zones, again in ascending order, preferring Option E (see Appendix 2, graph 14e.2). The supporters of 'Option E' from zones 7, 6, 3 and 4 equate to 30%, 2%, 57% and 7% of the total number of the received 'Option C' preferred responses (see Appendix 2, graph 14e).

No Comments - 2 respondents (1%) out of the 154 who responded made no comment in relation to these options.

A4.2 Consultation responses from the individual licensed members of the hackney carriage and private hire trade - colour policy.

“Yes” to a colour policy – 50 respondents (32%) of the 154 who responded wanted this option (see Appendix 2, graph 7b). Grouped by zone, the biggest supporter of this option was Zone 1 (Chester le Street) with 46% of the countywide total ‘Yes’ responses received, followed by zone 3 (Sedgefield) with 28% and zone 7 (Wear Valley) with 18% (See Appendix 2, graph 9). The supporters of a colour policy from zones 1, 3 and 7 equate to 15%, 9% and 6% respectively of the total number of the received responses (see Appendix 2, graph 7c).

From the results displayed in Appendix 2, table 8, of the 50 respondents who said “Yes” to a colour policy, 43 individuals gave their own preferences for the possible colours of either hackney carriage vehicles, private hire vehicles or both. 31 responses related to hackney carriage colours and 12 related to the colour of private hire vehicles.

The most popular colour for a hackney carriage amongst this group of respondents was white with 16 responses (52% of stated HC colour preferences) and the most popular colours for private hire vehicles were white and black with 3 responses each (25% each of stated PH colour preferences).

“No” to a colour policy – 102 respondents (67%) of the 154 who responded wanted this option (see Appendix 2, graph 7b). Grouped by zone, the biggest supporter of this option was zone 2 (Durham City) with 40% of the countywide total ‘No’ responses received, followed by zones 7 (26%) and 3 (22%) (See Appendix 2, graph 10). Those that did not support of a colour policy from zones 1, 7 and 3 equate to 27%, 17.5% and 14% of the total number of the received responses (see Appendix 2, graph 7d).

“No comments” to a colour policy - respondents (1%) of the 154 who responded gave no comment in relation to this option (see Appendix 2, graph 7b).

A4.3 Consultation responses from the hackney carriage and private hire trade AWG and CWG representatives on zoning options and the regulation of hackney carriage numbers.

Consultation response comments made and preferences expressed by members of the 7 AWGs and the CWG were recorded at AWG and CWG meetings held during the second and third phase of the consultation process.

A4.3.1 The Area Working Group Responses (zoning/regulation)

Representatives from the 7 AWGs expressed the following preferences (see Appendix 2, table 4):

Option A – 2 of the AWGs: zone 5 (Sedgefield) and zone 7 (Wear Valley) wanted this option. [In the case of zone 7, this AWG gave this option as one of its two, equally preferred options.]

Option B – 3 of the AWGs: zone 1 (Chester le Street), 2 (Durham City) 6 (Teesdale) wanted this option. 1 area, zone 5 (Sedgefield*) wanted this option as a second choice, only if the 7 zones were kept

Option C – None of the AWGs wanted this option.

Option D - None of the AWGs wanted this option.

Option E – 3 of the AWGs: zone 3 (Derwentside) 4, (Easington) wanted this option. 1 AWG, zone 7 (Wear Valley) also gave this as one of its two, equally preferred options. [1 area, zone 6 (Teesdale*) wanted this option as a second choice, only if the 7 zones were removed.]

*Signifies that two options were put forward by the AWG depending on whether or not the 7 zones were removed or kept. In the case of zone 5 (Sedgefield) the stated preferred option of the two was Option A and in the case of zone 6 (Teesdale), the stated preferred option of the two was Option B.

Therefore, in terms of preferred options, Option B was supported by 3 of the AWGs and Option E was also supported by 3 of the AWGs. Option A, as a preference, was supported by 2 of the AWGs. In terms of what these options meant for zoning and regulation, 5 of the AWGs therefore supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses). From this perspective, 3 of the AWGs wanted to maintain the zones and the concurrent limitation of taxi numbers in zones 1 and 2.

AWGs 3, 4, 5 and 7 who, as a group together, supported Options A and E, officially represent a total of 1710 licensed hackney carriage and private hire members. AWGs 1, 2 and 6 officially represent a total of 672 licensed hackney carriage and private hire members. Using AWG member representation as an indication of option preference, nearly 72% of the countywide licensed membership supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses).

In addition to the removal of the zones, those 3 AWGs that supported Option E were however, supporting the option that would involve the possible regulation of hackney carriage numbers throughout the whole of the County, should a survey of demand be undertaken which, reported there to be no significant unmet demand throughout the entire County.

A4.3.2 The County Working Group Responses (zoning/regulation)

Representatives from the 7 AWGs who attended the CWG expressed the following preferences (see Appendix 2, table 5):

Option A – Two members of the CWG gave option A as their preference.

Option B - Two members of the CWG gave option B as their preference.

Option C – No members of the CWG gave option C as their preference.

Option D - No members of the CWG gave option C as their preference.

Option A or E – Two members of the CWG gave either Option A or E as their preferences.

Option B or E – Two members of the CWG gave either Option B or E as their preferences.

Therefore, CWG members gave Options A and B as being their most preferred options with Option E also receiving support from two of the CWG members. By grouping together the supporters of Option A with the support for option E, the CWG had more members who supported the removal of the zones than those who wanted to retain them.

In relation to the question of the existence of the 7 zones, 4 CWG members wanted the removal of the zones and 3 CWG members wanted to retain them.

In relation to the question of the regulation of hackney carriage numbers, 6 CWG members favoured regulation either within the existing zones 1 and 2 or on a countywide basis should a survey of demand be undertaken which, reported there to be no significant unmet demand throughout the entire County.

A4.4 Consultation responses from the hackney carriage and private hire trade AWGs and CWG representatives on colour policy.

A4.4.1 Area Working Group Responses (colour policy)

Representatives from the 7 AWGs expressed the following preferences (see Appendix 2, table 4):

“Yes” to a colour policy – AWG representatives from two areas, Zones 1(Chester le Street) and 7 (Wear Valley) said “yes” to a colour policy.

“No” to a colour policy – AWG representatives from three areas, zones 2 (Durham City), 3 (Derwentside) and 4 (Easington) said “No” to a colour policy.

Undecided/unclear response - AWG representatives from two areas, zones 5 (Sedgefield) and 6 (Teesdale) were unable to express a single or clear

preference on behalf of the members of the AWGs that they represented. (See also paragraph 28 of the main report).

A4.4.2 The County Working Group Responses (colour policy)

The 7 Representatives from the AWGs who attended the CWG expressed the following preferences (see Appendix 2, table 5):

“Yes” to a colour policy – Two members of the CWG said “Yes” to a colour policy

“No” to a colour policy – Three members of the CWG said “No” to a colour policy.

Undecided/unclear response – Two members of the CWG were unable to express a single or clear preference on behalf of the two AWGs that they represented.

Note: Comments were received from both AWG and CWG representatives to the effect that if a colour policy was introduced, despite their opposition to such a policy, they would expect that the vehicle colour requirements would not be brought in immediately but would be phased in over an appropriate time scale e.g. that existing vehicles of whatever colour would continue to be able to be licensed until they were changed by their owners and the colour policy would then be adopted on renewal of such vehicles.

A4.5 Consultation responses from the general public - zoning options including the regulation of hackney carriage numbers.

It is not possible to state whether or not the respondents in this grouping had any affiliation to the licensed hackney carriage or private hire trade; however they had not identified themselves as being so affiliated in their survey responses.

The total number of responses from individual members of the general public to the taxi consultation was only 8. This number if it were expressed as a percentage of the entire resident and working population of the County would be incredibly small.

From the 8 respondents, 4 favoured Option A (the removal of the 7 zones and the removal of limitations on hackney carriage numbers); 3 favoured Option E (the removal of the zones together with the possibility of the regulation of hackney carriage numbers throughout the County); and 1 person favoured Option B (maintaining the zones and the existing limitations in two of them *subject to future demand survey results*). In spite of the small number of responses, the clear majority (7 out of the 8 respondents) favoured the removal of the existing zones (Options A and E).

A4.6 Consultation responses from the general public - colour policy.

Again, it must be emphasised the number of responses from the general public in relation to the issue of taxi colour policy was particularly small. 8 people commented on this aspect of the consultation. 5 respondents said “yes” to the imposition by the Council of a taxi colour policy, 1 said “no” and 2 respondents to the survey made no comments on this matter.

None of the 5 respondents who said “yes” to a colour policy expressed any preference as to the hackney carriage or private hire vehicle colour(s) that they considered should be associated with such a policy.

A4.7 Consultation responses from ‘interested parties’ - zoning options including the regulation of hackney carriage numbers.

The grouping of responses from people outside the licensed hackney carriage and private hire trade, in addition to individual members of the general public, contained respondents associated with particular organisations. These respondents, excluding Durham Constabulary, numbered 13 in total.

Of the 15 respondents categorised as ‘interested parties’ for the purposes of this consultation report, 13 individuals responded in respect of the zoning options. Responses from 9 individuals categorised as interested parties (non DCC) were from organisations external to Durham County Council and 4 were from or associated directly with Durham County Council. These 4 are categorised as interested parties (DCC). (See appendix iv).

In relation to the 9 interested parties (non DCC), 3 favoured Option A, 1 Option B, 1 Option C and 4 gave no preference or made no comment in relation to zoning and the regulation of hackney carriage numbers. Therefore, 3 preferred to see the zones removed, 2 expressed the opinion that the zones should be kept, but only 1 respondent favoured the retention of the current limitations on hackney carriage numbers.

The 4 interested parties (DCC) who responded expressed their preferences as follows: 2 agreed with Option A favouring the removal of the existing zones and associated restrictions and 2 agreed with Option B to maintain the status quo.

A4.8 Consultation responses from ‘interested parties’ - colour policy.

Of the total of 15 interested party respondents, 13 people responded in respect of the colour policy responses. 7 individuals who responded were categorised as interested parties (non DCC) and 6 were from or associated directly with Durham County Council, these 6 being categorised as interested parties (DCC).

2 of the 7 interested parties (Non DCC) favoured a colour policy but no colour preferences were put forward. The remaining 5 made no comment either way in relation to the imposition of a taxi colour policy.

The 6 interested parties (DCC) individuals responded as follows: 3 favoured a colour policy, 2 made no comments and 1 considered that a colour policy should not be imposed.

A4.9 Consultation responses from Durham Constabulary - zoning options including the regulation of hackney carriage numbers.

The police consultation response report is attached in appendix 6. This document was supplied by Durham Constabulary to Durham County Council on the 7th May 2010. This report is the official police contribution to the countywide taxi consultation process and contains the views, opinions and observations of the Local Constabulary. The following is an extract from the report which is the summary of their findings on the subject of zoning and the limitation of Hackney carriage numbers:

“Durham Police recommend the removal of the 7 taxi zones and the implementation of one singular taxi zone allowing for the sharing of hackney carriages on all hackney ranks across the county. It is our firm belief that should this take place then there would be a dramatic impact on the reduction of crime and disorder within the City Centre. Should the implementation of a single zone take place then it would be expected that there would be a flood of taxis into the city however it is perceived that this influx would only be for a short time and like water the number of city taxis would ultimately find their level”.

A4.10 Consultation responses from Durham Constabulary - colour policy.

Durham Constabulary has made no response in relation to the issue of taxi colour policy.

A4.11 Central Government information, advice and recommendations

The Equality Act 2010 and the regulation of hackney carriage numbers within Council areas and in zones existing within Council areas.

Since the Transport Act 1985 it has been possible for licensing authorities in England and Wales (outside of London) to refuse a taxi licence application if they are satisfied that there is no significant unmet demand for taxis in their licensing area.

Section 161 of the Equality Act 2010 qualifies the law in this area, to ensure licensing authorities that have relatively few wheelchair accessible taxis operating in their area, do not refuse licences to such vehicles for the purposes of controlling taxi numbers.

For section 161 to have effect, the Secretary of State must make regulations specifying:

- the proportion of wheelchair accessible taxis that must operate in an area before the respective licensing authority is lawfully able to refuse to license such a vehicle on the grounds of controlling taxi numbers; and
- the dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within this provision.

The DfT plans to consult on the content of regulations before section 161 comes in to force; the actual date will be announced in due course, but it will not be before April 2011.

The Department for Transport and the Office of Fair Trading information on the regulation of hackney carriage numbers within Council areas and in zones existing within Council areas.

The Department for Transport advised the Council in September 2009 that it remains the Department's view (as set out in the Department's response to the Office of Fair Trading

report in 2004 and the Best Practice Guidance in 2006) that a limit on taxi numbers is unlikely to be in the best interest of consumers.

However, Ministers have stated that they recognise that local licensing authorities are in the best position to determine whether taxi numbers should be limited and section 16 of the Transport Act 1985 remains the statutory means by which they can limit numbers if they so choose.

As a result of the 1985 Act, a Council can only refuse an application for a hackney carriage licence in order to limit numbers within its area or within a specified zone within its area, only if the Council is satisfied that there is no significant unmet demand for hackney carriage services within the area or zone to which the licence will apply. This does not mean that a Council must or indeed should limit hackney carriage numbers if they are satisfied that there is no demand for anymore vehicles within their area or a zone within their area but acts to prevent Councils from restricting numbers of hackney carriages for any other reason.

The Office of Fair Trading considers that quantity regulation which limits the number of taxis, reduces availability and lowers the quality of service to the public. In the OFT's opinion, which was expressed in two separate reports published in 2003 and 2007, these restrictions should therefore be lifted by the local authorities that have imposed such restrictions.

The OFT study that led to its 2003 report identified a number of benefits to consumers that should flow from adoption of its recommendations. Specifically, the OFT believes that acting on their recommendations in respect of removing quantity restrictions would benefit consumers by:

- Putting more taxis on the road – removing quantity restrictions could increase the number of taxis in affected areas by 30 per cent.
- Making journeys safer – removing quantity restrictions and increasing the number of licensed taxis will reduce the need for illegal taxis where neither the driver or vehicle have been subject to appropriate quality and safety checks. In 2006 around 1.8 million people used an illegal taxi, exposing themselves to potentially serious safety risks.
- Reducing passenger waiting times – removing quantity restrictions will save an overall 2.5 million hours across the UK
- Creating more choice – removing quantity restrictions could put an extra 15,000 taxis on the road. This will substantially increase peoples' choice of transport modes when deciding how to reach their destination.

The Department for Transport and Vehicle Identification and Colour Policies

A colour policy exists where the Council imposes a standard colour for either hackney carriages or private hire vehicles or for both. Colour policies are used by some authorities to distinguish between hackney carriages and private hire vehicles. Some

Councils do not have colour policies for taxis. Some policies involve the use single colours and some have multiple colours in their policies.

A Council can require any hackney carriage licensed by them under the Town and Police Clauses Act 1847 Act to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage. In a similar way, under the Local Government (Miscellaneous Provisions) Act 1976, a Council can require private hire vehicles not to be of such a design and appearance as to lead the public to believe that it is a hackney carriage.

In order to assist the public in recognising a Hackney Carriage that has been licensed by the Authority such vehicles may therefore be required by license conditions to conform to a specified colour policy. This may assist in the promotion of public safety by helping to reduce the possibility of customers getting into unlicensed vehicles or getting into private hire vehicles that are unlawfully plying for hire in the street or from a taxi rank.

Of secondary consideration, the adoption of a colour policy would, in addition to the main public safety purposes, provide a readily identifiable 'Durham Countywide Taxi Fleet'. Two of the former District Councils had adopted a colour policy and white was the colour chosen by the former District authorities. This colour was chosen at the time as it had been considered that there were generally fewer white non-commercial vehicles on the road. Another consideration that had led towards white being chosen was that with white, the issue of colour shading was thought not to be as prevalent as with other car colours.

Arguably, the need to specify the colour of hackney carriages and private hire vehicles is not so great when such licensed vehicles may be easily identified as such in other ways with the appropriate use of decals, roundels, top signs, for hire signs etc. In the Department for Transport publication '*Taxi and Private Hire Licensing Best Practice Guidance*' DfT February 2010, reasons for and means of vehicle identification are addressed.

The colour of a vehicle is not specifically mentioned however as a means of identification which is considered to equate to best practice although the publication does say in the section on vehicle identification that in addition to the display of licence plates and discs on vehicles "...requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the traveling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;". The use of colour policies is not referred to however and some degree of interpretation or extrapolation may be thought necessary if this section were to be used to give justification to a colour policy in terms of perceived best practice.

A5 Conclusions

A5.1 Hackney carriage and private hire licensed trade individual consultation response (Zoning/Regulation)

A5.1.1 The overall, countywide response to the consultation process by individual members of the licensed hackney carriage and private hire trade was low (7.24 %).

A5.1.2 Grouped by their zone, a much greater percentage of licensed individuals from three zones (1 - Chester le Street 18%, 2 - Durham City 18% and 7 - Wear Valley 14%) responded to the survey.

A5.1.3 The two zones which yielded the greatest percentages of individual licensed hackney carriage and private hire respondents (1 – Chester le Street and 2 – Durham City) are the zones which are currently subject to the regulation/limitation of hackney carriage numbers.

A5.1.4 Zoning/Regulation 'Option B', maintenance of the status quo, was the preference of more individual respondents than any other preferred option (55% of those who responded individually preferred option B).

A5.1.5 Grouped by zone, the biggest supporters of this option were zones 1 (Chester le Street) with 82.5% and zone 2 (Durham City) with 95.5% of respondents from these two zones expressing a preference for Option B.

A5.2 Hackney carriage and private hire licensed trade, group (AWG and CWG) consultation response (Zoning/Regulation).

A5.2.1 Option B was supported by 3 of the AWGs and Option E was also supported by 3 of the AWGs. Option A, as a preference, was supported by 2 of the AWGs.

A5.2.2 5 of the 7 AWGs therefore supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses).

A5.2.3 CWG members gave Options A and B as being their most preferred options with Option E also receiving support from two of the CWG members.

A5.2.4 By grouping together the supporters of Option A with the support for option E, the CWG had more members who supported the removal of the zones than those who wanted to retain them.

A5.2.5 In relation to the question of the existence of the 7 zones, 4 CWG members wanted the removal of the zones and 3 CWG members wanted to retain them.

A5.2.6 In relation to the question of the regulation of hackney carriage numbers, 6 CWG members favoured regulation either within the existing zones 1 and 2 or on a countywide basis should a survey of demand be undertaken which, reported there to be no significant unmet demand throughout the entire County.

A5.2.7 Using AWG member representation as an indication of option preference, nearly 72% of the countywide licensed membership supported options which would remove the zones and the concurrent regulation of hackney carriage numbers in Chester le Street and Durham City (Options A and E combined responses).

A5.3 Hackney carriage and private hire licensed trade, individual consultation response (Colour Policy).

A5.3.1 32% of the 154 individual licensed hackney carriage and private hire respondents who responded wanted a colour policy.

A5.3.2 Two of the three zones which yielded the greatest percentages of individual licensed hackney carriage and private hire respondents (1 - Chester le Street and 7 – Wear Valley) are the zones which previously, under the control of the former District Councils, were subject to a colour policy.

A5.3.3 The most popular colour for a hackney carriage amongst this group of respondents was white with 16 responses (52% of stated HC colour preferences) and the most popular colours for private hire vehicles were white and black with 3 responses each (25% each of stated PH colour preferences).

A5.3.4 67% of the 154 who individual licensed hackney carriage and private hire respondents responded did not want a colour policy.

A5.3.5 The zone which yielded the greatest percentage of individual licensed hackney carriage and private hire respondents in opposition to a colour policy was zone 2 (Durham City) with 40% of the countywide total 'No' responses received.

A5.4 Hackney carriage and private hire licensed trade, group (AWG and CWG) consultation response (Colour Policy).

A5.4.1 AWG representatives from two areas, Zones 1(Chester le Street) and 7 (Wear Valley) said "yes" to a colour policy. AWG representatives from three areas, zones 2 (Durham City), 3 (Derwentside) and 4 (Easington) said "No" to a colour policy.

A5.4.2 Two members of the CWG said "Yes" to a colour policy and three members of the CWG said "No" to a colour policy.

A5.5 The public, interested parties and the police consultation responses (Zoning/Regulation).

A5.5.1 13 individuals representing or associated with interested parties responded in respect of the zoning options.

A5.5.2 From the interested parties (non DCC) group, 3 favoured Option A, 1 Option B and 1 Option C. Therefore, 3 preferred to see the zones removed, 2 expressed the opinion that the zones should be kept, but only 1 respondent favoured the retention of the current limitations on hackney carriage numbers.

A5.5.3 The 4 interested parties (DCC) who responded expressed their preferences as follows: 2 agreed with Option A favouring the removal of the existing zones and associated restrictions and 2 agreed with Option B to maintain the status quo.

A5.5.4 Durham Constabulary recommend the removal of the 7 taxi zones and the implementation of one single taxi zone with the concurrent removal of the limitations on hackney carriage numbers in the Durham City and Chester le Street zones.

A5.6 The public, interested parties and the police consultation responses (Colour policy).

A5.6.1 The number of responses from the general public in relation to the issue of taxi colour policy was particularly small.

A5.6.2 Out of the 8 members of the general public commented, 5 respondents said “yes” to the imposition by the Council of a taxi colour policy and 1 said “no”.

A5.6.3 13 interested party respondents commented in respect of colour policy.

A5.6.4 2 out of a group of 7 interested parties (Non DCC) favoured a colour policy but no colour preferences were put forward.

A5.6.5 Of the 6 interested parties (DCC) representatives who responded and expressed a preference, 3 favoured a colour policy and 1 considered that a colour policy should not be imposed.

A5.6.6 Durham Constabulary made no comments in relation to colour policy.

A5.7 The position of governmental organisations

A5.7.1 The Department for Transport advises that a limit on taxi numbers is unlikely to be in the best interest of consumers. They do however recognise that local licensing authorities are in the best position to determine whether taxi numbers should be limited.

A5.7.2 The Office of Fair Trading considers that quantity regulation which limits the number of taxis and reduces availability and lowers the quality of service to the public.

A5.7.3 Department for Transport hackney carriage and private hire licensing best practice guidance does not refer to colour policies. Vehicle identification by colour is not addressed and the colour of a licensed vehicle is not specifically mentioned in the guidance as a means of identification that is considered to equate to best practice

A6 Options

A6.1 Zoning and the Regulation of Hackney Carriage Numbers within Zones – should the existing zones be kept or should they be removed and should the existing regulation of hackney carriage numbers be maintained or ended; and/or should the regulation of hackney carriage numbers in the other zone(s) be considered? **(Options A to E).**

A6.2 Zoning and the regulation of hackney carriage numbers – if the existing zones are kept, should the Council continue to seek to regulate the numbers of hackney carriages in zone 1 (Chester le street) and in zone 2 (Durham City)?

A6.3 To do this would require regular (at least every three years) independent hackney carriage demand surveys to be undertaken in these two zones in order to assess the level of demand/unmet demand followed by the regulation of numbers should these surveys show no significant unmet demand in existence. **(Option B)**

A6.4 Zoning and the regulation of hackney carriage numbers - if the existing zones are kept, should the Council continue to seek to regulate the numbers of hackney carriages in zone 1 (Chester le street) and in zone 2 (Durham City) and also resolve to undertake further surveys into the demand for hackney carriages in the other five zones with a view to regulating hackney carriage numbers in all zones?

A6.5 To do this would require regular (at least every three years) independent hackney carriage demand surveys to be undertaken in all zones in order to assess the level of demand/unmet demand followed by the regulation of numbers should these surveys show no significant unmet demand in existence. **(Option D)**.

A6.6 Zoning and the regulation of hackney carriage numbers - if the existing zones are kept, should the Council resolve to remove all imposed limitations on hackney carriage numbers in zones 1 and 2; and also resolve not to carry out any more demand surveys in which would be needed if the future regulation of hackney carriage numbers in any of the zones were to be considered? **(Option C)**.

A6.7 Zoning and the regulation of hackney carriage numbers – should the Council resolve to remove the existing zones and concurrent limitations on hackney carriage numbers in zones 1 and 2 and; resolve not to regulate hackney carriage numbers anywhere within the administrative area of Durham County Council? **(Option A)**.

A6.8 Removal of the zones and the deregulation of hackney carriage numbers - It is recommended that if a resolution is made to remove the zones, that the date for this to occur be set at an appropriate date and time in the future to enable the prescribed process to be followed:

A6.9 If Members of Full Council do decide to abolish the existing 7 zones, the Council will have to pass an extension resolution under the Local Government Act 1972, Schedule 14, Part 2, Para 25 which, is to abolish the zones and apply hackney carriage licensing uniformly throughout County Durham.

A local authority may after giving the requisite notice resolve that any of the enactments mentioned in paragraph 24 above shall apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).

In order to propose the resolution Council will need to give notice in accordance with paragraph 25(5), which is:

The notice which is requisite for a resolution given under sub-paragraph (1) above and is a notice that is:

(a) Given by the local authority in question of their intention to pass the resolution given by advertisement in two consecutive weeks in a local newspaper circulating in their area; and

(b) Served, not later than the date on which the advertisement is first published, on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting.

A6.10 A sufficient lead in period would be necessary to enable the Council to revise its administrative systems and procedures in order to adapt to the countywide changes in hackney carriage regulation including the unification of fees and charges and in conjunction with the trade, the setting of new countywide hackney carriage tariffs and; most importantly, to enable existing and future members of the licensed hackney carriage and private hire trade in the County to plan for and adapt to any changes that may affect their business activities that may result from such changes.

A6.11 Colour Policy – should the Council adopt a colour policy with respect to hackney carriages and private hire vehicles licensed by the Authority?

A6.12 Colour policy – should the Council resolve to adopt such a colour policy, what is the colour policy that hackney carriages and private hire vehicles licensed by the Authority be subject to?

A6.13 Colour policy - should the Council resolve to adopt such a colour policy, how and when would that policy be implemented and over what time scale?

A6.14 It is recommended that if a colour policy is adopted that the date for its implementation be set at an appropriate date and time in the future and that following this date, all newly licensed vehicles will be subject to the policy but the adoption process should be a gradual one for existing licensed vehicles, allowing their owners to adapt to the changes over time.

A6.15 A sufficient lead in period would be necessary to enable the owners of existing licensed vehicles of any colour to continue to operate their vehicles until such time as they change their vehicles, at which time the policy on colour would be implemented in respect of the new or replacement vehicle. In this manner, the financial burden on existing licensed vehicle owners would be minimised.

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Appendix 6: Consultation Response - The presentation and analysis of results from the consultation process.

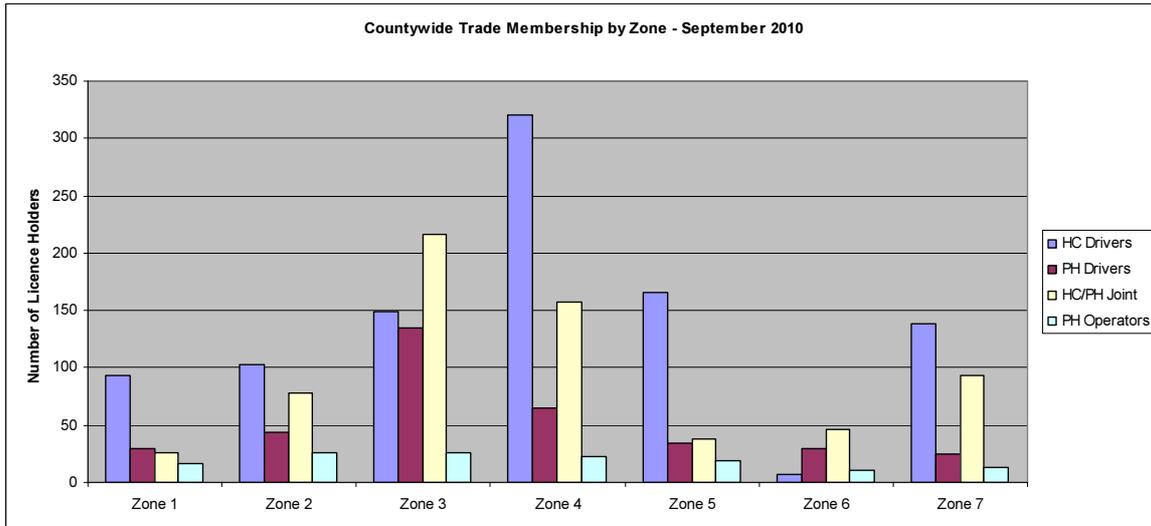
Appendix 3 includes the tabular and graphical presentation of the consultation results, including statistics and various response data. The information and the analysis of the consultation results, set out and discussed in paragraphs A4 and A5 and A6 of Appendix 2, are referenced to and should be read in conjunction with this appendix of the report.

A. Statistics and data relating to hackney carriage and private hire trade membership currently licensed by Durham County Council (September 2010). (Paragraph A4.1)

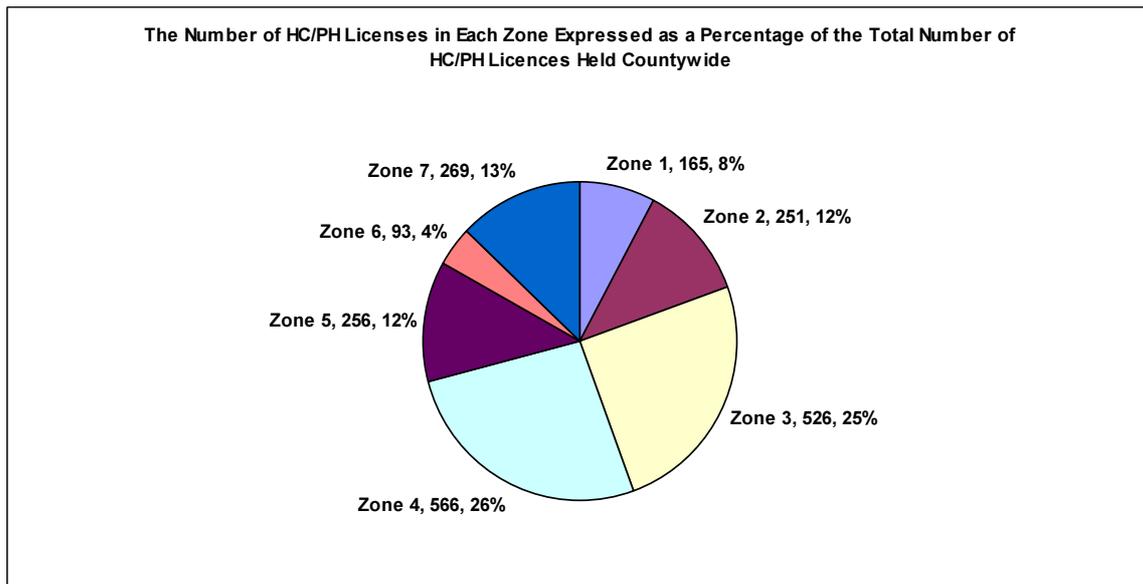
Table 1. The numbers of hackney carriage and private hire licenses in Durham County arranged by type of licence and by existing zone (September 2010).

Trade Members	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7
HC Drivers & Owners	93	103	149	321	165	7	138
PH Drivers	30	44	135	65	34	29	25
HC/PH Joint	26	78	216	157	38	46	93
PH Operators	16	26	26	23	19	11	13
Totals	165	251	526	566	256	93	269
Licensed Vehicles	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7
HC Vehicles	90	74	274	209	145	11	185
PH Vehicles	28	46	144	71	36	42	25
Totals	118	120	418	280	181	53	210

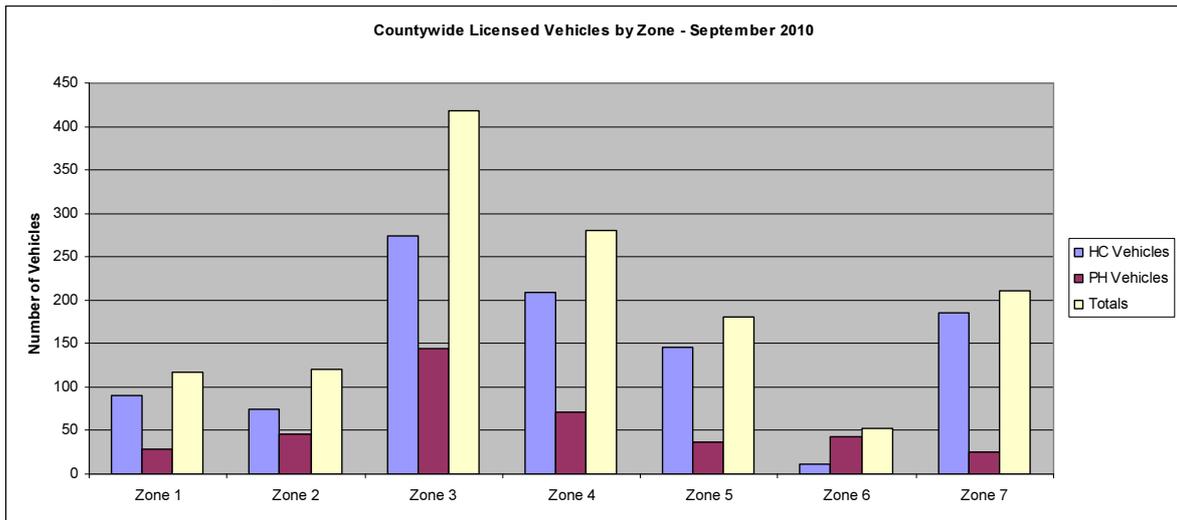
Graph 1. The number of licensed hackney carriage and private hire trade members in each existing zone (September 2010)



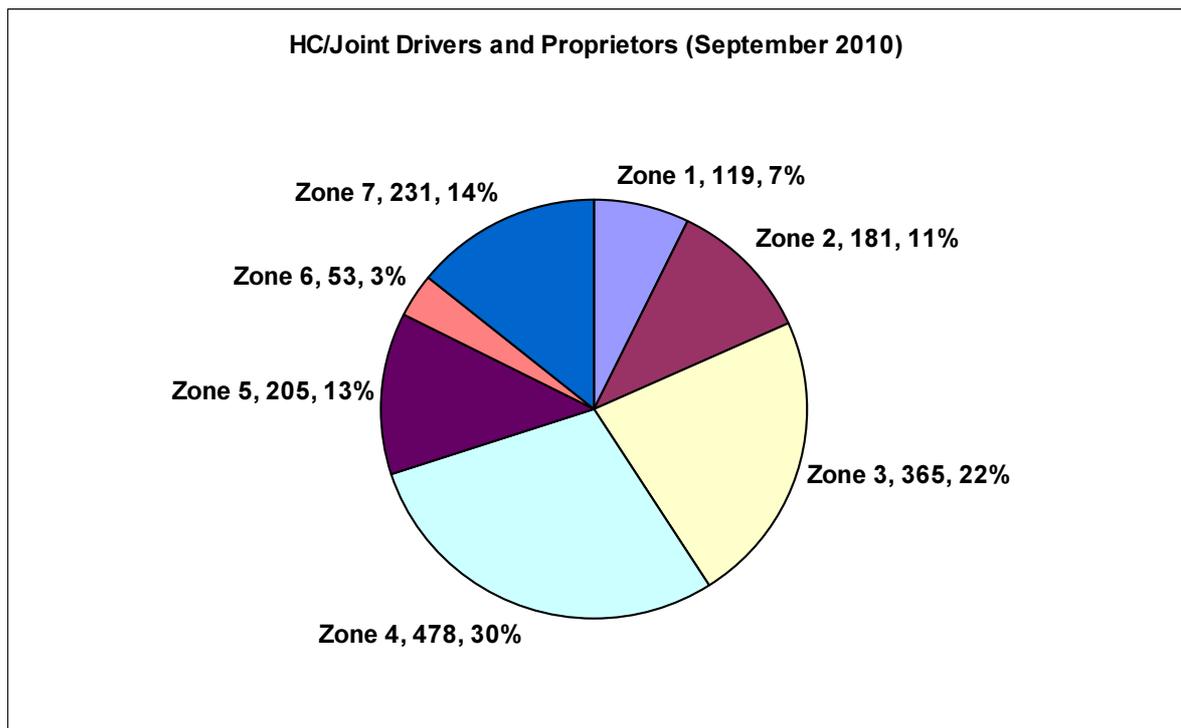
Graph 2. The percentages of hackney carriage and private hire licenses in Durham County arranged by type of licence and by existing zone (September 2010).



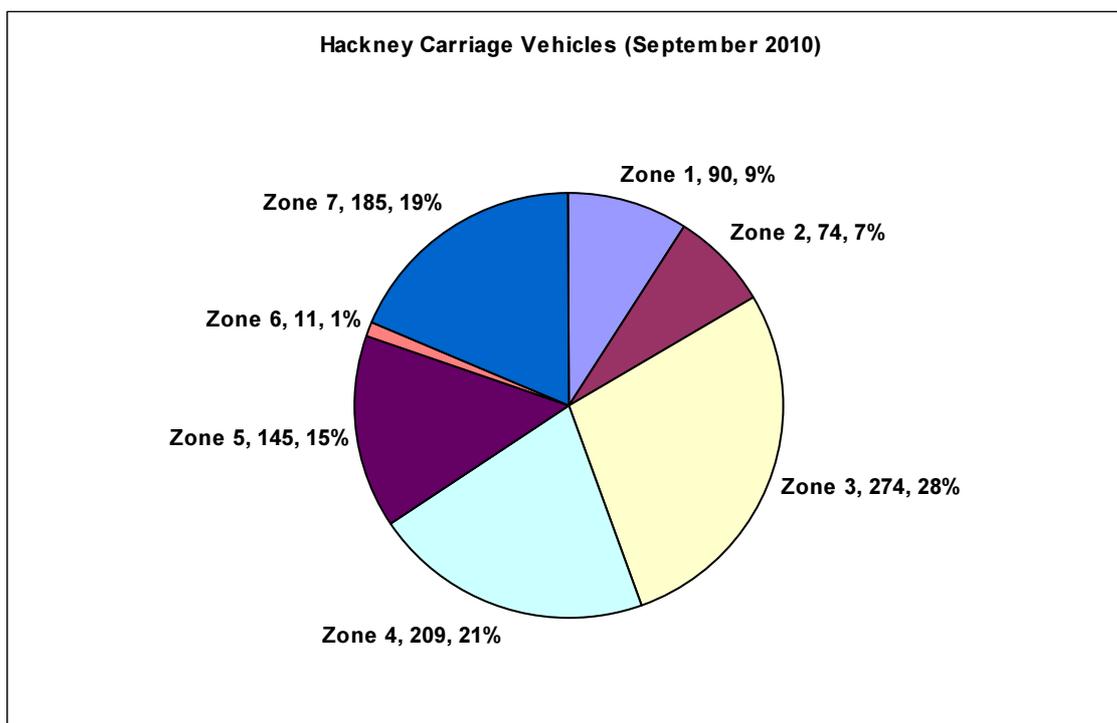
Graph 3. The number of licensed vehicles in each existing zone (September 2010)



Graph 4. The numbers and percentages of the total hackney carriage drivers and proprietors licensed in each of the existing zones (September 2010)



Graph 5. The numbers and percentages of the total licensed hackney carriage vehicles currently operating in each of the existing zones (September 2010)

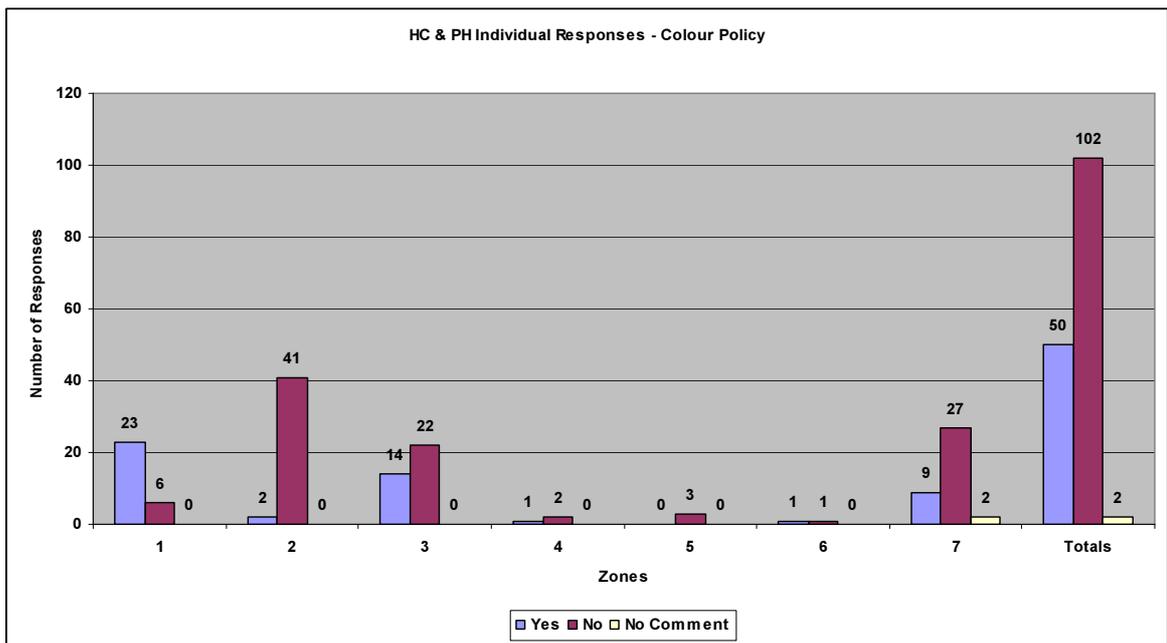


B. Consultation results – licensed hackney carriage and private hire trade response. (Paragraph A4.2)

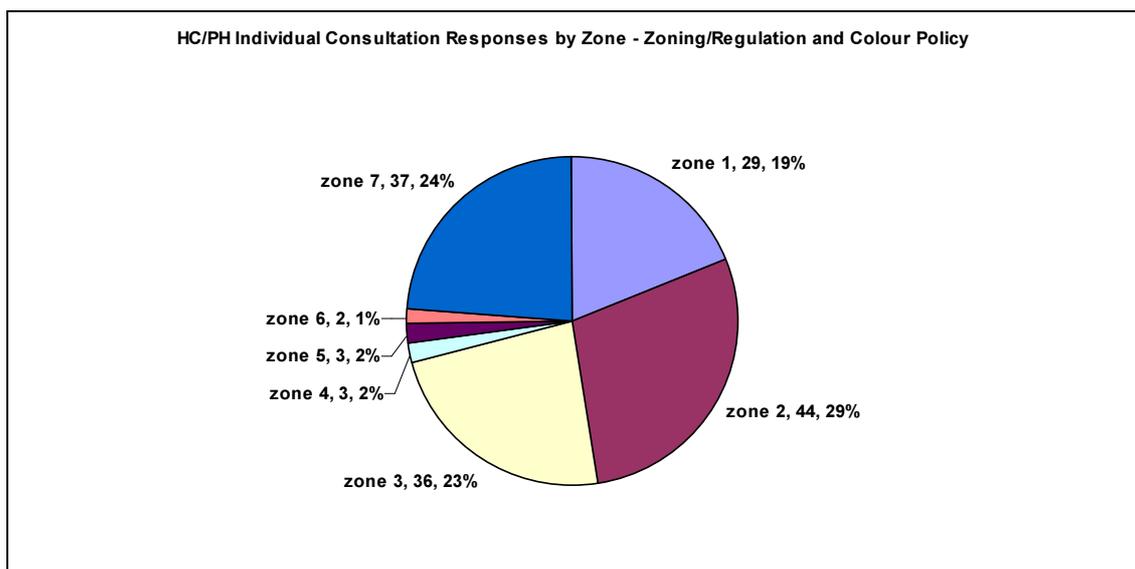
Table 2. The countywide HC and PH trade response to consultation (Colour Policy) – The number of individual trade member responses on colour policy. The number of responses is also shown as a percentage of the total number of HC/PH members currently licensed in each zone.

Zone	HC/PH Colour Policy Responses			Response	Zone	%
	Yes	No	No Comment	Totals	Totals	Response
1	23	6	0	29	165	17.6%
2	2	41	0	43	251	17.1%
3	14	22	0	36	526	6.8%
4	1	2	0	3	566	0.5%
5	0	3	0	3	256	1.2%
6	1	1	0	2	93	2.2%
7	9	27	2	38	269	14%
Totals	50	102	2	154	2126	7.24%

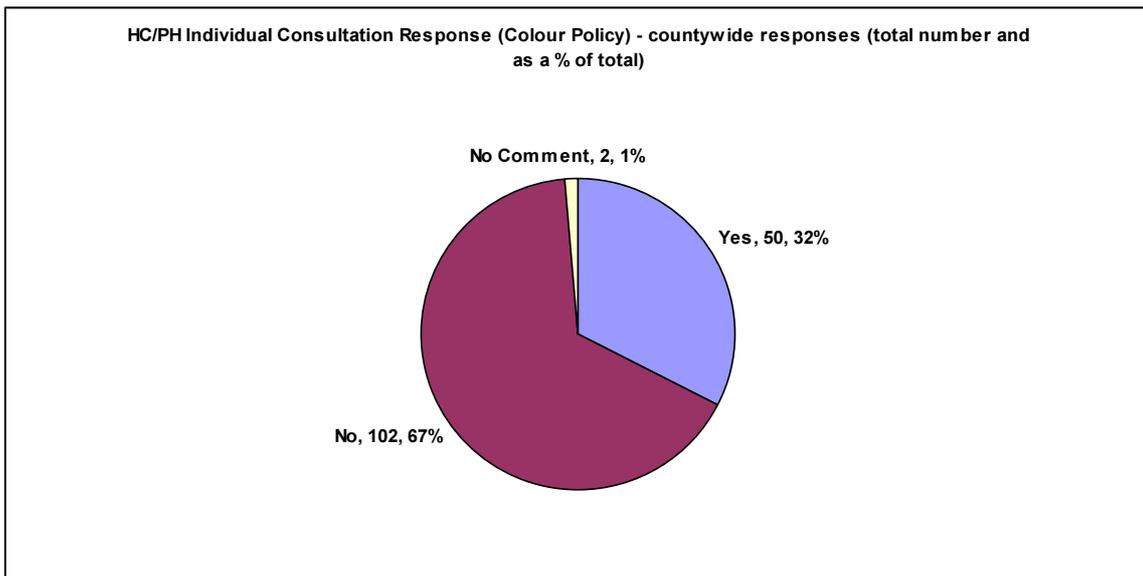
Graph 6. The countywide HC and PH trade response to consultation – The number of individual trade member responses by zone in relation to Colour Policy.



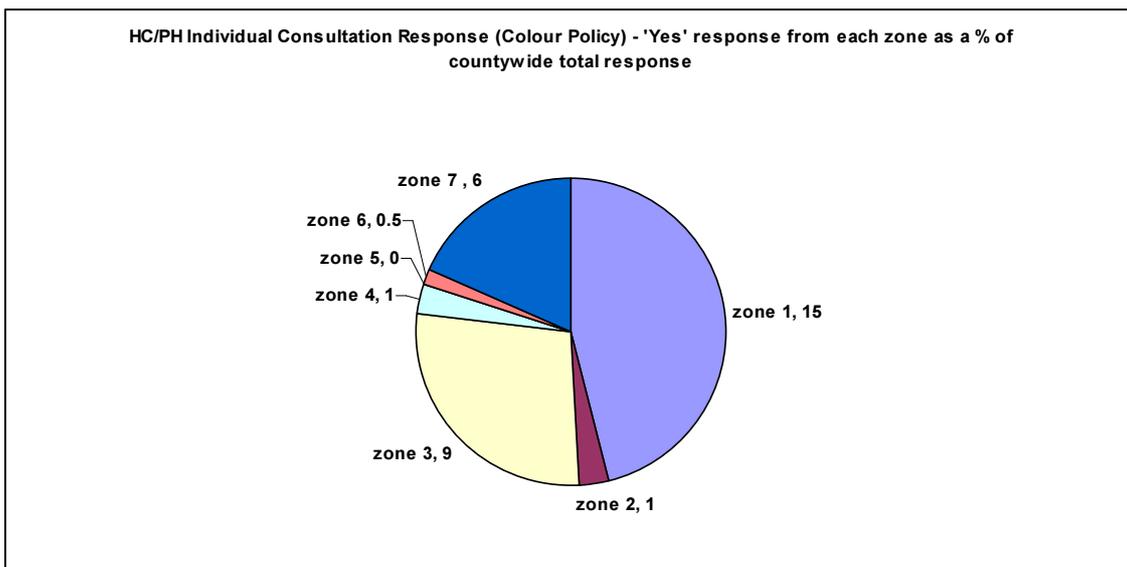
Graph 7a. The countywide HC and PH trade response to consultation – The numbers and percentages of individual trade member responses by zone in relation to zoning/regulation and colour policy.



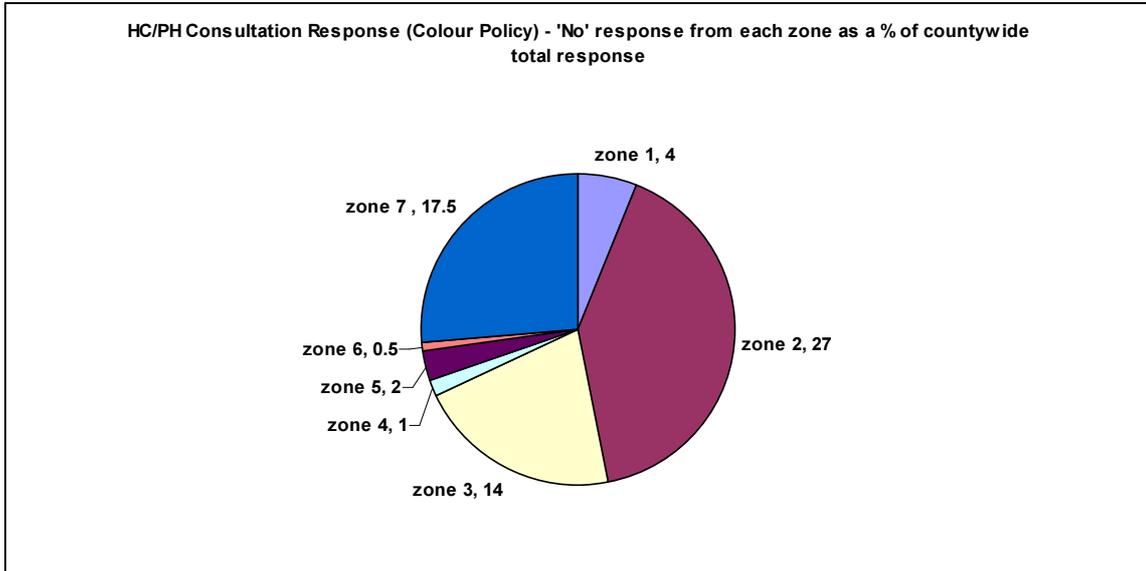
Graph 7b. HC/PH individual consultation response (colour policy) – countywide responses shown as the total number of responses and as percentages of the total.



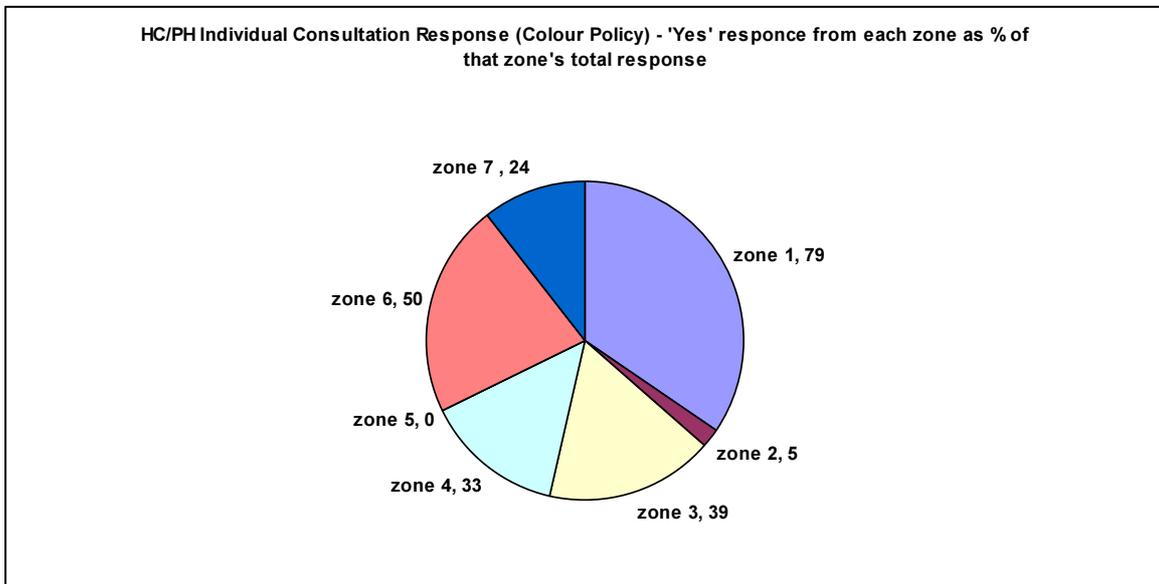
Graph 7c HC/PH Individual consultation response (colour policy) – ‘Yes’ response from each zone expressed as a percentage of the total number of received responses on colour policy.



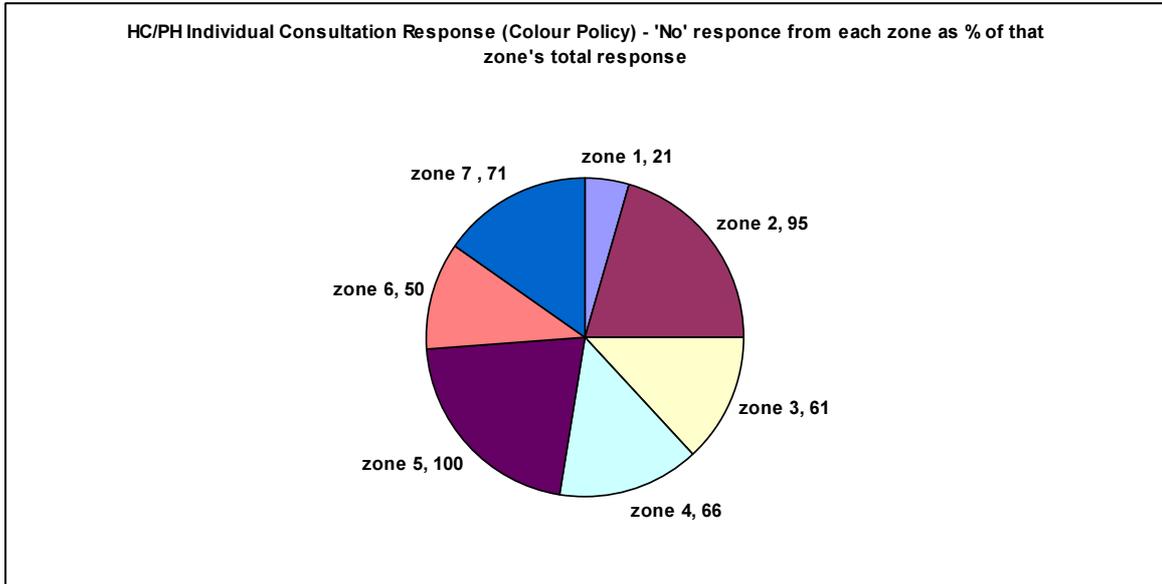
Graph 7d HC/PH Individual consultation response (colour policy) – ‘No’ response from each zone expressed as a percentage of the total number of received responses on colour policy.



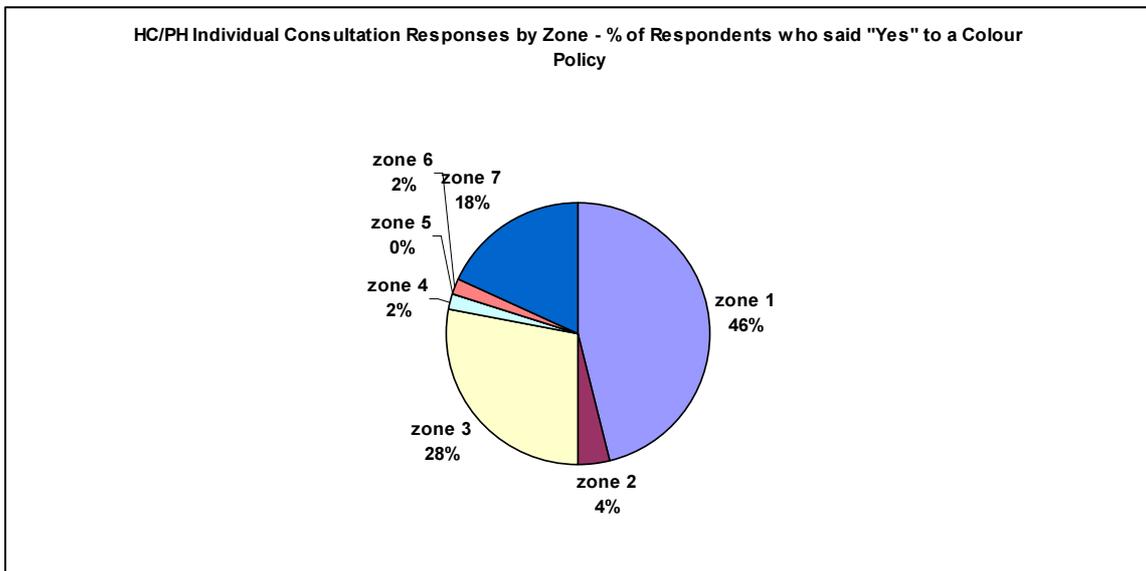
Graph 8a. The countywide HC and PH Individual consultation response by zone (colour policy) – The individual trade members who responded “Yes” in each zone as a percentage of each zone’s total response on colour policy.



Graph 8b. The countywide HC and PH Individual consultation response by zone (colour policy) – The individual trade members who responded “No” in each zone as a percentage of each zone’s total response on colour policy.



Graph 9. The countywide HC and PH trade response to consultation by zone – The percentage of individual trade members who said “Yes” to a colour policy



Graph 10. The countywide HC and PH trade response to consultation by zone – The percentage of individual trade members who said “No” to a colour policy

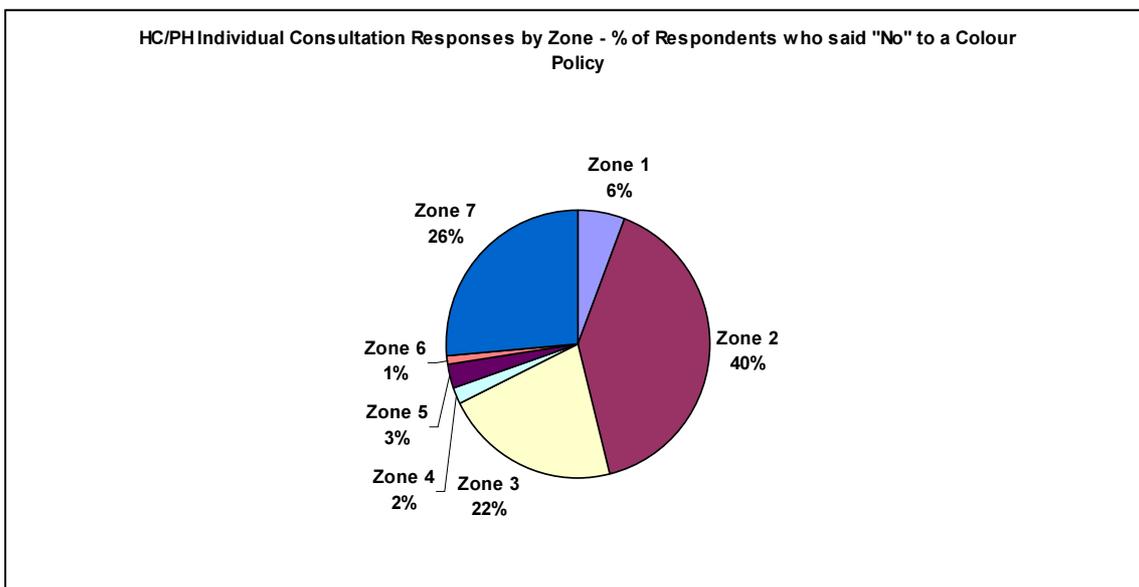
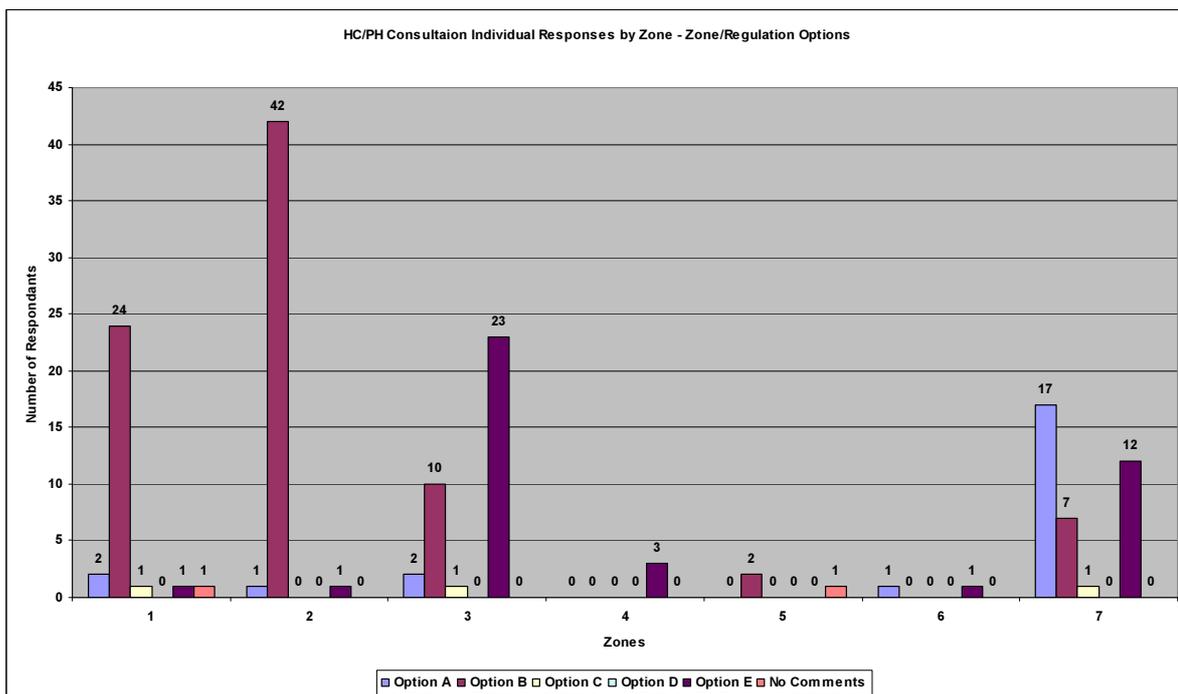


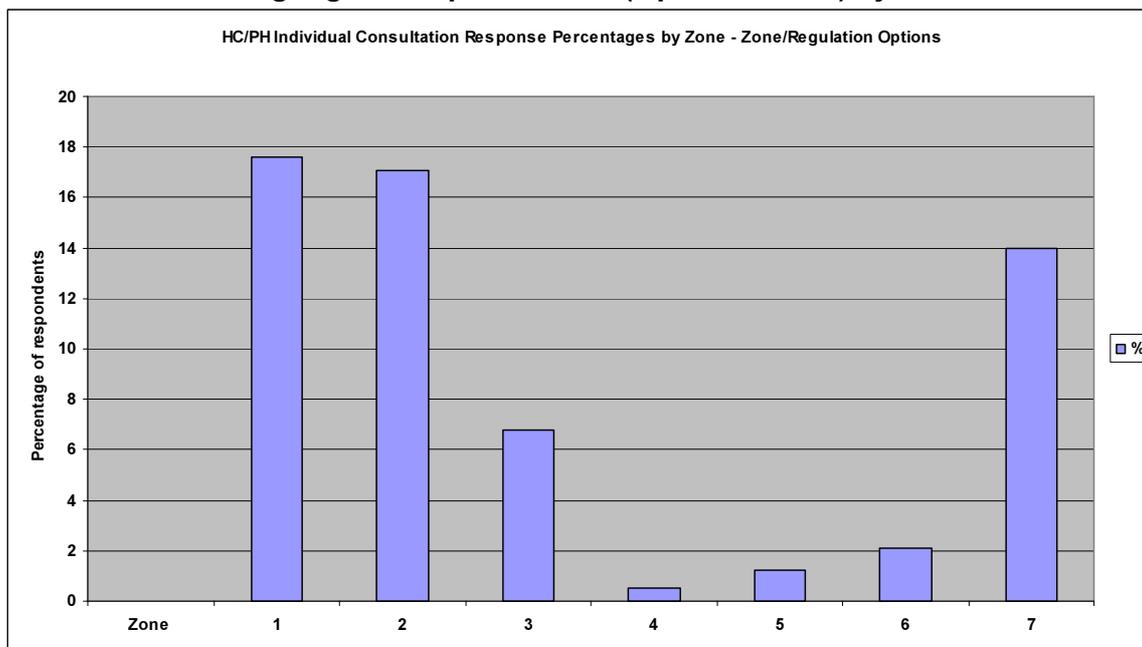
Table 3. The countywide HC and PH trade response to consultation (Zone/Regulation Options A to E) – The number of individual trade member responses on zoning/regulation. The number of responses is also shown as a percentage of the total number of HC/PH members currently licensed in each zone.

Zone	A	B	C	D	E	No Comments	Response	Zone	%
							Totals	Totals	Response
1	2	24	1	0	1	1	29	165	17.5%
2	1	42	0	0	1	0	44	251	17.5%
3	2	10	1	0	23	0	36	526	6.8%
4	0	0	0	0	3	0	3	566	0.5%
5	0	2	0	0	0	1	3	256	1.2%
6	1	0	0	0	1	0	2	93	2.1%
7	17	7	1	0	12	0	37	269	13.75%
Totals	23	85	3	0	41	2	154	2126	7.24%

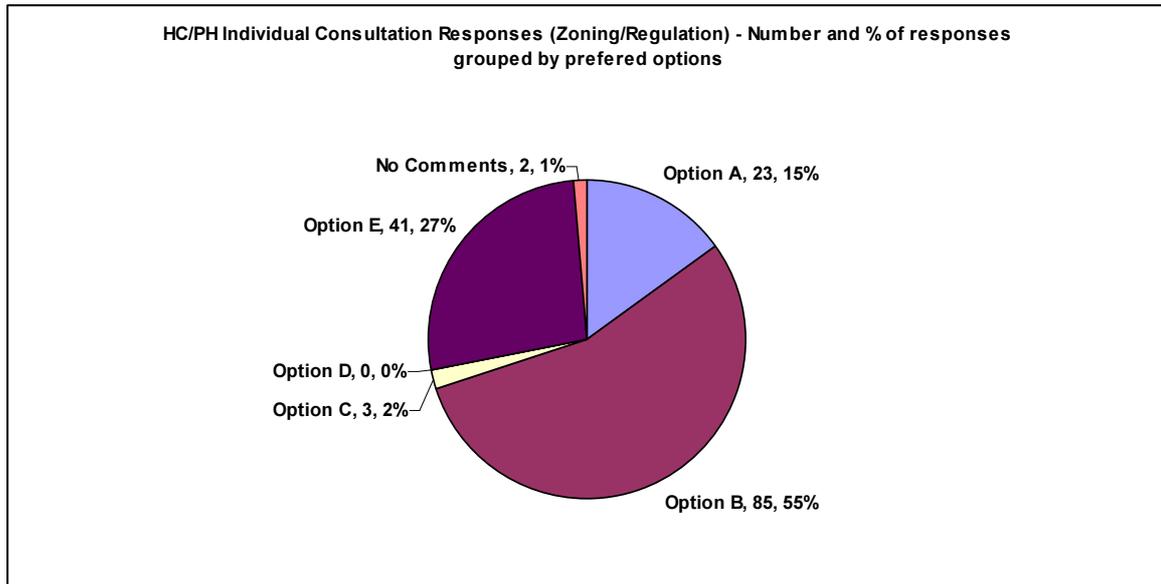
Graph 11. The countywide HC and PH trade response to consultation - The number of individual trade member responses who expressed zoning/regulation preferences (Options A to E) by zone.



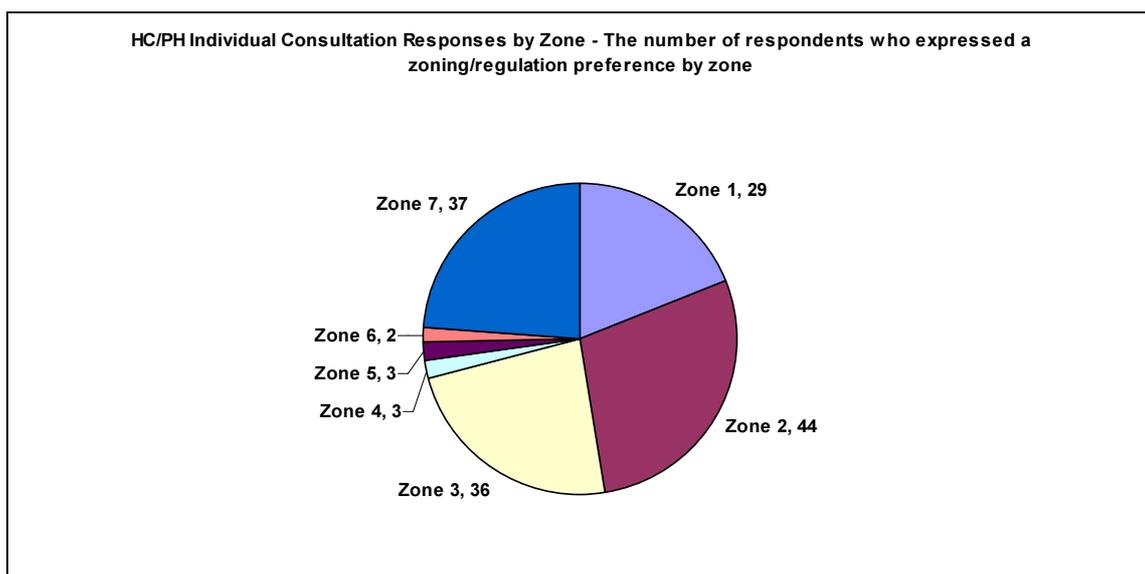
Graph 12a. The countywide HC and PH trade response to consultation - The percentage of individual trade member responses who expressed zoning/regulation preferences (Options A to E) by zone.



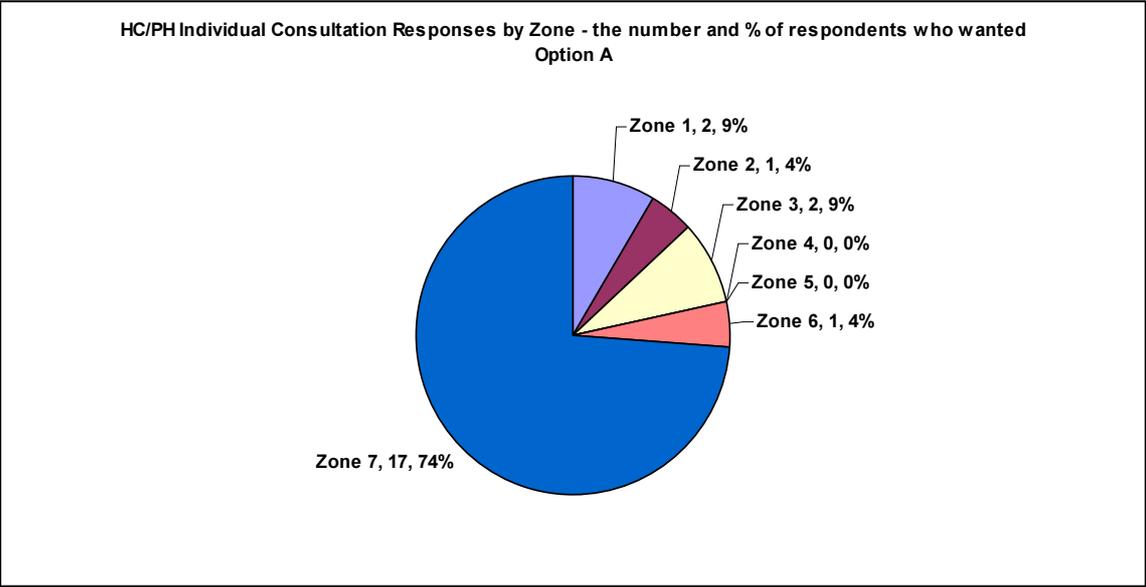
Graph 12b The countywide HC and PH trade response to consultation - The number of individual trade member responses who expressed zoning/regulation preferences Options A to E. The numbers are also shown as percentages of the total number of individual HC/PH responses received in this category.



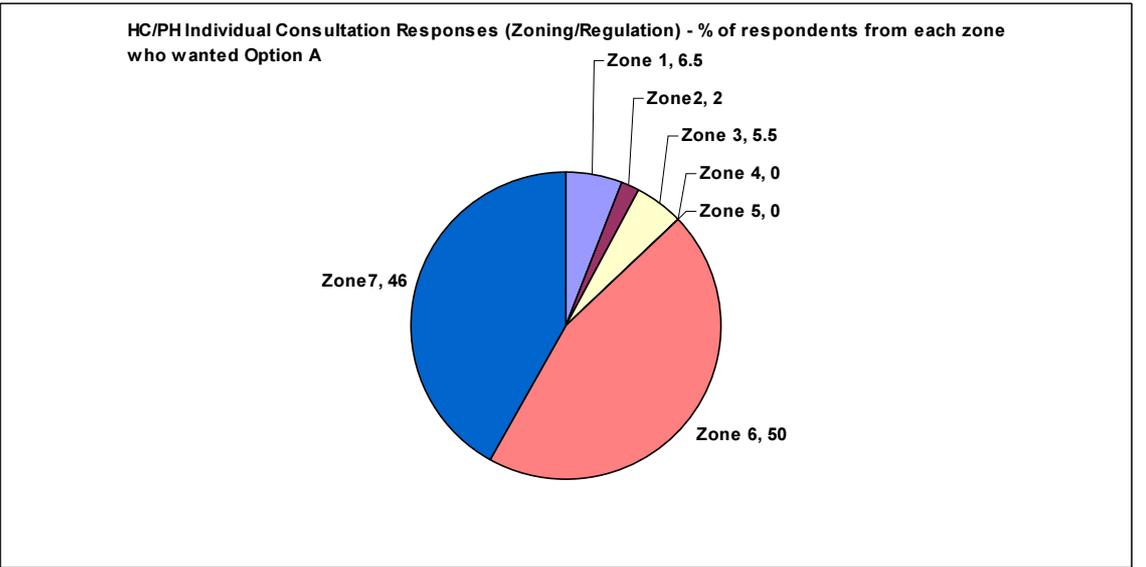
Graph 13. The countywide HC and PH trade response to consultation - The number of individual trade member responses who expressed zone/regulation option preferences by zone.



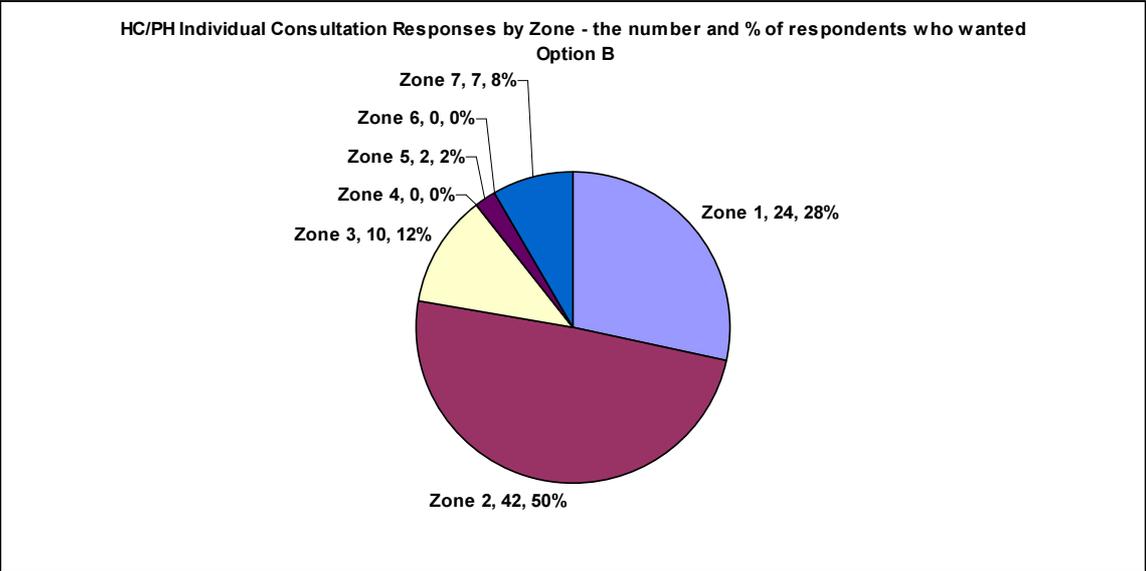
Graph 14a. The countywide HC and PH trade response to consultation - The individual trade member responses, who wanted zone/regulation Option A, grouped by zone and also shown as a percentage of the total of Option A countywide preferred responses.



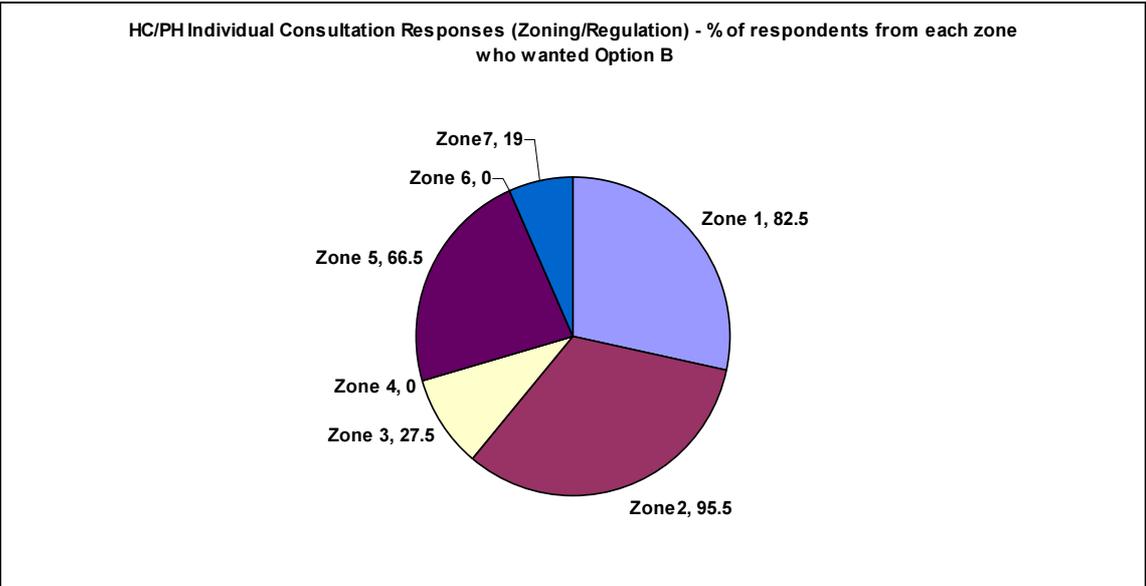
Graph 14a(2). The countywide HC and PH trade response to consultation - The individual trade member responses, who wanted zone/regulation Option A, grouped by zone as a percentage of the total of those zones responses.



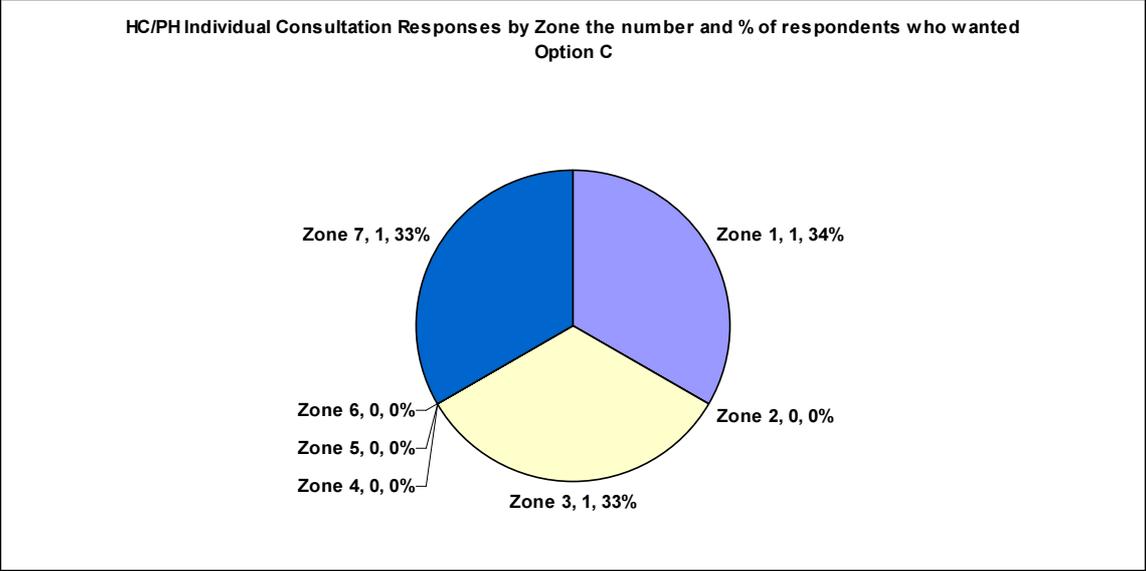
Graph 14b. The countywide HC and PH trade response to consultation - The individual trade member responses who wanted zone/regulation Option B, grouped by zone and also shown as a percentage of the total of Option B countywide preferred responses.



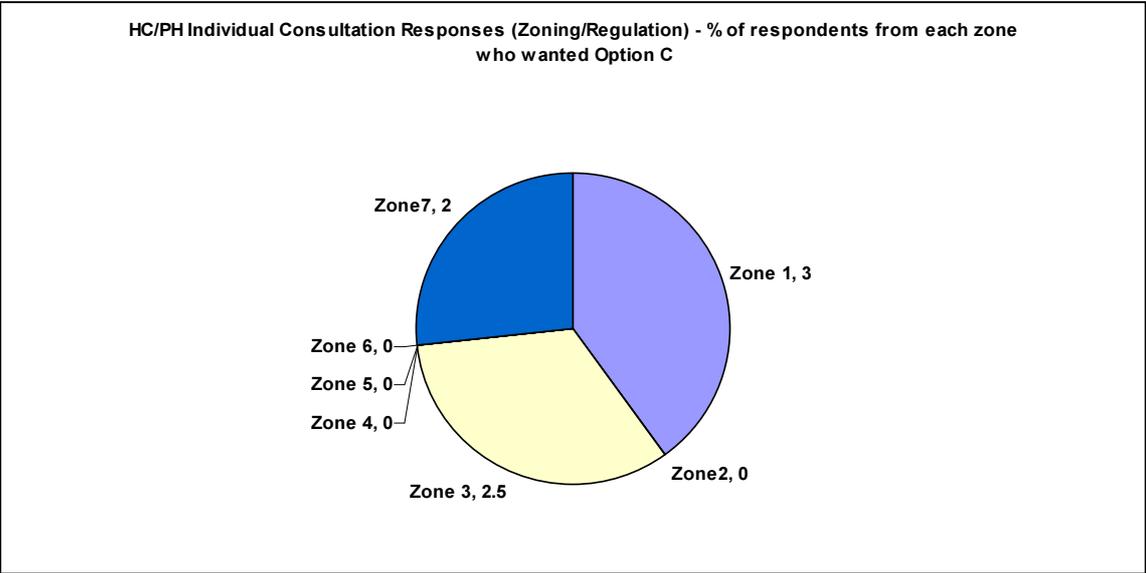
Graph 14b(2). The countywide HC and PH trade response to consultation - The individual trade member responses who wanted zone/regulation Option B, grouped by zone as a percentage of the total of those zones responses.



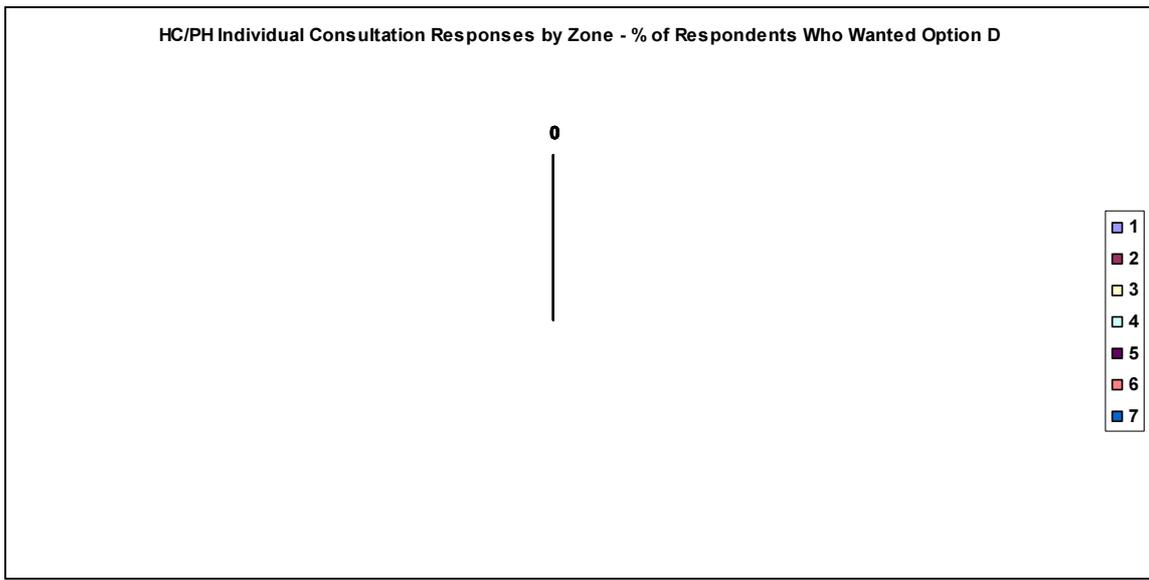
Graph 14c. The countywide HC and PH trade response to consultation - The individual trade member responses who wanted zone/regulation Option C, grouped by zone and also shown as a percentage of the total of Option C countywide preferred responses.



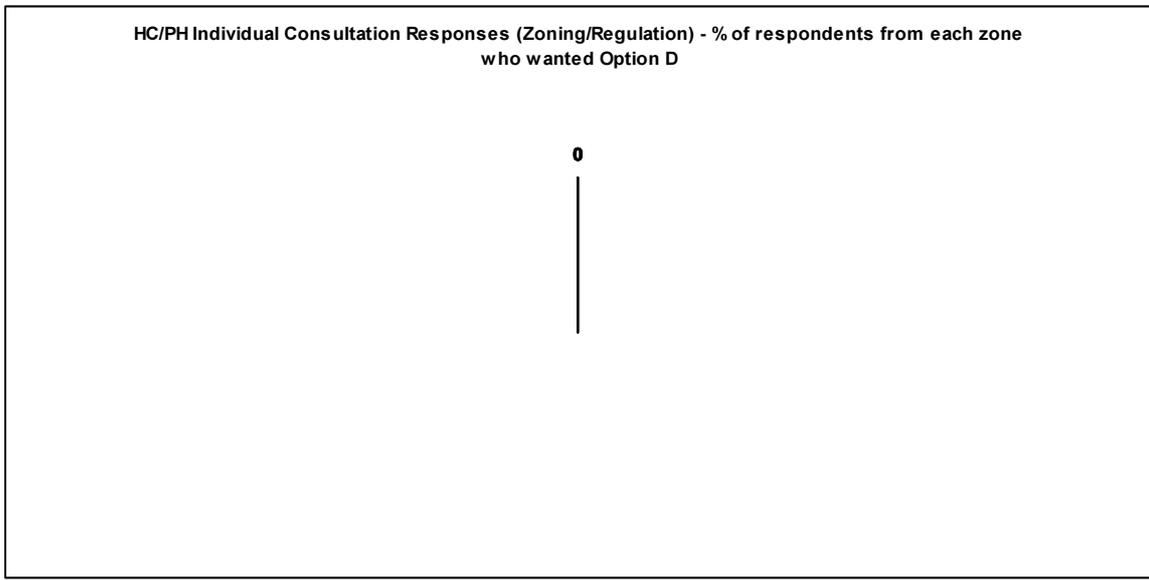
Graph 14c(2). The countywide HC and PH trade response to consultation - The individual trade member responses who wanted zone/regulation Option C, grouped by zone as a percentage of the total of those zones responses.



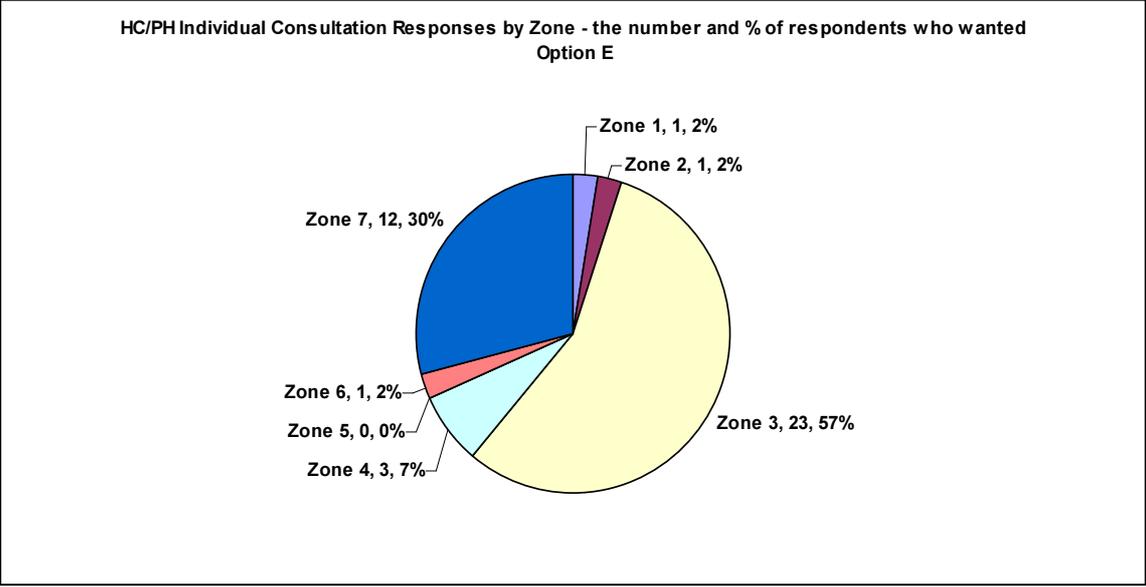
Graph 14d. The countywide HC and PH trade response to consultation - The individual trade member responses who wanted zone/regulation Option D, grouped by zone and also shown as a percentage of the total of Option D countywide preferred responses.



Graph 14d(2). The countywide HC and PH trade response to consultation - The individual trade member responses who wanted zone/regulation Option D, grouped by zone as a percentage of the total of those zones responses.



Graph 14e. The countywide HC and PH trade response to consultation - The individual trade member responses, who wanted zone/regulation Option E, grouped by zone and also shown as a percentage of the total of Option B countywide preferred responses.



Graph 14e(2). The countywide HC and PH trade responses to consultation - The individual trade member responses who wanted zone/regulation Option E, grouped by zone as a percentage of the total of those zones responses.

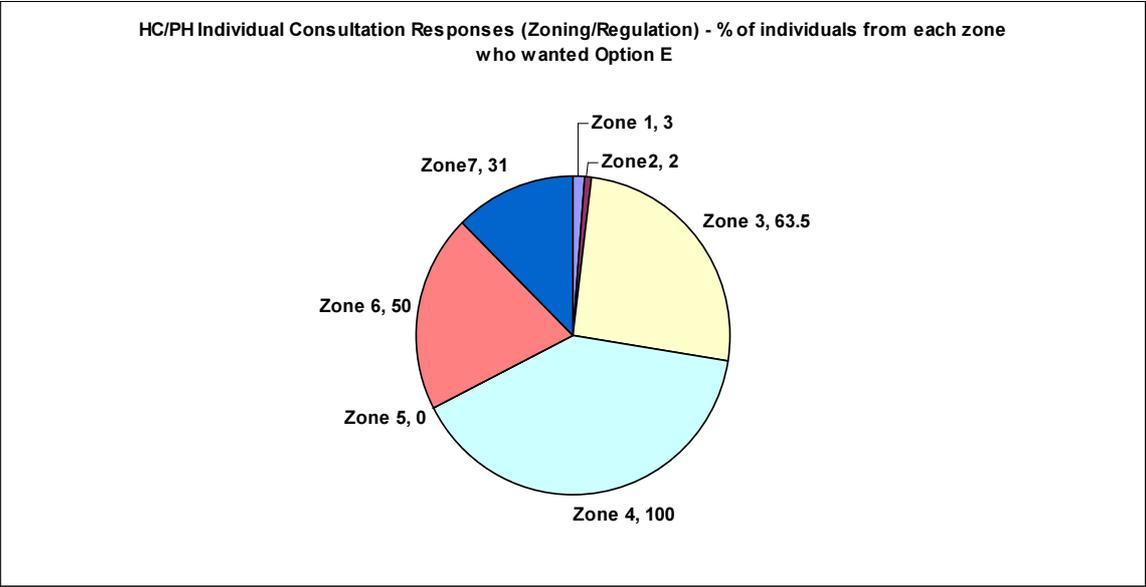


Table 4. The Area Working Group (AWG) response to consultation – zoning/regulation (Options A to E) and colour policy preferences by zone.

Area Working Group & Zone	Keep the 7 zones as they are or Remove them? (7 zones or 1)	Regulation of HC Numbers (Maintain the regulation and limitation of Hackney Carriages or not?)	AWG Zoning/Regulation Option Preference (Favoured Option) *less favoured, or secondary preference.	Should the Council impose a Colour Policy? (Yes or No or unclear?)
Chester le Street (Zone 1)	Keep the 7 zones	Regulate HC numbers	Option B	Yes to Colour policy
Durham City (Zone 2)	Keep the 7 zones	Regulate HC numbers	Option B	No to Colour policy
Derwentside (Zone 3)	Remove the 7 zones	Regulate HC numbers	Option E	No to colour policy
Easington (Zone 4)	Remove the 7 zones	Regulate HC numbers	Option E	No to colour policy
Sedgefield (Zone 5)	Remove the 7 zones	Regulate HC numbers if 7 zones are kept*	Option A Or Option B*	No single or clear opinion expressed
Teesdale (Zone 6)	Keep the 7 zones	Regulate HC numbers if 7 zones are removed*	Option B Or Option E*	No single or clear opinion expressed
Wear Valley (Zone 7)	Remove the 7 zones	No clear opinion expressed	Option A Or Option E	Yes to Colour policy

(See also paragraph 28 of the main report).

Table 5. The Countywide Working Group (CWG) response to consultation – zoning/regulation (Options A to E) and colour policy preferences made AWG representatives from the 7 zones.

Countywide Working Group (Representatives from the 7 Area Working Groups)	Keep the 7 zones as they are or Remove them? (7 zones or 1)	Regulation of HC Numbers (Maintain the regulation and limitation of Hackney Carriages or not?)	CWG member Zoning/Regulation Option Preferences (Favoured Option) *less favoured, or secondary preference.	Should the Council impose a Colour Policy? (Yes or No or unclear?)
Countywide Working Group Representatives	3 Keep the 7 zones 4 Remove the 7 zones	6 Regulate HC numbers 1 Unclear	2 for Option B 2 for Option E 2 for Options A or E* 1 for Options B or E*	2 Yes to Colour policy 3 No to Colour policy 2 No single or clear opinion expressed

(See also paragraph 28 of the main report).

C. Consultation results - police, interested parties and the general public (non-licensed hackney carriage and private hire trade responses) (Paragraph A4.3)

Table 6. The countywide response to consultation – responses from members of the public, from ‘interested’ parties and from the police; expressed zoning/regulation preferences (Options A to E) (Non-taxi trade responses)

Non-HC and PH Trade Comments	Option A	Option B	Option C	Option D	Option E	No Comments
Durham Constabulary	1	0	0	0	0	0
General Public	4	1	0	0	3	0
Interested Parties (Non DCC)	3	1	1	0	0	4
Interested Parties (DCC)	2	2	0	0	0	0

Graph 15. The countywide response to consultation – responses from members of the public, from ‘interested’ parties and from the police; expressed zoning/regulation preferences (Options A to E) (Non-taxi trade responses)

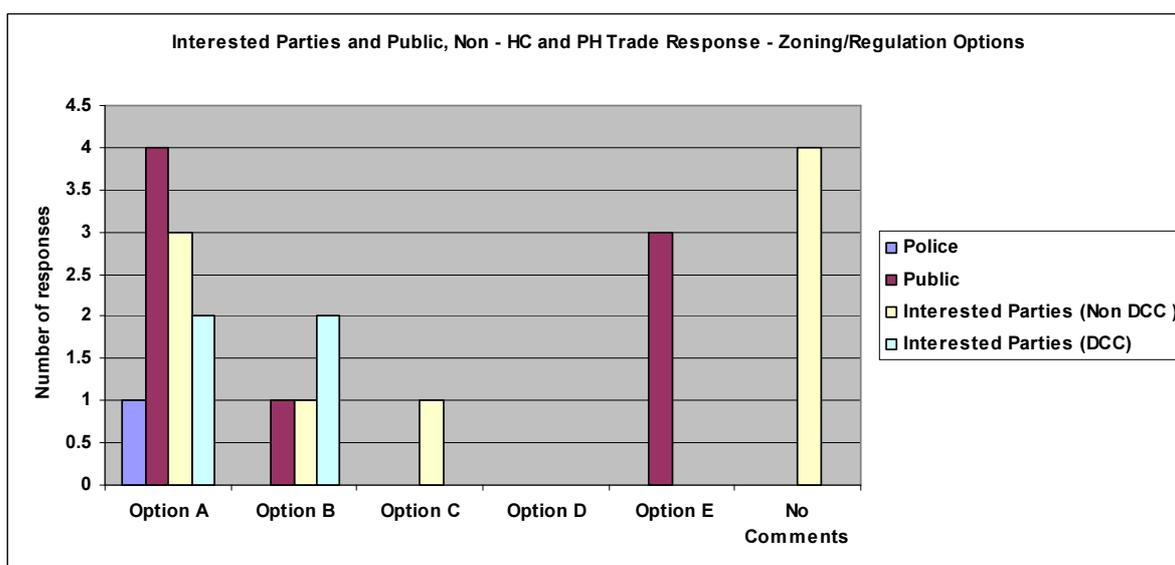
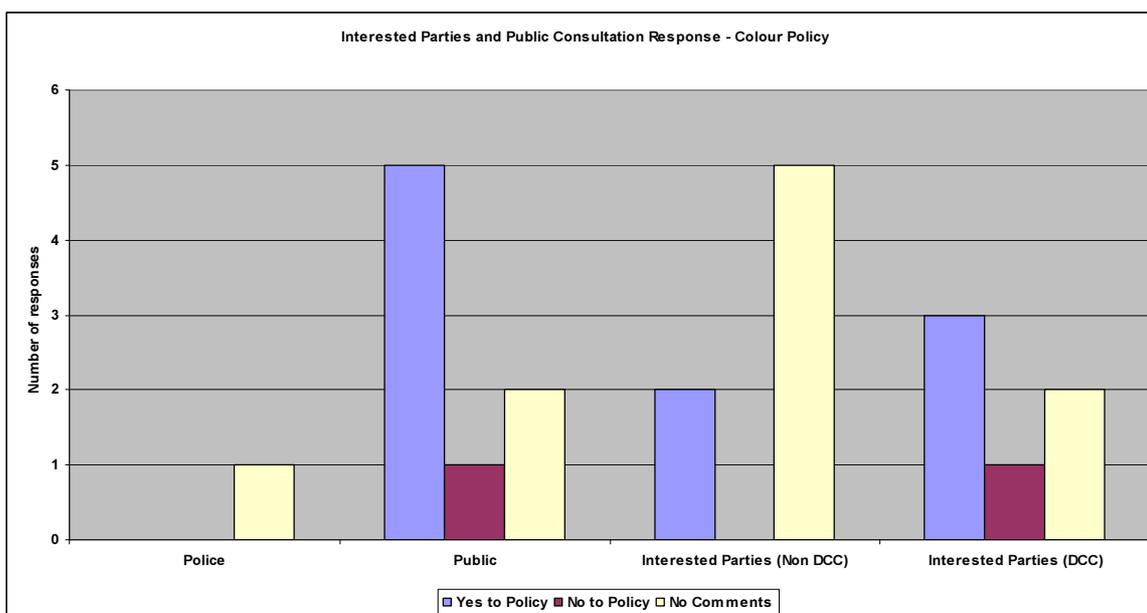


Table 7. The countywide response to consultation – responses from members of the public, from ‘interested’ parties and from the police; expressed colour policy preferences. (Non-taxi trade responses)

Non-HC and PH Trade Comments	Yes to Policy	No to Policy	No Comments
Durham constabulary	0	0	1
General Public	5	1	2
Interested Parties (Non DCC)	2	0	5
Interested Parties (DCC)	3	1	2

Graph 16. The countywide response to consultation – responses from members of the public, from ‘interested’ parties and from the police; expressed colour policy preferences. (Non-taxi trade responses)



D. Consultation responses from the individual licensed members of the hackney carriage and private hire trade - colour policy. (Paragraph A4.4.2)

Table 8. The range of colours favoured by hackney carriage and private hire trade members who said “yes” to a colour policy.

Zone	"Yes" to Policy	"No" to Policy	No Comments	Colour Preferences											
				HC white	HC silver	HC blue	HC black	HC yellow	HC red	PH white	PH silver	PH blue	PH black	PH yellow	PH red
HC and PH Trade Comments															
Totals	50	102	2	16	10	0	5	0	0	3	1	1	3	2	2

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Equalities and Diversity Impact Assessment

Hackney Carriage and Private Hire Licensing Policy

Published by Durham County Council
(Draft / Consultation Version)



Durham County Council – Altogether Better equality impact assessment form

NB: Equality impact assessment is a legal requirement for all strategies plans, functions, policies, procedures and services. We are also legally required to publish our assessments.

You can find help and prompts on completing the assessment in the guidance from page 7 onwards.

Section one: Description and initial screening

Section overview: this section provides an audit trail.	
Service/team or section: Environment, Health and Consumer Protection – Public Safety – Licensing Services	
Lead Officer and Attendees - Screening	Start date: 5 July 2010, 17 Aug 2010
<p>Lead Officer: Licensing Manager, Public Safety, Environment, Health and Consumer Protection, Neighbourhood Services Durham County Council</p> <p>Attendees: Licensing Team Leader, Public Safety, Environment, Health and Consumer Protection, Neighbourhood Services Durham County Council Planning and Policy, Policy, Performance and Communications, Neighbourhood Services, Durham County Council</p>	
Lead Officer and Attendees: Full Impact Assessment	Start date: 31 Aug 2010
<p>Lead Officer: Licencing Manager</p> <p>Attendees: Planning and Policy Officer, Neighbourhoods Licensing Team Leader, Public Safety, Environment, Health and Consumer Protection, Neighbourhood Services Corporate Equalities Officer, Assistant Chief Executive's Office Corporate Equalities Officer, Assistant Chief Executive's Office Chairman, Blind Life In Durham Secretary, Durham Disability Voice</p>	
<p>Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate)</p> <p>Hackney Carriage and Private Hire Licensing Policy The Hackney Carriage and Private Hire Licensing Policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing</p>	

and also in accordance with relevant government guidance. In formulating this policy the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, Human Rights Act 1998, Crime and Disorder Act 1998, and the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 and the Equality Act 2010.

Definitions:

- **Hackney carriage** (more commonly known as a taxi or cab) - is a public transport vehicle for no more than eight passengers which is licensed to 'ply for hire'. This means it can stand at ranks or hailed / flagged down by members of the public. Fares are regulated by the council and must be displayed on a meter fitted in the vehicle.
- **Private hire vehicle** - is a public transport vehicle for no more than eight passengers but must be 'pre-booked' in advance through an operator and cannot 'ply for hire'. Fares for private hire vehicles are not regulated by the council - the cost of a journey will normally be based on a rate per mile or should be agreed with the company before the journey.

Background

Prior to April 2009 the seven former district councils of Easington, Sedgefield, Durham, Chester-le-Street, Derwentside, Wear Valley and Teesdale were responsible for Hackney Carriage and Private Hire Licensing in County Durham. When they were amalgamated with Durham County Council to form Durham County Council Unitary Authority in April 2009 this function needed to be harmonised. After a lengthy consultation with interested parties including members of the hackney carriage and private hire licensing trade, the council adopted a Hackney Carriage and Private Hire Licensing Policy, which came into effect in April 2009.

Because of the complexity of the harmonisation of the seven different ways of working and the timescales involved it was agreed by the General Licensing and Registration Committee to postpone decision making on three major issues of zoning - which areas taxis can operate within, quantity regulation - the number of taxis allowed to operate in a zone and colour policy - whether taxis should have be of a specific colour until a further more extensive and detailed consultation had been carried out.

In addition to feedback on the three options above, the Hackney Carriage and Private Hire Licensing Policy 2009 is also being reviewed. Changes have been made to clarify elements of the policy mainly relating to safety including additional driver checks and tinted windows, as well as the inclusion of a complaints process. This policy will apply throughout the administrative area of Durham County Council from the date of adoption and overrides and supersedes any existing policy in relation to hackney carriage and private hire licensing in respect of applications, renewals, transfers and other areas connected to the following licences:

- Private Hire Vehicle
- Hackney Carriage Vehicle
- Private Hire Operator
- Hackney Carriage Driver
- Private Hire Driver
- Combined Hackney Carriage and Private Hire Driver

Aims and objectives of the hackney carriage and private hire licensing functions include:

- To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who

require them

- To ensure that all licensed drivers and private hire operators are fit and proper persons
- To provide clarity for licensees with respect to the Council's requirements and the decision making process
- To promote a professional and respected hackney carriage and private hire trade. These objectives will be taken into account by the Council when making decisions.
- Setting the standards for the licensing of drivers, vehicles and operators
- The licensing and routine inspections of vehicles, with appropriate follow up action
- Routine inspection of insurance polices, with appropriate follow up action
- The assessment of applicants to ensure they are 'fit and proper' persons and thereby entitled to hold a licence. This may include consideration of the persons medical suitability, criminal record (if any), driving standards and knowledge of the relevant law and locations in County Durham
- Investigation of complaints with appropriate follow up action
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees
- Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions
- When considering applications and taking enforcement action the Council as the Licensing Authority will have regard to Durham County Council's Enforcement Policy.

Who are the main stakeholders: **General public / Employees / Elected Members / Partners/ Specific audiences/Other** (please specify) –

A full consultation on the policy and the issues of zoning, quantity regulation and colour has been ongoing with the trade since last year (phases 1 and 2) and now phase three is consulting with the public. The Council has taken into account the views of the following when preparing this policy:

- Service users
- Current licence holders
- Elected members of the Council including members workshop to be held on 9.09.2010
- Durham Constabulary
- Local businesses and their representatives (trade associations)
- Residents and their representative bodies
- Local transport providers
- Disability Groups including Durham County Council Disability Partnership to be held on 8.09.2010
- Planning Authority

A full list of those consulted in preparing this Policy is available from the Licensing Section.

Is a copy of the subject attached? **No**

If not, where could it be viewed? www.durham.gov.uk or contact: Licensing Team, Public Health, Environment Health and

Consumer Protection.

Initial screening

Durham County Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers and operators.

No overall impacts have been identified across the equality strands.

The policy applies to all regardless of gender, age, disability, religious belief, race or ethnic minority or sexual orientation. However there are implications for the following strands but these have been explained and addressed within the policy and the full impact assessment.

- **Gender**
Gender of applicants is not considered a barrier to the issuing of taxi licenses and Durham County Council.
- **Age**
Age restrictions are included in applications for taxi drivers however these follow national guidelines. All members of the community can use taxis and no one should be refused.
- **Disability**
It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).
- **Race/Ethnicity**
Applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy and will be required to pass the Council's knowledge and locality test. (as will all applicants)

Prompts to help you:

Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

Is there an actual/potential negative or positive impact on specific groups within these headings?

Indicate :Y = Yes, N = No, ?=Unsure

Gender	?	Disability	Y	Age	Y	Race/ethnicity	?	Religion or belief	N	Sexual orientation	N
--------	---	------------	---	-----	---	----------------	---	--------------------	---	--------------------	---

How will this support our commitment to promote equality and meet our legal responsibilities?

Reminder of our legal duties:

- Eliminating unlawful discrimination & harassment
- Promoting equality of opportunity
- Promoting good relations between people from different groups
- Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people
- Involving people, particularly disabled people, in public life and decision making

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other forms of public transport are not available in rural areas and for those with mobility difficulties. The council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the council are safe, comfortable, properly insured and available where and when required.

What evidence do you have to support your findings?

The legislation, guidance and policy are for the benefit of all taxi license applications that meet the statutory and policy criteria. The licensing authority holds a neutral stance in relation to all matters providing the application criteria are met by the applicant. The only reasons for rejecting an application stem from the statutory and policy requirements of the application process. The only objections that may be considered by the licensing authority that may lead to a decision not to grant a licence relate exclusively to aspects associated with the applicant being a fit and proper person in law. To ensure best practice it was decided to continue with a further full impact assessment of the Hackney Carriage and Private Hire Licensing Policy due to the complexity of the harmonisation of the seven different districts former processes and the impact this would have on delivery of this function.

Decision: Proceed to full impact assessment – Yes

Date: 17.08.10

If you have answered 'No' you need to pass the completed form for approval & sign off.

Section two: Identifying impacts and evidence- Equality and Diversity

Section overview: this section identifies whether there are any impacts on equality/diversity/cohesion, what evidence is available to support the conclusion and what further action is needed.

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
Across all equality strands of:	Positive impact for all By adopting the licensing policy, the council recognises both the	All applications for taxi licenses follow the same procedure and are not discriminated upon by gender, disability, age, race,	N/A

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
<ul style="list-style-type: none"> • Gender • Age • Disability • Race/Ethnicity • Religion or belief • Sexual orientation 	<p>needs of residents for safe, healthy convenient and effective taxi transport and the importance of this provision to the local economy and vibrancy of the County. This results in a positive impact on the community, a reduction in fear of crime, an increased feeling of safety resulting in a positive feeling of community, safety and wellbeing</p>	<p>ethnicity, religion or belief and sexual orientation.</p>	
	<p>Positive impact for all Access, Website, Communications and leaflet.</p> <p>The taxi information leaflet includes different format availability statement for those where English is not their first language</p> <p>The Policy and other relating documents e.g. briefing note include different format availability statement for those where English is not their first language.</p>	<p>The public will be made aware of the revised Hackney carriage and private hire vehicles and it will be made available on DCC website along with this EqlA. The Taxi licensing pages on the website include all the necessary information that the public and trade need however it is important to ensure this is accessible and easy to understand</p>	<p>Licensing team to ensure information about this policy is clear, concise and in simple language. Information will be easily accessible and made available in different formats upon request. Ensure all literature includes 'available in different formats panel or statement' and that if requested a summary of the policy will be made available. Also that information on the</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
			website is in plain English and easy to understand.
	Positive impact for all Any applicants can request additional help and advice with reading, understanding and completion of applications.	Licensing Team have procedures in place to help applicants understand the policy, procedures, completion of application forms and relevant documentation but no help is given with the actual test itself. Every applicant is treated equally and must complete this test themselves. If an applicant fails the test they are allowed to re-sit at a reduced fee and the number of re-sits is not limited.	N/A
	Positive impact for all Equalities monitoring of applicants including gender and disability although available is not performed as routine process. It is recognised that the development of database will improve service delivery.	The Licensing Team are aware of the need to collect and collate this information and are planning to do so in the future.	Licensing team will consider including equalities monitoring details on applications. This will be used to develop databases for improved service delivery
Gender	No negative impacts identified Gender of applicants is not considered a barrier to the issuing of taxi licenses and Durham County Council is aware of the need for fair and equal employment opportunities,	Safety, lone working and traveling at night for both female drivers and female passengers have been identified as an issue. Some female passengers request female drivers and taxi companies do accommodate this demand. Licensing team have access to details of female drivers and can make this	Licensing team to consider preparing database of female drivers to be made available upon request. However will not promote or

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	however numbers of female taxi drivers is still low but this is a national trend.	information available on request.	recommend any one driver above another.
Age	<p>No negative impact identified on issuing of taxi licenses</p> <p>Age restrictions are included in applications for taxi drivers however these follow national advice (The House of Commons Transport Select Committee on taxis and private hire vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before a licence could be granted) and Guidelines: "Fitness to Drive: A Guide for Health Professionals" published on behalf of the Department by The Royal Society of Medicine Press Limited (RSM) in 2006.</p> <p>Following the receipt of a complete application the council will issue a driver's licence to an applicant provided he or she has held a full driving licence for at least 12 months and is considered to be a fit and proper person</p>	<p>When approving applications the council will consider, amongst other things: the applicant's relevant skills, knowledge, experience, qualification, medical fitness, criminal record and previous history as a licence holder in accordance with Appendix 1 and Appendix 2. This is in accordance with the Local Government Miscellaneous Provisions Act 1982 and current best practice advice "</p> <p>It is recommended that the group 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers.</p>	N/A

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	<p>When renewing a license applicants are expected to produce a valid medical certificate:</p> <ul style="list-style-type: none"> • Upon first application • Upon reasonable request • On their 45 birthday • Every fifth year after the 45 birthday • On their 65 birthday and then annually 		
	<p>No negative impact identified for taxi users. There is no age restriction on passengers however their differing needs will need to be considered. For example older people may need assistance in both accessing the taxi and reading and understanding the tariff whilst for the safety of younger people, child locks will be used and children will not be carried as front seat passengers.</p>	<p>Customer care and service standards included in policy. Taxi drivers are aware of Durham County Council's equality and diversity aims.</p>	<p>Licensing team to contact Integrated Transport Unit (ITU) Regeneration and Economic Development to discuss their arrangements for customer care training for taxi drivers who are contracted by Durham County Council to pick up school children during term time</p>
	<p>Older people may find it difficult to read hackney carriage plates</p>	<p>The design of hackney carriage plates across the former district areas is confusing</p>	<p>Work is ongoing in partnership with taxi</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	on taxi due to small font and print	for everyone not only the elderly, this issue is under discussion and a redesign is ongoing.	owners and interested parties to redesign plates so that they are easier to read and understand
Disability	<p>No negative impact identified for disabled passengers</p> <p>The DDA 1995 contains statutory regulations which mean that all new hackney carriages will be required to take wheelchairs by 2004 and all existing vehicles by 2012.</p> <p>It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).</p> <p>The Act also means that if the council doesn't have enough wheelchair accessible taxis in its area it cannot refuse a license to such a vehicle solely because it</p>	<p>New legislation contained in the Equalities Act 2010 reinforces access for disabled people and regulates the specification of vehicles used as taxis to ensure that it is possible for disabled persons:</p> <ul style="list-style-type: none"> • to get into and out of taxis in safety; • to do so while in wheelchairs; • to travel in taxis in safety and reasonable comfort; • to do so while in wheelchairs <p>It also states in the Policy that licensed drivers are under a duty to carry a passenger's guide, hearing and other prescribed assistance dog in their vehicles without additional charge.</p> <p>A driver of a designated or private hire vehicle who refuses to carry a wheelchair user commits an offence punishable by a fine of up to £1,000.</p>	<p>To encourage best practice the Licensing team will consider preparing a database of disabled access taxis to be made available upon request. However will not promote or recommend any one driver above another.</p> <p>They are also considering creating an 'excellence rating for taxi drivers' to be published on the website.</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	<p>has a policy of controlling the overall number of taxis.</p> <p>However, a particular licensing authority can apply for an exemption order if it considers that requiring all taxis to comply with the accessibility requirements would mean that licensed taxi drivers in an area would transfer from being hackney carriage drivers to private hire vehicles, because of the cost of purchasing accessible taxis would make their business unprofitable. The Secretary of State can agree to make an exemption order but, in doing so, can require a certain number of accessible taxis available in the area.</p>		
	<p>Possible negative impact on disabled taxi drivers There is no special provision for</p>	<p>If an application is received and the person is deemed fit for the issue of a licence by a medical practitioner a licence will be granted</p>	<p>N/A</p>

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	a person with disabilities to allow them entry into the taxi trade.	if all other criteria can be met.	
	Positive impact on disabled taxi drivers. The policy also ensures that the wellbeing of the taxi driver is also taken into account.	Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.	N/A
	Customer care and training The need to ensure drivers understand individual requirements of disabled passengers was highlighted during the impact assessment.	Taxi drivers need to have had training and understand the individual needs of users.	Licensing team to contact Integrated Transport Unit (ITU) Regeneration and Economic Development to discuss their arrangements for customer care training for taxi drivers who are contracted by Durham County Council to pick up school children during term time
	Although adopting and approving a colour policy may make a taxi distinguishable and easily recognisable	Colour is one of the issues that is under consultation and everyone's views will be taken into account before a final decision is made by Members.	N/A

	Identify the impact: does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
	consideration should be taken for vision impaired passengers.		
Race/Ethnicity	<p>No negative impact identified All applicants need a CRB check and applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy. The council requires all such applicants who have resided in the country for less than five years to obtain a CRB or equivalent and a Certificate of Good Conduct from their relevant Embassy or Consulate, at the applicant's expense, authenticated, translated and sealed by the Embassy or Consulate. Additional information will be considered as appropriate. The applicant will be required to pass the Council's knowledge and locality test.</p>	<p>Applicants who request additional help and advice with reading and writing are guided by members of staff; this includes help understanding the policy, procedures, completion of application forms and relevant documentation but not the actual test itself. Every applicant is treated equally and must complete this test themselves. If an applicant fails the test they are allowed to re-sit at a reduced fee and the number of re-sits is not limited.</p>	N/A
Religion or belief	No negative impact identified		
Sexual orientation	No negative impact identified		

How will this promote positive relationships between different communities?

In adopting this Hackney Carriage and Private Hire Licensing Policy, the Licensing Authority recognises that residents need to live

and work in a safe and healthy environment. Also, that it is important taxis are safe and taxi companies are well run, and that they add both to the local economy and vibrancy of the County. The aim of licensing the hackney carriage and private hire vehicle trades is to protect and safeguard the public and to ensure that the public have reasonable access to Hackney Carriage and Private Hire services.

Section three: Review and Conclusion

Summary: please provide a brief overview, including impact, changes, improvements and any gaps in evidence.

Durham County Council is passionate about promoting a just society that gives everyone an equal chance to learn, work and live free from discrimination and prejudice. As a Service Environment Health and Consumer Protection takes action to ensure all aspects of service delivery addresses equality and diversity issues. The Hackney Carriage and Private Hire Licensing Policy does not seek to undermine the rights of any person to apply under the policy for a variety of permissions, or have their application considered on its individual merits. The Licensing Authority will only depart from the Policy if the individual circumstance of any case merits such a decision in the interests of the promotion of the licensing objectives. The Licensing service works almost exclusively with, through and for people and delivery of the licensing function and significantly contributes towards the following council priority themes

- **Altogether safer**, ensuring the wellbeing of residents, workers and visitors to County Durham will help create a safer and more cohesive community.
- **Altogether Better Council**, consultation with residents and all interested parties to inform service improvements and delivery.

Action to be taken	Officer responsible	Target Date	In which plan will this action appear
All information produced will be simple and easy to understand. A copy of this policy and the EqIA will be made available on DCC website.	Licensing Manager Planning and Policy Officer	November 2010	Environment Health and Consumer Protection Service Delivery Plan
Different Format panel to be included in all publications	Licensing Manager	Ongoing	Environment Health and Consumer Protection Service Delivery Plan
Different Format panel forwarded to Licensing team	Planning and Policy Officer	Forwarded example of standard format panel to Licensing Manager on 7.09.2010	
Undertake equalities monitoring of applicants and consider preparing database of female drivers and disabled access taxis to be made available	Licensing Manager	April 2011	Environment Health and Consumer Protection Service Delivery Plan

upon request.			
To include equalities monitoring on application forms	Licensing Manager	Ongoing	Environment Health and Consumer Protection Service Delivery Plan
Forwarded copy of equalities monitoring questions to Licensing team	Planning and Policy Officer	Forwarded example of standard question Licensing Manager on 7.09.2010	
Will consider creating an 'excellence rating for taxi drivers' to be published on the website.	Licensing Manager	August 2011	Environment Health and Consumer Protection Service Delivery Plan
To contact Integrated Transport Unit (ITU) to discuss their arrangements for customer care training for taxi drivers	Licensing Manager	December 2010	Environment Health and Consumer Protection Service Delivery Plan
Redesign Hackney Carriage Plates so that they are easier to read and understand	Licensing Manager	Completed	Environment Health and Consumer Protection Service Delivery Plan
When will this assessment be reviewed? This policy will be kept under continuous review and where revisions (either technical or strategic) which support the licensing objectives are required, an appropriate level of consultation will be undertaken			Date: 2013
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer - sign off: Joanne Waller Head of Service			Date: 10.10.2010
Service equality representative - sign off: N/A			Date: N/A

Please email your completed Impact Assessment to the Equality team - equalities@durham.gov.uk.

Please ask us if you would like this document summarised in another language or format.

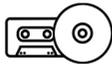
العربية (Arabic) (中文 (繁體字)) (Cantonese) اردو (Urdu)
polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)
বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)
Français (French) Türkçe (Turkish) Melayu (Malay)

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County Council

23 March 2011

Council Plan 2011 - 2014



Key Decision CORP/A/03/11/3

Lorraine O'Donnell, Assistant Chief Executive

Simon Henig, Leader of the Council

Purpose of the Report

1. To seek Council approval of the Council Plan for 2011-14 (attached as Appendix 2)

Background

2. The Council Plan is the overarching high level plan for the County Council. It covers a three year timeframe and is updated annually. It links closely with our Medium-Term Financial Plan and in broad terms sets out how we will consider our corporate priorities for improvement and the key actions we will take in support of delivering the longer term goals in the Sustainable Community Strategy (2010-2030) and the Council's own improvement agenda. The Council Plan for the forthcoming period has been revised alongside the review of the Sustainable Community Strategy.
3. The Council Plan follows our vision of an **Altogether Better Council** which is shared by the Council and its partners and was agreed by Cabinet on 23rd September 2009.
4. Both the Sustainable Community Strategy and Council Plan are structured around the five priority themes for Durham being:
 - **Altogether wealthier** - focused on creating a vibrant economy and putting regeneration and economic development at the heart of what we do;
 - **Altogether better for children and young people** - enabling children and young people to develop and achieve their aspirations and to maximise their potential in line with Every Child Matters;
 - **Altogether healthier** - improving health and wellbeing;
 - **Altogether greener** - ensuring an attractive and 'liveable' local environment and contributing to tackling global environmental challenges;
 - **Altogether safer** - creating a safer and more cohesive community.

5. An additional theme of an **Altogether Better Council** been developed for the Council Plan to capture corporate improvements that the Council has identified that it wants to make in order to enable achievement against the five priority themes.
6. Despite the unprecedented reductions in financial support from the Government, the focus of the Council's and partners' ambitions remains the same. This vision and the objectives developed for each of the 5 Altogether priority themes within the Sustainable Community Strategy still articulate what the Council and partners want to achieve and this has been reaffirmed by the County Durham Partnership at their July 2010 meeting.
7. However, suggested amendments to some of the Council's specific contributions beneath the 5 Altogether priority themes plus our own priority of an Altogether Better Council were presented to Cabinet on 2nd November.
8. Some further rationalisation has taken place since this time and it is suggested that the following deletions and amendments are made to the proposals presented to Cabinet on 2nd November.

Priority Theme	Objective	Outcome	Reason for deletion
Altogether Healthier	Enable adults with social care needs to live independently	Meet the social care need for people with dementia	People with dementia are particular client group of adults with social care needs and all actions developed for people with dementia fit under existing outcomes within this objective
Altogether Safer	Reduce serious and violent crime	Reduce the harm caused by organised crime	This will remain an important objective for the Safe Durham Partnership but much of the actions are specific for the police and contributions from the Council are low level
		Reduce violent crime	

Objective	Original Outcome	Revised Outcome	Reason for amendment
Affordable financial strategy which addresses reductions in Government grant	A balanced four year financial plan that reflects priorities and copes with change	A balanced four year financial plan that reflects Council priorities	The word 'Council' makes it clearer that the plan is about the whole organisation. The plan is built to cope with change.
	Maintain and improve income collection and debt management	Deliver continuous improvement in income collection	Improved Debt management would occur as a consequence of improving income collection.
Building a more streamlined corporate infrastructure	Rationalising the property portfolio	Optimising the use of the property portfolio	Rationalisation is just part of the improvement plan. Optimisation more fully reflects other planned actions to put property to more efficient use.
Engaging effectively with our communities and partners	A workforce development plan that reflects organisational change	An organisational development plan that reflects organisational change	An organisational development plan includes both the workforce and Members

9. The Council Plan details the objectives and outcomes that we aspire to achieve. These priorities have been developed following an analysis of all available consultation data. Our identified priorities represent the needs and aspirations of our residents and customers. The Medium Term Financial Plan agreed by Council on 23rd February 2011 sets out how revenue and capital resources have been aligned to the priority themes within the Council Plan and how consultation data has been used to shape these priorities and resourcing decisions.
10. The Council Plan also details the strategic actions that we will be engaged in during the next 3 years in support of these priorities. These strategic actions are underpinned by a framework of specific actions within our Service Plans and will be monitored by Cabinet and Scrutiny through our quarterly reporting arrangements.

Further Work

11. The Government has abolished much of the elements of the performance management framework for local government including the Comprehensive Area Assessment, the National Indicator Set and Local Area Agreements. This gives the Council the freedom to develop our own locally led approach to managing our own performance. The development of a corporate basket of indicators and targets suitable to use in monitoring our success in achieving our priorities is ongoing and will be completed at the end of March.

Risk Management

12. Actions contained within the Council Plan are risk managed through the inclusion of the relevant risks within the Plan. These risks are reported on through the Council's risk management processes to the Council's Audit Committee.

13 Recommendations:

The County Council is recommended to approve the Council Plan 2011 - 2014 as the key strategic document which sets out our vision and priorities for improvement, subject to any final minor amendments by the Assistant Chief Executive.

Contact: Tom Gorman

Tel: 0191 383 6518

Background Documents

Appendix 2 - Council 2011 - 2014

Appendix 1: Implications

Finance

The Council Plan sets out the corporate priorities of the Council for the next 3 years. The Medium Term Financial Plan aligns revenue and capital investment to priorities within the Council Plan.

Staffing

The Council's developing strategies around people management will be aligned to achievement of the corporate priorities contained within the Council Plan.

Equality and diversity

Individual equality impact assessments have been prepared for each savings proposal within the Council Plan. The cumulative impact of all savings proposals in total has also been presented to Council and will be updated as savings proposals are further developed.

In addition a full impact assessment has been undertaken for the draft Council Plan. The actions in the Council Plan include specific issues relating to equality and aim to improve the equality of life for those with protected characteristics. The Plan has been influenced by consultation and monitoring to include equality issues. There is no evidence of negative impact for particular groups.

Accommodation

The Council's Corporate Asset Management Plan is aligned to the corporate priorities contained within the Council Plan.

Crime and disorder

The Altogether Safer section of the Council Plan sets out the Council's contributions to tackling crime and disorder.

Sustainability

The Council Plan sets out the Council's contributions to achieving the longer term objectives contained within the Sustainable Community Strategy (SCS). The SCS sets out the strategy for of the Council and its partners for promoting or improving the economic, social and environmental well-being of the county and contributing to the achievement of sustainable development in the UK. The Altogether Greener section of the Council Plan sets out the Council's contributions to environmental sustainability.

Human rights

None

Localities and rurality

Each of the 14 Area Action Partnerships (AAPs) in County Durham has identified their local priorities. These identify issues in each of the five priority themes contained within the Council Plan. Area Action Plans sit below the Council Plan in our planning hierarchy and will enable each of the AAPs to performance manage these issues. AAPs were also involved in the budget consultation.

Young people

The Altogether Better for Children and Young People section of the Council plan sets out the Council's contributions to delivering better outcomes for children and young people.

Consultation

Council and partnership priorities have been developed following an analysis of available consultation data including an extensive consultation programme carried out as part of the development of the interim Sustainable Community Strategy and this has been reaffirmed by subsequent consultation on the budget and through the Residents' Survey. Results have been taken into account in developing our resourcing decisions.

Health

The Altogether Healthier section of the Council Plan sets out the Council's contributions towards delivering better health outcomes for the population of County Durham.

Durham County Council

Council Plan 2011-14

Foreword

Welcome to the Council Plan which sets out what Durham County Council aims to achieve for people over the next three years. Our continuing vision is to build an Altogether Better Durham, which is better for local people and provides better places to live and work. We share this vision with other public, private and voluntary sector partners in the County. This Council Plan sets out the Council's approach to delivering its part in this vision.

We are now two years on from local government restructuring in the County, which saw a fundamental change from eight previous councils to a new single all purpose Durham County Council. The transition was a smooth one, and this is a testament to the diligence and commitment of our staff. Since the restructure we have worked hard to improve services. We have also saved money through reduced overheads and efficiencies.

A key focus of our approach is consulting and engaging effectively with local communities. This is to make sure that the Council is strongly focused on local peoples' needs. This focus is demonstrated in our ongoing commitment to 14 Area Action Partnerships across the County which are taking action to meet local priorities.

You will be aware that the Government announced a significant reduction in local government funding in October. The scale of the reduction is unprecedented in recent times, and it is also heavily front loaded with the majority of savings being required in the first year of this plan (2011/12). This means that alongside the improvements we will continue to make to many services, this plan also sets out actions to deliver savings.

We consulted widely with the public on where to make savings and where to protect services. We have listened to what local people had to say. We therefore plan to maintain our spend at current levels on winter maintenance, highways maintenance and repairs. We also plan to invest in protecting children and do our best to protect a number of areas of social care for adults and older people. This will mean that other areas including management and communications face larger reductions. To ease the burden on individual households in these difficult economic times, we have also agreed that there will be no increase in council tax for 2011/12 (*subject to council decision*).

Despite inevitable service reductions in some lower priority areas, we will deliver significant service improvements. The Council is better placed than many to deliver savings, as we still have significant opportunities for efficiencies following local government restructuring. We remain committed to achieving the vision we have agreed with local people.

Simon Henig, Leader of the Council

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The Council and the Community

County Durham

County Durham is a place of distinctive character with a strong sense of its own identity. It has a proud and unique history having been settled since ancient times by the Romans, Angles, Saxons and Normans. The city developed as a centre of Christian worship in the 11th century with the completion of the cathedral which is now a world heritage site. The Bishops of Durham were granted both spiritual and secular powers by William I effectively giving them the status of kings of the North East, a situation which lasted up until the Reformation. Later, County Durham became a centre for the industrial revolution providing the country and developing empire with coal, steel and ships. The area also saw the development of the World's first passenger steam railway in 1825.

Today, Durham is a county of economic, cultural and environmental contrasts. It stretches from the remote rural North Pennine area of outstanding natural beauty in the West to the more densely populated East Durham heritage coastline. The county covers an area of 223,260 hectares with 219,000 households and 12 major centres of population.

Following Local Government Reorganisation in 2009, Durham County Council, with around 506,000 residents, is now the largest council in the North East region¹ and the sixth largest local authority area by population in England.

The economic history of the county has generated a spatially fragmented geography of around 250 settlements including rural villages, small and medium towns and a historic city with World Heritage status.

In common with the rest of the UK, the County's population is ageing with the average age of 40.7 years rising to 44.3 years in 2026. Increases in life expectancy and the transition of the 'baby boom' generation from economic activity into retirement means that our older people cohort (aged 65 +) is predicted to rise by 47.9 per cent by 2026². Even greater increases are expected in the population which is predicted to rise by 114.6% (over 11.651 people). An increase in the birth rate both nationally and locally will stem the decline in the number of people aged under 25, which is expected to remain fairly constant over the next two decades at its current level of approximately 30 per cent of the population.

Black and minority ethnic communities make up 1.03 per cent of the population³ and the Gypsy, Roma and Traveller community report a population of around 3,000⁴.

The 2007 Indices of Multiple Deprivation show that the Council is ranked as the 50th most deprived out of 149 county council areas nationally. In addition, forty-four per cent of super output areas⁵ in the county lie within the 25 per cent most deprived in

¹ Registrar general mid 2009 population estimates.

² County Durham Joint Strategic Needs Assessment 2010-2011

³ Census 2001, ONS as updated November 2004.

⁴ Local estimate based upon white British people representing 98.7 per cent per cent of the county's population.

⁵ SOA is a geographical area designed for the collection and publication of small area statistics

England. Within these communities, weekly wages and rates of car ownership are low; the health of the population is poor; life expectancy is below the average for the country and there are high levels of disability and long term illness. On a positive note crime rates for Durham are relatively low compared to the national average and the perception antisocial behaviour has reduced during 2010/11.⁶

In September 2010, 12,492 people were claiming Job Seekers Allowance, which equates to 3.8 per cent of the working age population. This is lower than the regional average of 4.7 per cent but higher than the Great Britain average, which is 3.6 per cent. In February 2010, 33,120 people were claiming Employment and Support Allowance and incapacity benefits, which equates to 10.1 per cent of the working age population. This is higher than both the regional average of 8.9 per cent and also the Great Britain average of 6.7 per cent.

Durham County Council

Durham County Council was established along with other county councils in England and Wales in 1888. A number of reorganisations of local government since this time have led to boundary changes with successive reductions in size of the administrative county. The creation of two new metropolitan counties in 1974 saw areas in the north east of the county (around Gateshead, South Shields and Sunderland) transferred to Tyne & Wear and areas in the south east (Stockton and Hartlepool) transferred to Cleveland. In 1997, Darlington became a unitary authority and was separated from the county.

The latest reorganisation of local government in Durham in 2009 saw the abolition of the seven district and borough councils in the county and the creation of Durham County Council as a single all purpose authority providing the full range of local government services to the public.

The Council is made up of 126 Members representing 63 electoral divisions with the Labour Party having a controlling majority. The political makeup of the Council is as follows:

Labour	69 Councillors
Liberal Democrat	26 Councillors
Independent	21 Councillors
Conservative	10 Councillors

The Council operates a Leader and Cabinet style model of political governance and the Cabinet is made up of ten Councillors with the following portfolios:

⁶ Durham Police Confidence Quarterly Survey

Councillor	Portfolio
Councillor Simon Henig	Leader of the Council
Councillor Alan Napier	Resources (and Deputy Leader)
Councillor Morris Nichols	Adult Care
Councillor Claire Vasey	Children and Young People's Services
Councillor Eunice Huntington	Healthier Communities
Councillor Lucy Hovvels	Safer Communities
Councillor Neil Foster	Regeneration and Economic Development
Councillor Clive Robson	Housing
Councillor Bob Young	Strategic Environment and Leisure
Councillor Brian Stephens	Neighbourhoods and Local Partnerships

The Council's Overview and Scrutiny function is made up of six Scrutiny Committees with an Overview and Scrutiny Management Board providing an oversight of the work of these Committees which is made up of 26 Councillors and 10 other representatives.

Our Council is broadly comparable with a major company in size. We provide a huge range of services that include: teaching our young people and caring for our older people; lending the latest best sellers and protecting 900 year old documents; fixing road bridges and creating bridges in our communities; helping children to swim and helping adults to work; planting trees in nature reserves and recycling paper from our homes. In fact, any local service you can think of, we probably have a hand in it somewhere. We have a budget of £1.2 billion, we employ 22,000 people and our services are delivered to a customer base of over half a million people. To help us manage this undertaking, we employ a Chief Executive and six Directors who make up the Corporate Management Team of the Council. Each of the six Directors heads up a large service grouping as follows:

Chief Executive	George Garlick	Head of Paid Service
Assistant Chief Executive	Lorraine O'Donnell	Corporate policy, communications, corporate planning and performance, partnerships and community engagement, overview and scrutiny, civil contingencies
Corporate Director, Resources	Don McLure	Finance, asset management, legal and democratic services, human resources and organisational development, information and communications technology
Corporate Director, Adults, Wellbeing and Health	Rachael Shimmin	Adult social care, personalisation, adult commissioning, adult learning, libraries, theatres and museums, archives, community safety, health improvement, gypsies and travellers

Corporate Director, Children and Young People's Services	David Williams	Safeguarding and Specialist Services, Extended Services (including Connexions, Surestart & Youth Offending Service), Access and Inclusion Services, Achievement Services, Strategic Commissioning and Finance Services
Corporate Director, Neighbourhood Services	Terry Collins	Highways, street lighting, refuse collection and disposal, parks and grounds maintenance, bereavement services, maintenance of council housing and public buildings, sport and leisure, environmental health and consumer protection, neighbourhood wardens
Corporate Director, Regeneration and Economic Development	Ian Thompson	Physical and economic regeneration, spatial policy and planning, support for business, tourism, strategic housing, landlord and tenant services, transport

The Council's Vision

Since becoming a unitary authority the Council has refocused its vision and priorities together with partners and in consultation with local people and Area Action Partnerships. The new vision that was developed by the Council reflected the views and aspirations of the community and opportunities for improvement. This vision focussed around an **Altogether Better Durham** and comprises two components being to have an **Altogether Better Place** which is **Altogether Better for People**.

This vision provides a framework which guides all of our detailed plans and programmes which will turn our vision into a reality. This is achieved through organising our improvement actions into a structure comprised of five priority themes:

Altogether Wealthier – focusing on creating a vibrant economy and putting regeneration and economic development at the heart of all our plans;

Altogether Better for Children and Young People – ensure children and young people are kept safe from harm and that they can 'believe, achieve and succeed';

Altogether Healthier – improving health and wellbeing;

Altogether Safer – Creating a safer and more cohesive county;

Altogether Greener – ensuring an attractive and 'liveable' local environment and contributing to tackling global environmental challenges.

This vision is shared with our partners and set out in the County's Sustainable Community Strategy. It is reassuring to note that during the current economic climate with all public sector agencies facing large reductions in Government funding, the Council and its partners have reaffirmed their commitment to the above vision and the objectives that have previously been developed for each of the above priority themes.

The Council Plan sets out our corporate priorities for improvement and the key actions that the Council will take in support of the delivery of the long-term goals in the Sustainable Community Strategy. It also identifies the improvements that the Council wants to make and how it manages itself. These actions are captured in a sixth priority theme of an **Altogether Better Council**.

Each of the above priority themes is underpinned by detailed objectives and outcomes and a high level action plan for delivery set out in sections 4 to 9 of this Council Plan.

Planning Assumptions

Our Plans have been developed after careful consideration of a number of "drivers for change" which set the context which we plan for.

These are:

National priorities

These include changes to national policy that require the Council to make changes to the way in which it does things. These may include legislative and regulatory changes. Inevitably, with a change in Government comes a change in direction in many policy areas affecting local government. The new coalition Government has formulated its legislative programme following its election in May last year. This has been characterised by the abolition of many of the agencies that we worked closely with.

For instance, the Government's White Paper, *Local Growth: Realising Every Place's Potential* published in the autumn of 2010 proposed a new approach to regional economic development that would see the scrapping of the Regional Development Agencies. The former role of One North East to some extent will be split between two new Local Enterprise Partnerships (LEPs) within the North East alongside a North East Economic Forum. County Durham will become part of the North Eastern LEP covering Northumberland, Tyne & Wear and Durham. The LEP will fulfil a number of development functions including working with Government to set out key investment priorities including transport infrastructure, coordinate bids for the Regional Growth Fund where possible, and help to align national planning policy, strategic housing delivery and tackling worklessness across the wider sub region.

Another area which is set to undergo a fundamental change which will have a large impact is in health. Proposed changes are set out in the Government's White Paper, *Equity and excellence: Liberating the NHS*. One of the aims of the Government's new policy proposals contained within this White Paper is to improve public health and reform social care. Implementation of these proposals will see the abolition of NHS County Durham (the Primary Care Trust (PCT)) and the transfer of its responsibilities for public health to the Council alongside the introduction of GP

commissioning of healthcare. The Government continues to set out its vision for social care and the Council will have to consider these changes as they develop over the forthcoming year.

A fundamental change affecting all services is the Government's announcements regarding the performance management of local authorities. The Secretary of State for Communities and Local Government has abolished many of the elements of the performance management framework for local government. The Comprehensive Area Assessment (CAA) has been scrapped. This was an annual assessment framework used to judge how effectively the Council and its partners such as the police and PCT worked together to improve the area. The National Indicator Set which was a set of indicators prescribed by the Government for measuring the effectiveness of local authorities and local authority partnerships has also been abolished. However, the Government has introduced more requirements on local authorities around the transparency of data. For instance, all local authorities now have to publish all items of expenditure over £500 on its website on a monthly basis.

Local priorities

The Council identifies local priorities for County Durham through a series of local assessments. The Joint Strategic Needs Assessment (JSNA) carried out annually by the Council in partnership with NHS County Durham provides an overview of the current and future health and wellbeing needs of the people of County Durham. This assessment shows that the health of residents has improved significantly over recent years with people living longer. However, health of the population remains poor in comparison with the national picture and health inequalities remain persistent and pervasive. Early deaths from heart disease, stroke and cancer are worse than England averages. Smoking is the biggest contributor to shorter life expectancy accounting for 57% of early or premature deaths. Levels of obesity and admissions to hospital for alcohol-related harm are increasing in the county. Local priorities for tackling health inequalities include reducing smoking, tackling obesity, reducing alcohol misuse, reducing teenage conceptions, promoting positive mental health and reducing early deaths from heart disease and cancer. Future needs centre around an increasing ageing population and the implications for health and social care.

The Safe Durham Partnership Strategic Assessment carried out by the Council, Durham Constabulary and County Durham and Darlington Fire and Rescue Service has highlighted seven priorities for the Safe Durham Partnership to work on including anti-social behaviour, tackling alcohol and substance misuse and protecting vulnerable people from harm as key priorities for the Council and its partners on the Safe Durham Partnership.

Other key assessments include the Strategic Housing Market Assessment (SHMA), the Child Poverty Needs Assessment and the Local Economic Assessment. The SHMA was completed in 2008 but is currently being updated to reflect the different economic climate we are now in. The updated assessment will be used to inform policy and strategy development for both housing and planning services.

The Child Poverty Needs Assessment was completed in December 2010 and will be used to develop the Council's first Joint Child Poverty Strategy. Key issues from this assessment include levels of deprivation, inadequate housing, life expectancy rates, teenage pregnancies, low educational attainment and worklessness.

The County Durham Regeneration Statement outlines how the underlying ambition of creating sustainable places where people want to live, work, invest and visit can be achieved. The 5 core objectives outlined in the Statement, frame the 'Altogether Wealthier' section of this plan. The Local Economic Assessment is helping the council further understand the economic needs and potential of local businesses, people and the supporting infrastructure. In addition the County Durham Economic Partnership has agreed 5 key measures to monitor change including: the employment rate; business registrations; household disposable income per head of population; the gross value added and the level of deprivation in local communities

Resources

By far the biggest driver for change which is affecting our plans, certainly in the short to medium term is the reduction in Government support in the form of grant funding. The Government has stated that its most urgent task is tackling the structural deficit within the course of the current Parliament with the main burden of deficit reduction being borne by reduced spending rather than increased taxation. The two-year Finance Settlement received on 13 December 2010 confirmed both the size of future grant reductions and the Government's heavy front loading of reductions in 2011/12 and 2012/13. In total, the Council is forecasting the loss of £92.5m of Government Grant over the 4 year period of the Council's Medium-Term Financial Plan (MTFP) with £60.3m in 2011/12. After taking into account estimated budget pressures faced, the Council is required to achieve £67.1m of savings in 2011/12 and £125m of savings over the whole of the MTFP. This is the equivalent of almost 30% of the Council's 2010/11 Net Revenue Expenditure Budget.

The Council has adopted a risk based approach to the achievement of savings that seeks to minimise the effects on frontline services. This is detailed in the Performance and Efficiency section of this Plan.

In order to protect front line services insofar as is possible, the Council has agreed an approach to managing these reductions by achieving more than half the required savings through reductions to management costs, support services, realising service efficiencies and increases to fees and charges. The Council plan to make savings of £27.1 million in management and support services costs over the MTFP which is 30.5% of the total budget for this area. The savings reflect the benefits to the Council of becoming a unitary authority and still having significant efficiency savings and modernisation opportunities available in addition to those savings already realised during local government reorganisation. However, even after taking account of the deletion of an estimated 350 vacant posts from the establishment, it is expected that a further reduction of 1,600 full-time equivalent posts will be necessary within the next 4 years to balance the books.

These savings requirements are requiring all council services to fundamentally challenge each line of their budget and explore more innovative approaches to service delivery. Much of this review activity will dominate our work over the course of the Council Plan. A full list of savings and review work agreed by the Council is at Appendix 2.

Risks and Opportunities

An essential part of corporate and service planning is the consideration of risks and actions that the Council can take to minimise or eliminate their occurrence or their

impact on service delivery. Risk management is integrated within the Council's annual planning cycle and risks are kept under regular scrutiny with a formal review of all service and corporate risks being carried out on a quarterly basis by the Council's Corporate Risk Management Group. The Council's Audit Committee is also responsible for monitoring the development and operation of risk management and the overall corporate governance of the Authority.

Risks are assessed at two levels: gross impact and likelihood based on an assessment of the risk without any controls in place; and net impact and likelihood based on the assessment of the current risk after taking into account the existing controls and mitigating actions in place. Corporate Management Team has agreed the following 17 risks in place for 2010/11.

Corporate Risks – Net Impact and Likelihood

IMPACT	CRITICAL		7, 17	1		
	MAJOR	16	10, 11, 14	2, 4, 5, 6	3	
	MODERATE		15	9, 12, 13	8	
	MINOR					
	INSIGNIFICANT					
		REMOTE	UNLIKELY	POSSIBLE	PROBABLE	HIGHLY PROBABLE
LIKELIHOOD						

Ref	Risk	Conclusion	Service leading on managing the risk	Direction of Travel
1	If the Delivery plan is not successfully delivered, then the MTFP targets will not be achieved	Treat	Resources	
2	Failure to deliver the restructured BSF programme within time, budget and minimal service disruption	Treat	CYPS	
3	Insufficient number of adequately skilled staff to maintain the expected level of services	Treat	Resources	New risk
4	Unauthorised release of information into the public domain or to unauthorised persons	Treat	Asst Chief Executive	
5	Business continuity will not be maintained in the event of Oracle e-business suite hardware failure	Treat	Resources	
6	Failure to effectively develop the proposed Waste Management Solution	Treat	N'bourhood Services	
7	Failure to effectively support events organised by the Council or taking place on Council land	Existing controls considered adequate	N'bourhood Services	

8	Unacceptable level of performance of the Oracle ERP system will reduce the quality of service provision	Treat	Resources	
9	Services do not achieve optimum outcomes with suppliers in contractual relationships	Treat	Resources	
10	The Council may be liable to legal challenge if a single status agreement is not implemented in full	Treat	Resources	
11	Failure to respond appropriately to a major incident/interruption	Treat	Asst Chief Executive	New risk
12	Failure to prepare appropriately for a major incident/interruption	Treat	Asst Chief Executive	New risk
13	Due to the amount of change occurring across the Council, the potential for fraud and error is increasing	Treat	Resources	
14	Failure to recover appropriately from a major incident/interruption	Treat	Asst Chief Executive	New risk
15	Failure to effectively deliver the Corporate Improvement Programme	Treat	Asst Chief Executive	
16	A prolonged major incident (i.e. foot and mouth or severe pandemic)	Existing controls considered adequate.	Asst Chief Executive	New risk
17	The Council does not fulfil its Safeguarding responsibilities effectively.	Existing controls considered adequate.	CYPS/ Adults/ Regen	

Consultation

Our plans are informed by results from consultation and the Council has strived to obtain opinion and feedback from customers and the public to assist us in making sure that we provide the services that people need. A major face-to-face doorstep survey of residents was carried out in 2010. This is one of the largest surveys of its kind ever to have been undertaken in County Durham. Data from this survey has provided a valuable insight into the perceptions of residents. The sample size is sufficiently large to provide segmented data down to Area Action Partnership (AAP) level and is capable of being analysed across different demographic characteristics such as age. Results demonstrate that residents' top 5 priorities for improvement are activities for teenagers, levels of anti-social behaviour, improving job prospects, reducing levels of crime and cleaner streets.

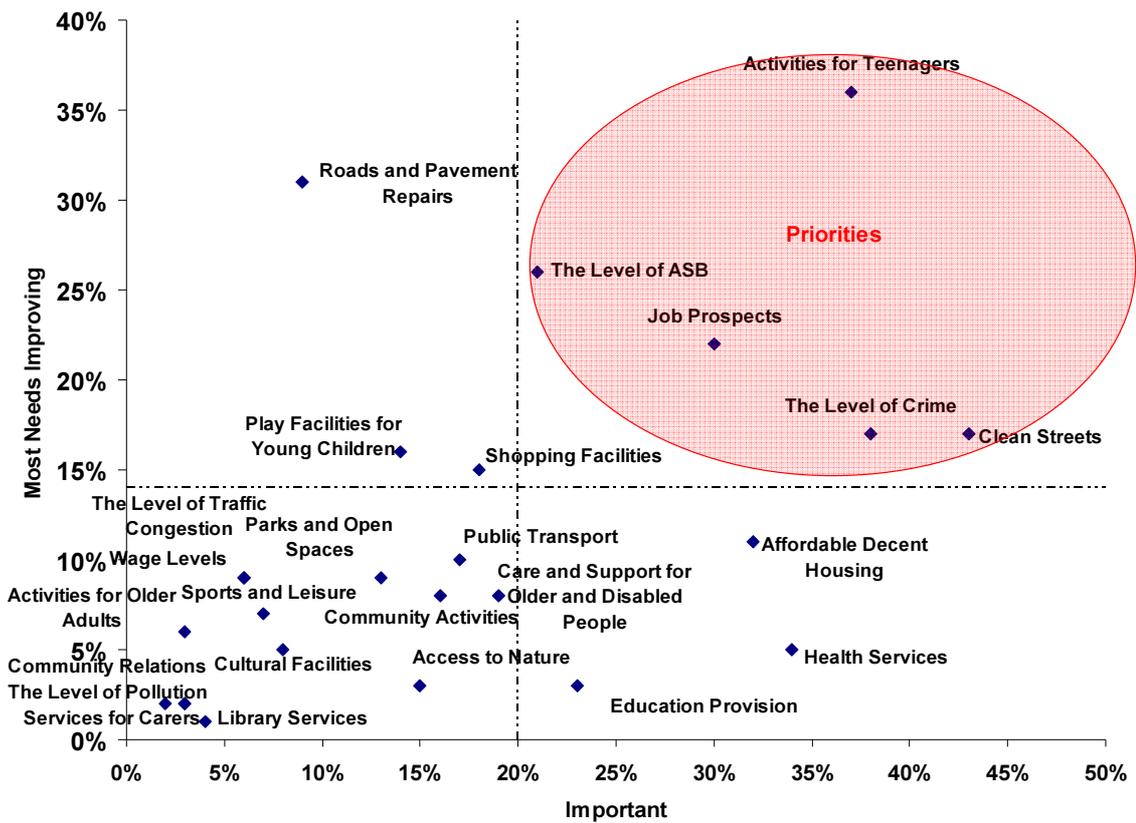


Figure 1 - Residents' Survey 2010: Priorities

Specific consultation was also carried out on the MTFP during November and December 2010 using Area Action Partnerships (639 participants), an online survey (534 participants) and a postal survey (233 participants). The aim of this consultation was to determine areas where respondents felt there should be larger or smaller budget reductions over the term of the MTFP. Residents were asked to consider a comprehensive list of Council service areas where we exercise an element of control over future resourcing decisions (i.e excluding Direct Grants to schools and Benefits Payments). For the 35 service areas listed, respondents were asked to indicate whether the Council should apply a standard reduction of say, 25% over the next 4 years or whether the level of reduction should be smaller or larger. Residents were asked for a balanced response so that if they suggested a larger reduction for one area then they should also identify a service of a similar size where a smaller reduction should be put forward. Analysis of the results show a clear indication that residents would prefer the following services to be protected:

- (a) Winter maintenance
- (b) Repairs to roads and pavements
- (c) Adult care services
- (d) Child protection/adoption/fostering
- (e) Refuse

- (f) Community safety and tackling crime and disorder
- (g) Youth offending
- (h) Youth centres and youth workers
- (i) Supporting people

Similarly, there was a clear indication that residents would be prepared to 'pay' for the protection to these services by agreeing to reduce the following services:

- (a) Resources
- (b) Policy, improvement and scrutiny
- (c) Planning
- (d) Communications
- (e) Members' locality budgets
- (f) Arts, cultural services and museums
- (g) Area Action Partnerships – Area budgets
- (h) Home to school/college transport
- (i) Road safety
- (j) Adult education
- (k) Connexions

The Budget Consultation provided clarity on which services the public would prefer smaller and larger reductions to be made and this has been used to model savings targets.

Analysis of consultation results data from the residents' survey and the MTFP consultation overleaf demonstrates the continued relevance of the Council and County Durham Partnership's priority themes as a framework for our plans.

Priority Theme	Key Consultation Findings
Altogether Wealthier	Job prospects identified as one of the five priority issues in the Residents' Survey
Altogether Better for Children and Young People	Activities for teenagers identified as the top priority in the Residents' Survey
Altogether Healthier	Adult Care Services identified as one of the top three service areas for protection in the Budget Consultation
Altogether Safer	Levels of anti-social behaviour and levels of crime were two of the five priorities identified in the Residents' Survey
Altogether Greener	Winter maintenance and repairs to roads and pavements identified as two of the top three service areas for protection in the Budget Consultation
Altogether Better Council	Back office/support services consistently recognised in the Budget Consultation as areas to be considered for larger reductions

Performance and Efficiency

Performance is managed corporately through Cabinet who consider quarterly performance management reports. Comparison with other service providers, inspection findings, deterioration in performance or failure to meet targets all act as drivers to prompt managers to develop plans to address current performance issues. Two examples of where poor performance in comparison with other service providers is driving proposals for change are payment of invoices to suppliers within 30 days and the average time taken to process all new claims and change events in housing and council tax benefits. These issues are being addressed through plans to move to single systems (or unitisation) for both financial management and revenues and benefits alongside other improvement measures.

The Authority also received a number of external inspections of its services in 2009/10. Each inspection report contains a number of recommendations for improvement and the Council responds to this by producing an action plan which details how and when we will take up these recommendations. These action plans are integrated into our service planning arrangements.

A key external inspection was the annual performance assessment of local authorities responsible for the provision of adult social care conducted by the Care Quality Commission. Judgements are made against seven outcomes from the Department of Health's White Paper, *Our Health, Our Care, Our Say*. 2009/10 is the final time that the Care Quality Commission will publish these judgements. The coalition Government has published a new vision for adult social care and is currently consulting on a new outcomes framework for the sector. It is pleasing to note that in the final year of the current inspection regime, the Council received its best ever rating of an excellent assessment, having been judged to be performing well in previous years.

Table 1 – Durham County Annual Performance Assessment for Adult Social Care for 2009/10 (Care Quality Commission)

Delivering outcomes assessment Overall council is:	Excellent
Outcome 1: Improved health and well-being	Excellent
Outcome 2: Improved quality of life	Excellent
Outcome 3: Making a positive contribution	Excellent
Outcome 4: Increased choice and control	Well
Outcome 5: Freedom from discrimination and harassment	Excellent
Outcome 6: Economic well-being	Well
Outcome 7: Maintaining personal dignity and respect	Well

Assessed on a scale of:

Poor – not delivering minimum requirements for people

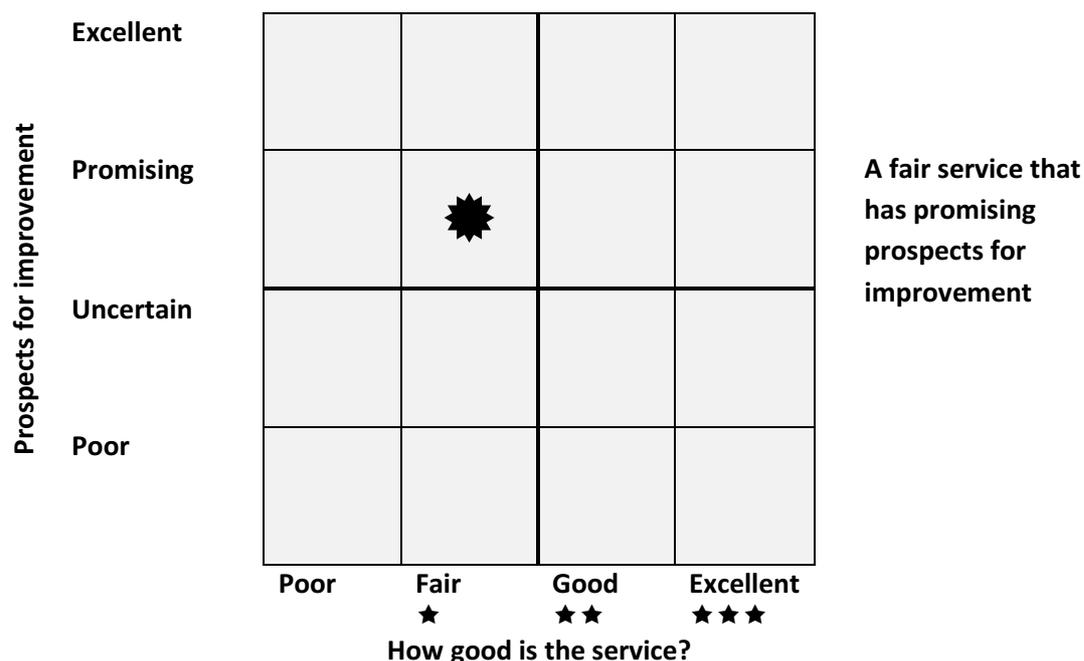
Adequate – Only delivering minimum requirements for people

Well – Consistently delivering above minimum requirements for people

Excellent – Overall delivering well above the minimum requirements for people

The Audit Commission adopt a risk based approach to carrying out inspections of local authority services. Due to the major changes that we underwent in Local Government Reorganisation, they decided to carry out service inspections of the Authority's Benefits Service and its Strategic Housing function in 2010. Both of these new services were judged to be a fair (one star) service with promising prospects for improvement. As both services were selected for inspection as they were new single services which came together post LGR and were therefore categorised by the Commission as high risk, this represents a very positive result for the new council.

Table 2 - Benefits service inspection result, September 2010 and strategic housing service inspection, January 2011 (Audit Commission)



Ofsted carry out an annual assessment of children’s services. This annual assessment is derived from the performance profile of the quality of services and outcomes for children and young people in the County. It includes findings from across Ofsted’s inspection and regulation of services and settings for which the County Council has strategic or operational responsibilities either alone or in partnership with others, together with performance data from the relevant National Indicators. In 2010, children’s services in Durham County Council were judged to be performing adequately. This is a deterioration from the 2009 score where Ofsted judged Durham County Council to be performing well.

Table 3 - Annual children’s services assessment, December 2010 (Ofsted)

4	Performs excellently	An organisation that significantly exceeds minimum requirements
3	Performs well	An organisation that exceeds minimum requirements
2	Performs adequately	An organisation that meets only minimum requirements
1	Performs poorly	An organisation that does not meet minimum requirements
Durham County Council children’s services assessment 2010		Performs adequately (2)

Inspections show that the adequate provision is in early years and childcare, half of the secondary schools and eight of the 15 school sixth forms. The majority of the local authority children's homes, including the secure unit and private children's homes, are good. The special schools and the pupil referral unit are also strong, as is much of the nursery and primary schools provision. The colleges are at least good. The local fostering and adoption agencies are outstanding.

An action plan is being put in place to address areas for development.

The unannounced inspection of safeguarding was held in March 2010. Although this inspection is not awarded a grade, there were no areas for priority action identified.

The inspection of DCC adoption service was undertaken in 2010 and the service was assessed as outstanding. This is the highest possible score and means that the service provided by the Council is of exceptionally high quality.

The Authority has also been successful in winning a number of national awards including:

- The Council's Waste Team won the Association of Public Service Excellence Best Service Team award
- Durham Heritage Coast Partnership won the UK Landscape Award 2010 and will represent the UK in the European Landscape Awards in March 2011
- Killhope Lead Mining Museum won the North East Tourist Awards small attraction of the year
- Durham City Tourist Information Centre won the Gold North East Tourist Information Centre of the Year Award and Stanhope Tourist information centre won the Silver award.
- Adults, Wellbeing and Health won the Great British Care Award for Care Innovator/Support and Recovery
- The Youth Offending Service has won a Children and Young People Now award for their work with pre-reprimand disposals (prevents young people entering the criminal justice system) and has been shortlisted in the LGC Awards
- 10 Green Flag awards have been given to parks and open spaces around the county by the Keep Britain Tidy group
- The Corporate Communications Team's Open Doors initiative has won the best internal communications campaign from the Public Services Communications awards

The Council will monitor progress towards the achievement of its priorities through quarterly reporting to Cabinet and its Scrutiny Committees of key measures contained within a corporate basket of performance indicators detailed in 1.

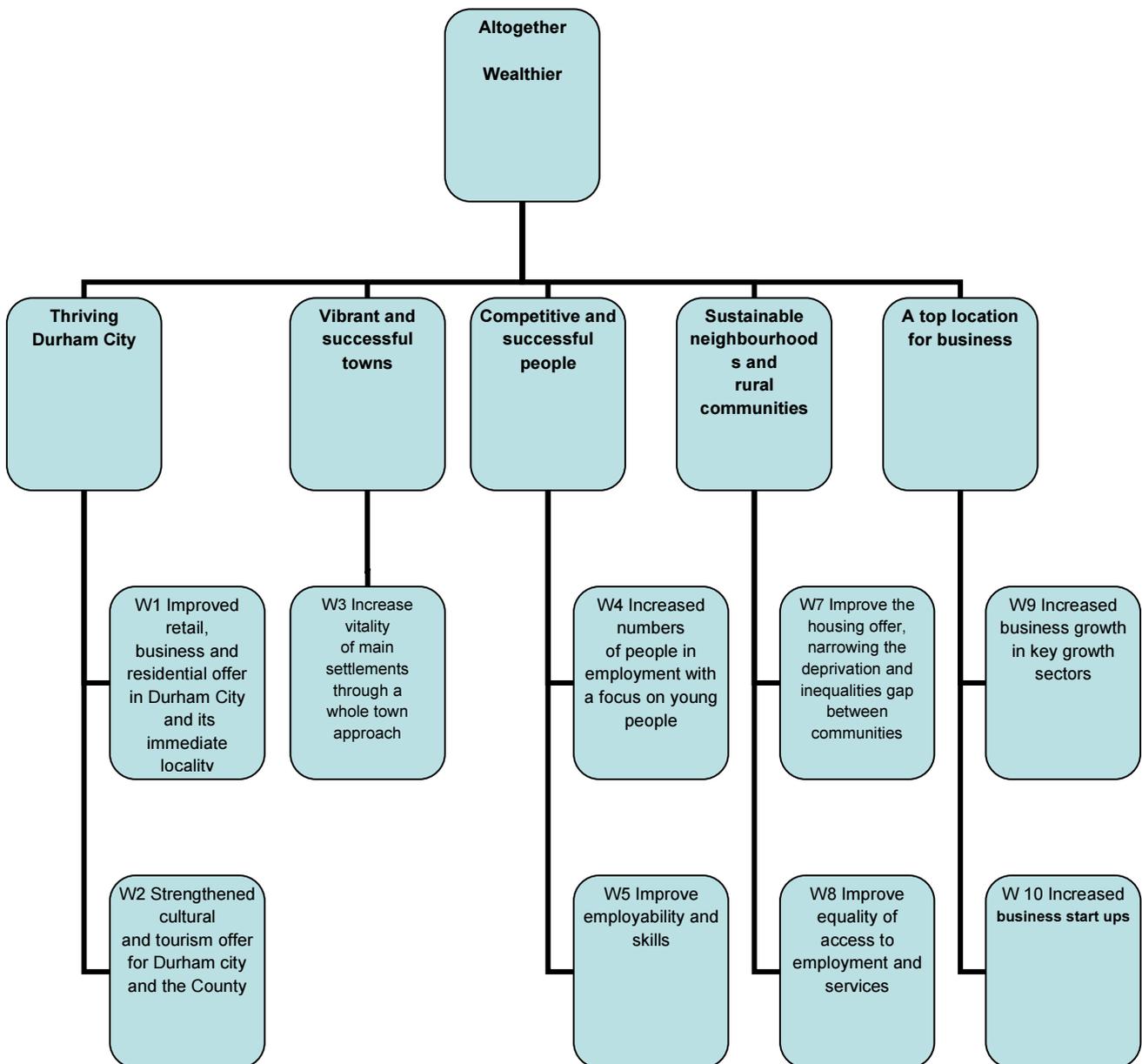
Equality and Diversity

Equality is at the heart of our planning processes. The Council's main policy document on equalities is the Single Equality Scheme which was approved by Cabinet in 2010. This replaced separate equality schemes for race, disability and gender and was extended to cover religion and belief, sexual orientation and age in line with the forthcoming requirements of the Equality Act 2010.

The Council is currently at the 'achieving' level of the Equality Framework for Local Government and has a target to achieve the 'excellent' level by 2013.

All proposals for achieving savings within the MTFP have undergone a rigorous equality impact assessment process and other changes to services and policy developments are subject to impact assessment too.

Altogether Wealthier



Within the Council's Altogether Wealthier priority theme, we are focusing our efforts on creating a vibrant economy and putting regeneration and economic development at the heart of all our plans. In comparison with the region and nationally, County Durham's economy is underperforming. To help address this issue, we have identified 5 objectives set out above and in our Regeneration Statement, which we aim to achieve. Over the next three years, we will strive to deliver a step change in the local economy within a time of financial constraints and significant policy shifts nationally.

The principal driver of an economic renaissance within the County is the employment rate; for improving this will usually raise GVA, increase levels of disposable income, increase the number of business, and should as a result begin to reduce the chronic levels of relative deprivation that the County has experienced now for several decades. As a County we need to aim to achieve a net increase of 28,300 jobs over the next 20 years, through inward investment, company growth and business creation.

Improved educational attainment and skills for the population of County Durham will also contribute to economic prosperity and improve people's quality of life. Participation in cultural events and activities is also vital to promote vitality and attract tourism, although it is acknowledged that this is a challenge for the Council in the current economic climate.

1. Thriving Durham City

At the heart of the North East, Durham City is a hub of economic and cultural activity and stands out as a key economic driver to the county and region and symbolises the economic potential and opportunities available. The city has enormous untapped potential and will deliver a significant share of a step change in the growth of the region and the largest contribution from the county as a whole. The City needs a critical mass of employment, population and visitors to build on the assets already inherent to become a city of regional, national and international significance.

We aim to make the most of Durham and what the city has to offer in terms of economic potential which must be fully exploited to support the growth of County Durham's economy. By maximising the development opportunities of the city we will help to stimulate retail, business and housing growth, which will lead to job generation and increased confidence. Durham city offers the potential to boost tourism performance across the entire County which will improve this key sector's performance when compared with other sub-regions in the North East and comparable areas elsewhere in England.

Going well

- Over the last 7 years the number of overnight visitors has grown by 16% with these visitors spending an additional 700,000 nights in Durham. An additional £30 million has been spent by these visitors in 2009 compared to 2003.
- Durham Cathedral is one of the region's top ten attractions, receiving more than 600,000 visitors per annum.
- North Eastern Local Enterprise Partnership approved and plans made to drive forward collaborative working across the region, which it is hoped will help to stimulate investment within Durham City and the rest of the County
- Key regeneration projects are underway within the city, helping to revitalise and enhance the city centre.
- The number of people attending the BRASS festival in 2010 increased by 12% from the previous year to 51,961.

Cause for concern

- Tourism in the County remains highly seasonal, with the summer period (July to September) accounting for almost a third of all tourist days.
- Existing provision within the wider Durham city area secures 65.6% (£80.7 million) of the main food expenditure available. The city centre secures 6.4% of expenditure which represents the lack of a major convenience store in the centre.
- Although existing retail provision in Durham City and surrounding retail parks retain nearly 60% of retail expenditure arising from the City's catchment area, there are significant outflows to other regional shopping centres. In terms of clothing the city centre only achieves 42.9% (£30.9 million) market share with significant leakage to the Metro Centre (22.9%) and Newcastle City Centre (19.3%).
- Even though there are significant office and industrial premises in and around Durham city, it lacks a defined, modern central business district.
- Planning applications received by the Council have reduced by more than 25% since 2008 due to the recession.

Did you know?

- Durham city and its out of centre retail parks attract significant numbers of County Durham residents from Crook, Spennymoor, Easington and Houghton.
- 1.5 million overnight tourists visited Durham in 2009, spending 4.2 million nights in the area. In addition more than 16 million day visits were made in the area.
- These visitors made a total contribution to the Durham economy of £654 million.
- Approximately 9,000 jobs (full time equivalents) were supported by direct tourist expenditure in the County, and a further 2,200 jobs were supported by indirect revenue from tourism.

Look out for:

- Further County Durham Plan Consultations with the core strategy due to be adopted by March 2012 and allocations documents published in May 2013.
- Implementation of the driver information project with real time road side information signs in place by 2014.
- Completion of Durham City projects such as the World Heritage Visitor Centre, Heart of the City and Market Place and Vennels improvement works.
- BRASS festival in July 2011 and the return of Lumiere in November 2011.

High level Action Plan

Action	Responsibility	Timescale
Complete Durham City Regeneration Framework by June 2011 and deliver key projects to stimulate investment and maximise job opportunities by March 2014.	Head of Economic Development	June 2011
Deliver key Durham City transport initiatives to improve efficiency of transport services and traffic management within the City including: <ul style="list-style-type: none"> • Implement walking and cycling provision based on the 2010 audit of facilities. • Extension of the Driver Information project including further web system development, additional traffic monitoring cameras and real time road side information signs 	Head of Transport	County Durham Cycling Strategy effective by July 2011 Programme Implemented by March 2014
Adopt a place marketing strategy for Durham	Head of Economic Development	September 2012
Improve the tourism offer in Durham City by supporting existing/new attraction and accommodation providers and new tourism businesses.	Head of Economic Development	World Heritage Site Visitor Centre Sept 2011 Family Based Tourism attraction open March 2014
A programme of cultural events and activities will be delivered across the County. BRASS Festival	Head of Adult Commissioning	July 2011
Lumiere Festival		November 2011
Display of Lindisfarne Gospels –		December 2013

2. Vibrant and successful towns

Vibrant towns are good for business: they create jobs, attract investment and generate income - they are engines for economic growth. At their best, they create a discernable local buzz and define the wider area, attracting people from near and far. County Durham has a dispersed settlement pattern with a large number of distinct towns, not all of which are meeting the needs of local communities. We need to increase the vitality and vibrancy of main settlements through the adoption of a 'whole town approach' for each main settlement and phased delivery of improvement. This 'whole town' approach will be specific to each settlement and will deliver tailored solutions for each place depending on its needs and service potential for its locality. We aim to create places that are attractive, well managed, well designed with a range of amenities and facilities for that given community.

A review of the library network will be undertaken to create a sustainable network of town and community libraries.

Going well

- Town centre improvement works underway in Newton Aycliffe, which will help to stimulate investment within the town.
- Bishop Auckland town centre improvement works nearing completion to revitalise the market place.
- New Customer Access Point open in Consett town centre.
- DurhamGate, the largest mixed-use development in County Durham incorporating business, living and leisure near Spennymoor started on site in 2010.
- North Dock (in Seaham) improvements nearing completion and business centre completed.
- Funding confirmed for the Academy in Stanley.
- The following schools have benefited from Building Schools for the Future funding: Dene Community School of Technology; Easington Community Science College; Glendene School and Community Arts College; Sedgfield Community College; Shotton Hall Primary School; Shotton Hall School; Stanley Academy ; St Bede's Catholic Comprehensive, Peterlee; Wellfield Community School.
- The 2010 Residents Face-to-Face survey showed that 76% of people are already satisfied with town centres in the County, whereas 11% expressed dissatisfaction. 68% of respondents were satisfied with the attractiveness of the County's towns, whereas 20% expressed dissatisfaction.

Cause for concern

- Since 2008 and due to the recession, the number of vacant retail units in town centres has increased.
- The reduction in direct government funding and reduced capital budgets will make it harder to implement new regeneration schemes.
- Planning applications received by the Council have reduced by more than

25% since 2008 due to the recession. The reduction in major planning applications received illustrates the reduced market demand.

- The number of active library borrowers decreased from 203 to 199 per 1000 population from 2007/8 to 2009/10. This figure reduced to 185 per 1000 population for the year ending December 2010.
- The number of physical visits to libraries reduced from 4,303 to 4,050 per 1000 population from 2007/8 to 2009/10.

Did you know?

- Bishop Auckland has one of the longest retail high streets in the North East of England and along with Durham City functions as a main subregional centre in the County's retail hierarchy. Both Durham City and Bishop Auckland have over 50,000 sq ft of floorspace within their centres.
- In addition to Durham City - Bishop Auckland, Chester-le-Street and Consett were highlighted as towns most visited in the course of daytime leisure, night time leisure and work.
- Every library in County Durham has a HealthZone, with books to borrow and leaflets and information to take away, from alternative remedies to self-help programmes and healthy cooking books.

Look out for:

- Further County Durham Plan Consultations with the core strategy due to be adopted by March 2012 and allocations documents published in May 2013.
- Bishop Auckland town centre improvement works will be finished in 2011.
- Feasibility study which will investigate the potential for a new rail halt in East Durham.
- Feasibility study which will investigate the potential for a new rope bridge in Barnard Castle that could help to attract more visitors to the market town.
- Bishop Auckland Food Festival will be held 16th April 2011.
- A variety of information and events at local libraries.

High level Action Plan

Action	Responsibility	Timescale
Review library services.	Head of Social Inclusion	April 2011 - March 2012
Undertake a review of markets managed by or on behalf of the Council and develop a strategic approach to enhance and support the sustainability of markets across the County.	Head of Environment, Health and Consumer Protection and Head of Economic Development	October 2011
Complete key town Regeneration Frameworks by December 2011 and deliver phased implementation by March 2014.	Head of Economic Development	Completion of frameworks - Dec 2011 Delivery complete - March 2014
Work with private investors to deliver housing, town centre and business development: process to provide a coordinated response to development enquiries. Establish a Developers Forum.	Head of Housing/Head of Planning	April 2012
Review transport connectivity between our towns and evaluate potential infrastructure and public transport improvements. Works will include:	Head of Transport	
<ul style="list-style-type: none"> • Priority 1 corridor A692 		December 2012
<ul style="list-style-type: none"> • Priority 2 corridor A167 		March 2014
<ul style="list-style-type: none"> • Priority 3 corridor A693. 		December 2011

3. Competitive and successful people

The skills, abilities and attitudes of the current and future County Durham workforce are critical to the future economic success of the County and will underpin a more competitive and productive economy. County Durham has below national average employment rate, above regional and national average economically inactive residents claiming benefits and below regional and national average higher skills attainment. We need to encourage people to improve their skills, increasing individual success and improving life chances. With limited resources we will work with partners, national employability support providers and employers to provide support for County Durham residents.

Going well

- JSA claimants (as a proportion of working age population) have decreased from a peak of 4.6% in 2009 and 2010 to 3.8% in November 2010.
- North Eastern Local Enterprise Partnership approved and plans made to drive forward private sector led collaborative working across the region, which will help to stimulate business investment and job creation.
- 92% of enrolments on Adult Learning courses in 2009/10 led to qualifications being achieved.

Cause for concern

- Abolition of the Regional Development Agency, One NorthEast.
- Before the recession, County Durham's employment rate had been rising and was close to the national average, over the last two years this has fallen again.
- In May 2010 the percentage of working age population claiming benefits in County Durham (19%) remained above both the regional (18.9%) and national average (14.7%).
- Significant policy shift and changing government policy with the national welfare support programme being reviewed.
- Reliance upon the private sector to generate growth in an area with an over reliance on public sector employment.
- Significant numbers of young people not in education, employment, or training.
- Removal of funding used to provide specialist support to people seeking work and to help to stimulate economic growth.
- Reduction in grants for adult learning by the Department for Business Innovation and Skills are set at 25% over the next 4 years.

Did you know?

- The employment rates for the year ending in June 2010 for the County, Region and Nation are 66.4%, 66.3% and 70.4% respectively.
- Almost 9,000 learners accessed Adult Learning courses in the 2009/10 academic year.
- 8% of adults aged 19-65 in County Durham have no qualifications.
- Average weekly earnings for residents is £419.90 whilst average weekly earning offered by workplaces is only £404.90, the figures are 14.5% and 17.4% less than the national average. This shows that on average people earn more working outside the County.

Look out for:

- Changes to the way in which adult learning is provided in County Durham through partnership working between the Council, providers of further education and the voluntary and community sector to refocus upon skills, employability and economic challenges.

High level Action Plan

Action	Responsibility	Timescale
<p>Work with employers to maximise training, job placement, graduate schemes and apprenticeships:</p> <ul style="list-style-type: none"> Assess available resources and capacity to work in partnership to develop graduate and apprenticeship schemes Investigate opportunities for new sectoral routeways and provide recommendations. 	Head of Economic Development	<p>June 2011</p> <p>September 2011</p>
Work with new Work Programme contractors to enhance and coordinate employability support delivered by partner agencies for County Durham residents with a focus on 18-24 year olds.	Head of Economic Development	Develop approach by July 2011
Implement the Adult Learning Strategy to meet the learning needs of local people.	Head of Social Inclusion	Framework - July 2011 Curriculum plan - August 2011
Develop and deliver the County Durham Financial Inclusion Strategy Action Plan.	Head of Economic Development	Complete action plan - Dec 11 Implementation 2012-2014
Launch new Transport forum to improve engagement with employment support agencies to tackle transport barriers to employment and training. In particular support Workplace Travel Planning and Wheels to Work	Head of Transport	March 2012

4. Sustainable neighbourhoods and rural communities

Deprivation and inequalities persist between communities in County Durham and between County Durham, the region and the nation. Industrial restructuring and job losses in manufacturing has disproportionately affected some communities and groups within the County. The County's dispersed settlement pattern, low car ownership, low job density and rurality can compound deprivation and inequalities. This can have damaging effects upon an individual's life chances in a number of ways:

- A shortage of local jobs can limit employment opportunities
- Poor transport connectivity can limit access to work and services
- Deprived areas often have fewer or poorer quality public and private services
- Poor housing quality can result in low demand which in turn leads to high turnover and/or vacant or derelict housing.

Going well

- Housing Strategy and Delivery Plan 2011-2015 completed.
- The Audit Commission found in 2010, that the strategic housing service was fair with promising prospects for improvement.
- Local Transport Plan 3 will come into effect in April 2011 as a successor to LTP2.
- There were 5,000 new homes built in County Durham between 2007 and 2010.

Cause for concern

- Changes to housing policy and government funding will affect affordable rents within the County.
- Low rates of private sector housing growth and less buoyant housing market in comparison to other areas.
- As of December 2010, 7,368 of the 18,859 Council homes in County Durham were not meeting full decency standards.
- Reduction of Supporting People Grant will impact upon Care Connect, our Community Alarm services.
- Removal of Rural Bus Subsidy, changes to concessionary fares funding, financial pressures and the fact that commercial bus companies are also undergoing a process of bus service review will affect bus services within the County. This could result in reduced frequency of services and possible withdrawal of some services.
- The demand for social housing has increased, since Choice Based Lettings began in October 2009. The number of applicants on the waiting list has increased by 85% from 8509 on 1st October 2009 to 15,754 in June 2010.

Did you know?

- There are 233,190 dwellings within the County, 18,859 of which are Council homes
- The Government is replacing former housing funding with a new Homes Bonus, which it hopes will help to stimulate private sector housing growth.

Look out for:

- Further County Durham Plan Consultations with the core strategy due to be adopted by March 2012 and allocations documents published in May 2013.
- Registered providers improvement programme by 2014 to improve 7,000 properties across the County by improving energy efficiency, bringing empty homes back into use and repairs.

High level Action Plan

Action	Responsibility	Timescale
Increase use of sustainable transport: <ul style="list-style-type: none"> Implement walking and cycling infrastructure improvements - incorporate in the County Durham Cycling Strategy Complete planned Transit 15 improvements on the 7 key corridors to improve punctuality, reliability and attractiveness of bus travel. 	Head of Transport	July 2011 December 2013
Maximise the levels of investment from the Homes and Communities Agency (HCA) and other agencies to enable the delivery of the Local Investment Plan for Housing: <ul style="list-style-type: none"> Establish 4 year programme of funding for affordable housing in Durham following HCA 2011 bidding process. 	Head of Housing	March 2014 August 2011
Complete options appraisal on Council housing stock	Head of Housing	October 2011
Implement the resultant investment and housing management vehicle for council housing stock		April 2013
Review of the responsive Link2 service, which provides dial-a-ride bus transportation for those unable to access mainstream public transport in order to improve and refine the service.	Head of Transport	December 2011
Deliver the Housing Strategy (2011-15) priorities to improve housing standards and conditions in County Durham: <ul style="list-style-type: none"> Complete options appraisal process for delivery of new private sector investment Complete decent homes programme in public sector (except East Durham) 80% decency achieved in the homes programme in public sector in East Durham. 	Head of Housing	April 2012 April 2013 April 2014

5. A top location for business

County Durham is home to a wide range of businesses from micro rural businesses to large multinationals, from small scale engineering to large scale manufacturing and from business services to internationally leading research companies. The County offers businesses a range of support and development opportunities and these must be sustained and developed to serve the diversity that exists. Durham residents are well placed to take advantage and contribute to the Tees Valley and Tyne and Wear City Regions but this also has to be balanced with local business and employment opportunities.

Going well

- Be Enterprising, a programme to support business starts in deprived areas within the County, has supported over 3,200 business starts between 2006 and 2010.
- In County Durham's deprived communities, as a result of Be Enterprising, the business start up rate in 2008 was higher than the national rate.
- The self-employment rates in the County's deprived communities have been increasing over the lifetime of the Be Enterprising programme, from 5% in 2006 to 10% in 2009.
- North Eastern Local Enterprise Partnership approved and plans made to drive forward private sector led collaborative working across the region, which it is hoped will help to stimulate business investment and job creation.

Cause for concern

- Potential for a 'double-dip' recession
- Gross Value Added (GVA) is an economic measure used to illustrate how an area is performing in terms of the production and value of goods and services. Current GVA (2008) for the County is £12,636 per capita and £15,945 for the Region. By comparison the corresponding National rate is £20,541. The per capita GVA figure for County Durham now stands at **61.5%** of the UK average.
- Removal of Areas Based Grant and enterprise support funding which has enabled the delivery of enterprise support and programmes like Be Enterprising over recent years.

Did you know?

- Durham County Council owns and manages a wide range of business units across the County that are available for rent.
- Manufacturing is the largest private sector employer and the largest contributor to total economic output within County Durham.

Look out for:

- Further County Durham Plan Consultations with the strategy due to be adopted March 2012 and allocations documents published in May 2013.
- The launch of the integrated Council Business Support Services by the end of 2011.

High level Action Plan

Action	Responsibility	Timescale
Facilitate and expand broadband connections for our residents and businesses to encourage home working in our rural communities	Head of Economic Development	Digital dale live Sept 2011 Soft Market Testing December 2011 Clear Strategy for Broadband roll out March 2013
Foster a development management culture which increases developer confidence in County Durham by managing the Council's sites and property to stimulate investment and also by enabling other sites to be appropriately developed and promoted:	Head of Economic Development	
<ul style="list-style-type: none"> Durham Green at Bowburn - Work with private sector to support planning application 		September 2011
<ul style="list-style-type: none"> Business Park at Hawthorn in Murton for B1,B2 and B8 uses - Marketing site in collaboration with the Homes and Communities Agency 		October 2011
<ul style="list-style-type: none"> Publish Business Space Strategy and Investment Plan 		December 2011
<ul style="list-style-type: none"> Durham Gate in Spennymoor - work with private investors to complete Highway infrastructure and 		December 2012
<ul style="list-style-type: none"> Enable first commercial and residential development. 		December 2013
<ul style="list-style-type: none"> Amazon Park in Newton Aycliffe - work with private investors to secure site development and maximise job creation 		December 2012
<ul style="list-style-type: none"> Consett Business Park development - final phase 		December 2014

Extend 'Be-Enterprising' programme for 6 months to stimulate enterprise and encourage County Durham residents to consider starting a business or self employment.

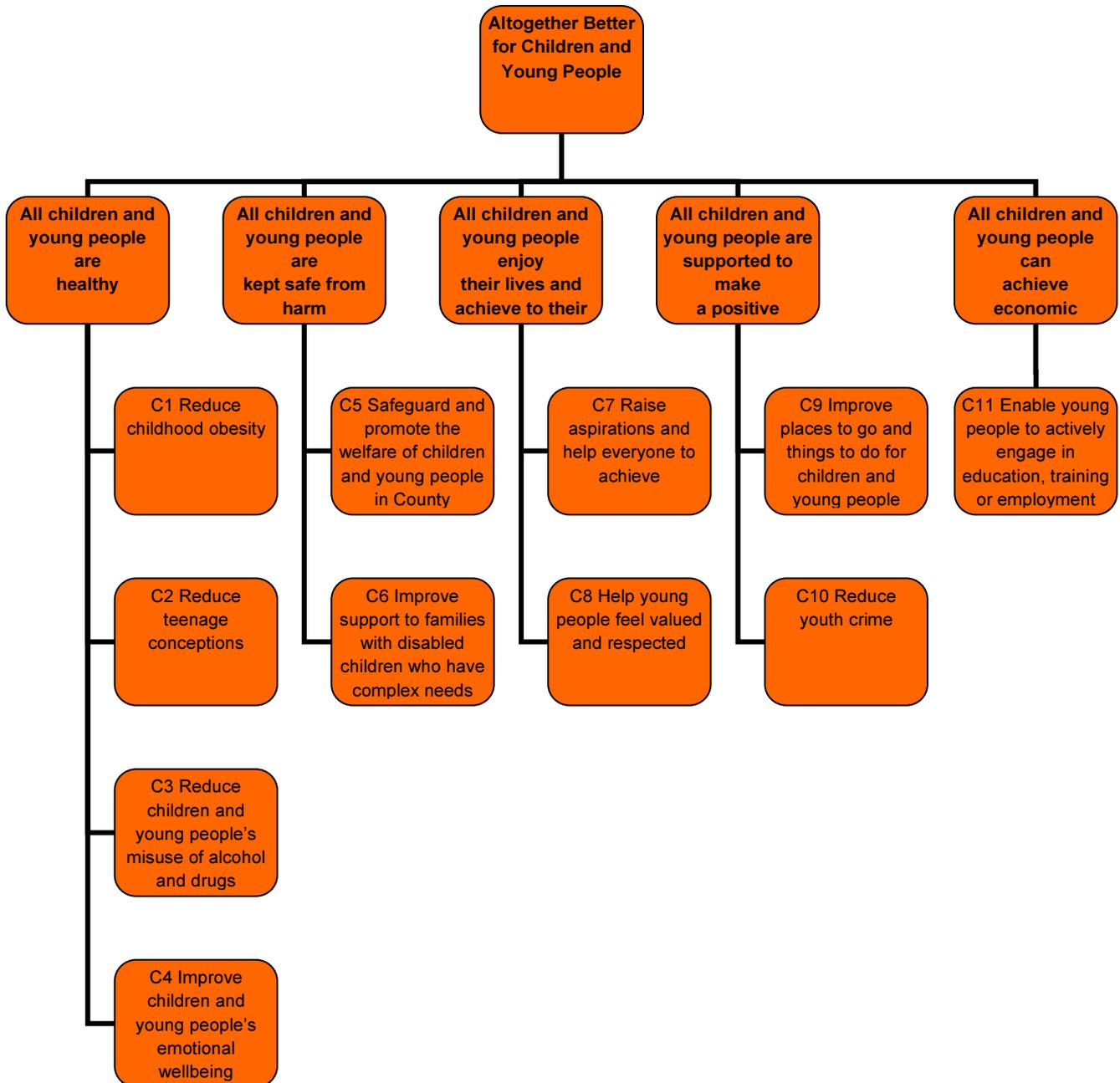
Head of Economic Development

September 2011

Final evaluation of the programme to inform future enterprise support activity

December 2011

Altogether Better for Children and Young People



The Altogether Better for Children and Young People theme focuses on the Council's work in tackling a range of issues impacting on the lives of all children, young people and families in County Durham. We are focusing on the 5 overarching outcomes of 'Being healthy'; 'Staying safe'; 'Enjoying and achieving'; 'Making a positive contribution' and 'Achieving economic well-being'. We recognise that the things which impact upon the lives of children, young people and families are complex and demand a partnership approach. We have identified 11 specific priorities across the 5 outcomes which are detailed in the County Durham Children

and Young People's Plan (CYPP). We will work closely with our partners through the Children's Trust and the development of Integrated Services to ensure that our ambitions for children, young people and their families are realised over the next 3 years.

1. All children and young people are healthy

We want to ensure that children and young people in County Durham are healthier, fitter and able to make more positive choices in terms of their lifestyles. Poor health in childhood and adolescence impacts significantly on educational attainment and future career prospects.

By providing support and promoting healthy living from an early age, we aim to reduce childhood obesity and ensure that more children are a healthy weight. We will encourage an increase in breastfeeding and ensure that more children and young people have the choice to participate in a range of sport, leisure and physical activities.

We will also continue to provide children and young people with relevant and appropriate information and advice to help them to make more informed choices around alcohol and drugs and relationships and sex. Good emotional wellbeing, including self-esteem and confidence, is fundamental to ensuring that children and young people are equipped for adulthood. We will ensure that this is nurtured from an early age and throughout their teenage years.

Our key priorities for 2011-2014 are:

- ✓ Reduce childhood obesity
- ✓ Reduce children and young people's misuse of alcohol and drugs
- ✓ Reduce teenage conceptions
- ✓ Improve children and young people's emotional wellbeing

Going well

- Targets for obesity levels at reception year were met in 2009/10 showing excellent rates of improvement. In 2010/11, we are on track to exceed our target for reception year.
- 98.2% of schools have achieved the National Health Schools Status (NHSS) (Dec 2010).
- Schools are delivering a more age-appropriate curriculum around relationships and sex education and parents have been central to shaping this.
- Teenage pregnancy rates are reducing and we are performing better than the North East average.
- There are more young people being referred to the 4Real service, resulting in more accessing treatment and support for substance misuse problems.
- An integrated and dedicated commissioned service for mental health - the Full Circle - is now established for children who are looked after by the Local Authority and who have suffered loss, trauma and abuse.

Cause for concern

- The Free Schools Meals pilot, contributing to reductions in obesity, is coming to an end in July 2011 due to changes in government policy.
- Although teenage conception rates are falling, they are not falling fast enough to reach our target for 2009/10 and our rates are higher than the England average.
- More children were subject to a Child Protection Plan as a result of parental substance misuse in 2010 in comparison to previous years.
- Emotional wellbeing has worsened from 2008, based on a survey of children and young people in years 6,8 and 10.

Did you know?

- The National Healthy Schools Status (NHSS) demonstrates that schools take Health issues seriously and focus on trying to make improvements across 41 areas including healthy eating, physical activity, emotional health and wellbeing.
- Since 2009, we have worked with over 110 schools to improve the information, advice and support provided to children and young people to help them stay safe and healthy and understand the importance of relationships and sex.
- 4 Pathfinder teams have been set up across the County which support vulnerable families through a 'whole family' approach.
- There are counselling services delivered in schools by professionals to support children looked after by the Local Authority and any child who is vulnerable.

Look out for:

- The next stage in supporting schools to achieve the Enhanced Healthy Schools award.
- A newly commissioned mobile service which offers a 6 day a week contraceptive service will soon be in operation, in addition to the current services provided.
- A 'Social Norms' project that challenges the perceptions young people hold about the behaviours of peers in relation to use of substances. This work sends positive messages and challenges common misconceptions that 'everybody' is taking drugs and drinking alcohol.
- A roll-out across County schools of an initiative that focuses on mental health.

High level Action Plan

Action	Responsibility	Timescale
<p>Contribute to the reduction in childhood obesity by:</p> <p>a) supporting schools to engage with the Healthy School's :enhancement model by</p> <ul style="list-style-type: none"> • Production/distribution of updated information • 1 support session per term <p>b) Support and monitor schools to continue to increase the percentage of young people engaged in 3 hours of school PE/sport per week.</p>	<p>Head of Achievement Services</p>	<p>Summer term 2011</p> <p>September 2011 - September 2013</p> <p>September 2011</p>
<p>Support children and young people to believe, achieve and succeed through building positive self esteem and good emotional wellbeing by:</p> <ul style="list-style-type: none"> • Contribute to the Targeted Mental Health in Schools Project (TAMHS) • Supporting schools to develop Social and Emotional Learning. 	<p>Head of Achievement Services</p> <p>Head of Access and Inclusion Services</p>	<p>July 2011</p> <p>September 2011</p>
<p>Work with, and support schools to increase numbers of teaching staff who achieve national accreditation in Personal, Social and Health Education (PSHE) by 6 per year.</p>	<p>Head of Achievement Services</p>	<p>September 2011</p>
<p>Provide effective support, including Hidden Harm work to for families where parents who have substance/alcohol misuse problems</p>	<p>Head of Specialist and Safeguarding Services</p> <p>Head of Achievement Services</p>	<p>March 2012</p>

2. All children are kept safe from harm

Together with our partners, we will ensure that all children and young people are kept safe from harm and vulnerable families are supported appropriately. Safeguarding is not the responsibility of CYPS alone, but is 'everybody's business', and other services and partners have a critical role in play in ensuring that children and young people are safe through all walks of life.

We will ensure that the most vulnerable children and young people are protected through specialist interventions. We will continue to improve the recognition of neglect and interventions to reduce its impact and continue to develop 'hidden harm' networks to support families with parents who misuse alcohol and drugs. Through a rigorous recruitment process, we will ensure that staff are suitably qualified and checked to work with vulnerable children and young people. Integrated teams will provide a seamless and accessible service for vulnerable children, young people and their families and will make sure that their needs are identified at the very earliest opportunity and met through a family centred approach.

We recognise the importance of supporting families who face complex issues, especially those families in County Durham who have children with additional needs due to a disability. As a result of working together with families we have provided a wide menu of short break provision that is integral to supporting family life, and we will continue to develop the breadth and range of short breaks provided.

We will meet the increasing demands placed on our safeguarding and specialist services and work with partners to ensure the safety of children and young people remains paramount.

Our key priorities for 2011-2014 are:

- ✓ Safeguard and promote the welfare of all children and young people in County Durham
- ✓ Improve support to families with disabled children who have complex needs.

Going well

- An Ofsted inspection of front line child protection services in May 2009 found many areas of excellent practice and no areas for priority action.
- An 'outstanding' grading was achieved in the most recent Adoption Service inspection (2010).
- 100% of all child protection and looked after children reviews were all held within timescales.
- The number of short breaks provided over the last two years has smashed the target set, increased value for money and improved the quality of life for many families in County Durham. Between April and September 2010, 2034 overnight stays and 74, 515 hours were provided.

Cause for concern

- There are more children subject to a child protection plan and more children looked after by the local authority compared to the previous year.
- Families who require additional support often have to work with different service providers, making it difficult to ensure that their needs are met. Integrated Teams will ensure that these barriers are overcome and the family is at the heart of the services that we provide.
- Inequitable access to therapy provision across County Durham for families with complex needs.

Did you know?

- You can call the Initial Response Team anonymously on 0845 850 5010 if you have any concerns or worries about a child, young person or their family, including safeguarding concerns.
- Families with children who have a disability told us that their number one priority is regular and reliable short breaks from caring.
- There were 4.5 times more compliments received by Specialist and Safeguarding Services (SASS) in 2009/10 than complaints.
- The Local Safeguarding Children's Board (LSCB) provides multi-agency training for staff working directly with children or within services which affect the safety and welfare of children.

Look out for:

- The completion of the Aycliffe Secure Unit which will provide new, state of the art facilities for vulnerable children and young people.
- The creation of 13 Integrated Teams across the County which will provide children, young people and their families access to key health and local authority children's services under one roof.
- A joint statement between the Local Authority and parents/carers of short break provision that will be available from 1 October 2011
- A review of therapy services and an increase in short break activities with a focus on provision for children attending special schools which also meets parent and carers needs.

High level Action Plan

Action	Responsibility	Timescale
Using a 'Think Family' approach deliver and provide interventions and support to families through: <ul style="list-style-type: none"> the provision of integrated teams across the County Implementing the Think Family Strategy 	Head of Strategic Commissioning	September 2011 September 2011
Work with partners to deliver services that effectively safeguard children, in particular by ensuring the Family Pathfinder Service is embedded within Preventative Services.	Head of Specialist and Safeguarding Services	April 2012
Further develop a menu of short break services for children with complex needs in consultation with families.	Head of Specialist and Safeguarding Services	April 2013

3. All children enjoy their lives and achieve to their potential

Our vision is to help children and young people to 'believe, achieve and succeed'. This means that children and young people enjoy their lives, believe in themselves and reach their full potential. We want to support achievement and raise aspirations in order that greater choices can be made through childhood, teenage years and on into adulthood and future employment opportunities.

We know that our academic attainment levels are seeing excellent improvement, year on year, but we need to ensure that this is sustained for all children and young people, including the most vulnerable. We work flexibly and collaboratively to respond to the varying needs of children and young people and through the opportunities we provide, we will ensure that young people are appropriately supported in relation to their needs.

We continue to place the highest value on children and young people's views and listen to what they say in the formulation of our plans and strategies for the future.

Our key priorities for 2011-2014 are:

- ✓ Raise aspirations and help everyone to achieve
- ✓ Help young people feel valued and respected

Going well

- The percentage of pupils achieving 5 or more A*-C GCSE grades, including English and Maths increased from 48.2% in 2009/10 to 55.6% in 2010/11. This is in comparison to the national average which was 49.8% and 53.4% respectively.

- We have sustained the rate of improvement in achieving A* - C GCSE grades and A* -C GCSE grades including English and Maths for the 9th consecutive year.
- The gap has narrowed between the number of young people eligible for Free School Meals achieving 5+ A*- C's (FSM) and those who are not eligible.
- A higher % of Children looked after by the Council achieved A*-C GCSE grades in 2010/11 than in previous years.
- We have increased the number of agencies and other settings who have achieved Investing in Children (IIC) membership to 290 (Dec 2010) and are on track to reach our target by April 2011.
- More schools achieved the Rights Respecting School Award (RRSA) in 2011. A rights-respecting school not only teaches about children's rights respect in all its relationships including between teachers/adults and pupils.

Cause for concern

- The gap in attainment between pupils with Special Educational Needs (SEN) and those without has widened as a result of excellent performance in the number of non-SEN pupils achieving 5 A*-C GCSE grades.
- A national survey found that 14% of pupils in year 8 and 10 were able to provide their views about things that are important to them. This was a reduction on the previous year of 16%.
- The ending of the 'Building Schools for the Future' rebuild and refurbishment programme due to changes in government policy.

Did you know?

- Children and young people were central to the development of the Children and Young People's Plan Review 2010 and will be involved in the shaping of the new strategy for 2012-2015.
- That a national survey of Years 6, 8 and 10 pupils - 'Tellus' ended in 2010. Other ways of capturing the views of children and young people are being explored, including the possible use of Social Networking Sites

Look out for:

- The development of 3 brand new academies in County Durham.
- The development of 3 projects which will ensure local young people are at the heart of making their communities better places to live based on an innovative initiative in Chester-le-Street.
- Opportunities for children and young people to influence the direction and priorities within the Children and Young People's Plan 2012-2015.

High level Action Plan

Action	Responsibility	Timescale
Support positive practices in relation to the engagement and involvement of children and young people through working in partnership with Schools and other organisations for including liC. In particular: <ul style="list-style-type: none"> Support schools to work towards Investing in Children Membership and the Rights Respecting Schools Award level and level 2 through SLAs Implement the Value and Respect Strategy. 	Head of Achievement Services Head of Strategic Commissioning	August 2011 September 2011
Ensure that each child and young person has access to a high quality and appropriate learning route that enables them to participate, achieve and progress to their full potential By: <ul style="list-style-type: none"> Providing support for targeted groups Providing training and development for school staff to develop ways to track pupil progress data Promoting the 14-19 learning prospectus. 	Head of Achievement Services Head of Access and Inclusion Services	March 2014 September 2011/12/13 September 2011/12/13 September 2011

4. All children and young people are supported to make a positive contribution

We aim to support all children and young people to make a positive contribution. by providing a range of places to go and things to do such as Open Weekend, new Youth Capital Fund Plus and Youth Opportunities Fund funded activity which have increased Friday/Saturday night opportunities. Children and young people can participate in activities which also have a positive impact on other outcomes such as emotional wellbeing, obesity, substance misuse and youth crime. Through the services that we provide and involving children and young people in decision making, we can provide a range of places to go and things to do suitable for the needs of children and young people in County Durham.

Ensuring children and young people do not enter the Youth Justice System (YJS) is pivotal in ensuring successful outcomes later in life and we recognise fully that many children who offend have complex needs. We aim to continue to reduce First Time Entrants to the YJS by utilising the highly successful Pre-Reprimand Disposal (PRD)

Scheme. When a child or young person commits a first offence, they receive a PRD, rather than an official police reprimand. The PRD has been developed to improve young people's chances by ensuring their needs are identified and met and thus they avoid being criminalised. We will put in place specialist interventions to ensure that young people who do enter the YJS and who re-offend are given the necessary support to help them change their offending behaviour.

Our key priorities for 2011-2014 are:

- ✓ Improve places to go and things to do for children and young people
- ✓ Reduce youth crime

Going well

- The percentage of children and young people participating in youth work is increasing.
- First Time Entrants (FTEs) to the Youth Justice System (YJS) have reduced by 71% between 2007/08 and 2009/10 as a result of the PRD.
- A high percentage of young people do not re-offend after a PRD. Since May 2008, 935 young people who received a PRD have not re-offended and do not have a criminal record which has increased their chances of staying out of trouble in the future.
- The County Durham Youth Offending Service (CDYOS) won the Justice Award at the Children and Young People Now National Awards for the PRD Scheme in November 2010

Cause for concern

- A national survey of children and young people undertaken in 2009 found that Durham was ranked 7th out of 11 Statistical Neighbours and performance of 63.1% was worse than then national figures of 65.8% for young people's participation in positive activities within their communities.
- Young people who are re-offending have complex needs and require significant support to address their offending behaviour.
- As a result of changes in national policy, the free swimming scheme ended in Summer 2010

Did you know?

- 'Places to go and things to do' for children and young people are advertised through the getoutthere website – www.getoutthere.com which averages 1222 hits per month.
- A PRD costs less than £1000 per young person which is good value for money in comparison with the cost of a police reprimand and potentially future offences being committed.

Look out for:

- A brand new £4.5 million ‘world class’ facility for young people, located in Barnard Castle but accessible for all children and young people from Teesdale, Durham and the northeast region will ensure they can take part in cultural, leisure, sporting recreational/educational activities.
- Further impacts on re-offending rates as a result of changes to pre-court delivery programmes.

High level Action Plan

Action	Responsibility	Timescale
<p>Work in partnership to provide a range of places to go and things to do for children and young people across County Durham including:</p> <ul style="list-style-type: none"> • helping them to access improved leisure activities through work with schools & strategic partnership group such as Community Sports Networks. • renewing commissioned activity via Local Children’s Boards. • Ensuring that the options already available to young people are clearly identified and publicised. 	Head of Access and Inclusion Services	<p>December 2011</p> <p>From April 2011</p> <p>Monthly reports from April 2012</p>
<p>Prevent re-offending by young people by delivering specialist interventions including:</p> <ul style="list-style-type: none"> • Reducing first time entrants to the youth justice system • Safeguarding young people in the youth justice system • Reducing the use of custody. 	Head of Access and Inclusion Services	<p>April 2012</p> <p>April 2012</p> <p>April 2012</p>

5. All children and young people can achieve economic wellbeing

We recognise the vital importance of ensuring that young people can achieve economic wellbeing. We know that to build bright futures, we need to provide effective information, advice and guidance at an early age to ensure all opportunities are outlined. Achieving financial independence has a positive impact on our other priorities such as teenage conceptions and youth crime. We acknowledge that the economic climate in recent years has made the achievement of economic wellbeing more difficult for young people and in particular, those with complex needs and/or the most vulnerable.

We will work in partnership to offer every young person a guaranteed place in learning up to the age of 17 and will provide support to all young people to help them to realise their ambitions and aspirations. We will deliver specialist interventions to support the most vulnerable, whilst ensuring that the tailored support can significantly narrow the inequalities gap.

Going well

- There are programmes in place to support the most vulnerable young people, including:
 - Young carers
 - Young people with learning difficulties and disabilities
 - Teenage parents
 - Young offenders
 - Travellers
 - Looked After Children – both in care and leaving care
 - Homeless young people
 - Ethnic minorities
 - Young people with mental health issues
 - Young people with longer term illnesses
- The number of children who are permanently excluded from school has reduced from 118 in 2008/09 to 107 in 2009/2010, which is a 9.3% improvement

Cause for concern

- Whilst the percentage of young people aged 16-18 who are known not to be in education, employment or training is reducing, this remains above the regional and national average.
- The continuing economic climate has limited the number of opportunities available to young people

Did you know?

- The local authority has a statutory duty to offer all 16 and 17 year olds a place in learning through the 'September offer'

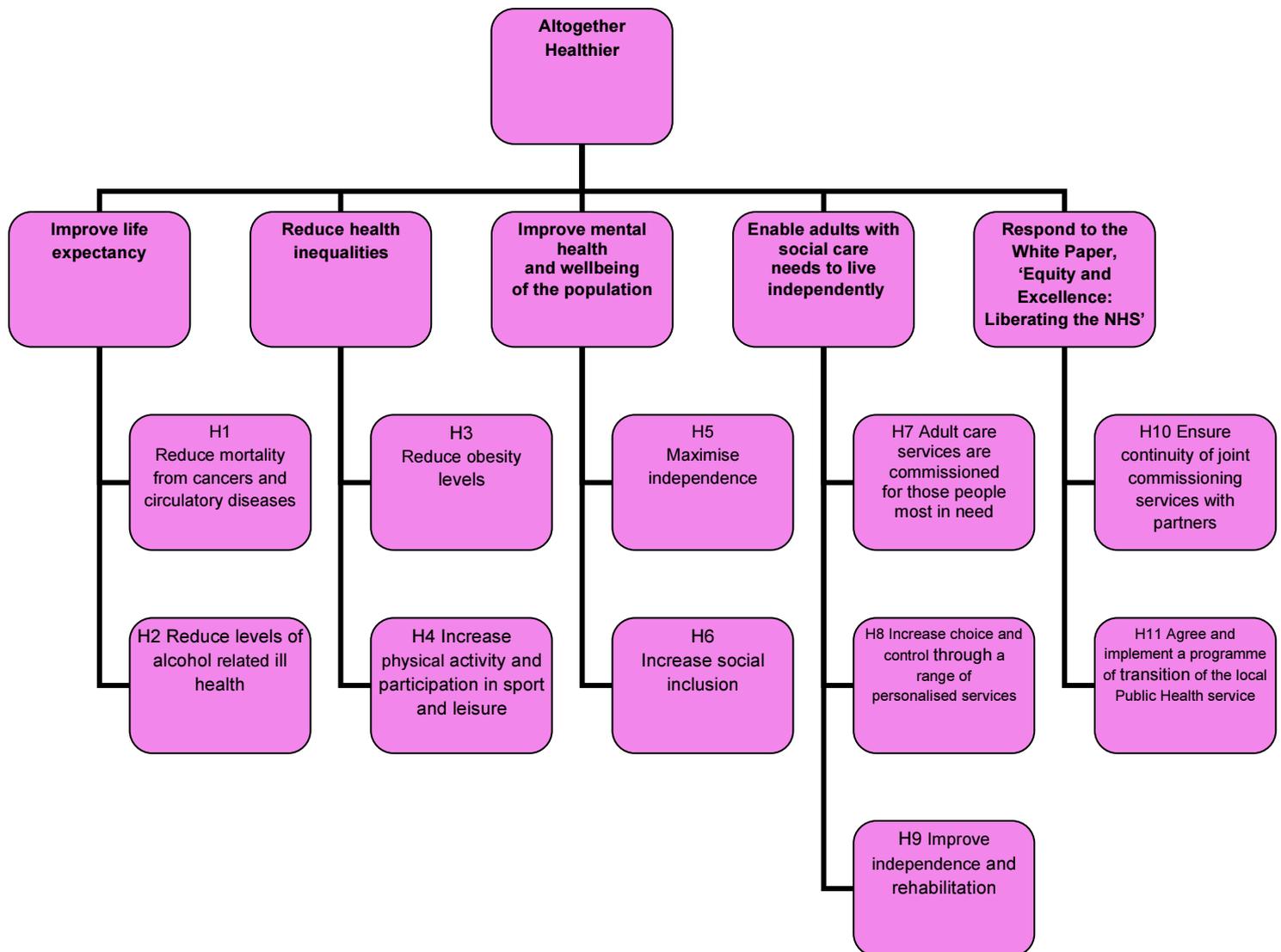
Look out for:

- The local authority securing provision of independent careers advice for schools from September 2012.
- The development of a national all-age careers service

High level Action Plan

Action	Responsibility	Timescale
Deliver services to all 13-19 year olds to promote and support progression into education, employment and training which is appropriate to their needs by	Head of Achievement Services Head of Access and Inclusion Services	
<ul style="list-style-type: none">• ensuring all 16 and 17 year olds have an offer of a place in learning through the September Guarantee		February 2012
<ul style="list-style-type: none">• Ensuring that young people have access to high quality, impartial information and advice regarding the learning opportunities and support available.		April 2012

Altogether Healthier



Health is defined by the World Health Organisation as ‘a state of complete physical, mental and social wellbeing and not merely the absence of disease and infirmity’. This broad view of what ‘health’ means has shaped this Council Plan and other strategies for health improvement in County Durham.

Evidence is very clear that health inequalities exist in County Durham. These are the result of complex interactions caused by a number of factors which can be summarised as follows:

- Inequalities in opportunity – caused by poverty, family circumstances, education, employment, environment, housing – collectively called the wider determinants of health.

- Inequalities in lifestyle choices – caused by smoking, lack of physical activity, poor food choices, drugs misuse, inappropriate alcohol consumption and risky sexual activity.
- Inequalities in access to services - for those who are already ill or those who could develop disease or long term illness.

The Council, together with its partners in County Durham, will continue to work towards reducing health inequalities for the local population and improving quality of life.

As a local authority with social services responsibilities, the Council will also continue to provide social care services to those vulnerable people in our community who meet the existing eligibility criteria including older people, people with learning or physical disabilities, sensory impairments or mental health needs. The personalisation of social care services will be extended as more people will be offered the choice and control to purchase their own care services through direct payments and personal budgets.

Joint Commissioning Strategies will continue to ensure integrated service responses, better use of resources and monitoring of outcomes for service users. Together with NHS partners, the Council will look to commission services which provide care closer to home, ensuring that people are supported to maintain their independence in their own home for as long as possible.

This Council Plan also focuses on the future of public health in County Durham and the Council's new role in working together with the NHS, GPs and the Third Sector (voluntary and community organisations) to make NHS services more directly accountable to patients and communities.

1. Improve life expectancy

The health of residents in County Durham has improved significantly over recent years with people now living longer. However, the overall health of the population in County Durham is poor compared with the national picture and health inequalities remain persistent and widespread.

Smoking is the biggest single contributor to the shorter life expectancy experienced in County Durham and contributes substantially to the cancer burden, with Cardio Vascular Disease (CVD) and cancer accounting for 67% of early or premature deaths.

CVD is reducing in County Durham, however it is still a major health problem in some areas of the county. Rates of CVD are higher for County Durham than the national average and deaths from CVD are significantly higher in County Durham than nationally for both men and women. Greater emphasis on prevention would help in the reduction of CVD in the county.

Alcohol is a significant contributor to ill-health across all age groups and all areas of the county. A multi-agency Alcohol Harm Reduction Strategy has been developed, to reduce levels of alcohol-related ill-health in the county.

Going well

- Between 2000 and 2008, mortality rates for CVD have consistently reduced in County Durham, the North East and England; the rate of reduction has been faster in County Durham than nationally.
- Life expectancy for males increased from 76.5 for births between 2005-07 to 76.9 for births between 2007-09. For females, the rate in Durham increased from 80.2 to 80.7.
- The 2009/10 year end target of 1203 smoking quitters per 100,000 was achieved with 1243 per 100,000. This equates to 5242 quitters against a target of 5038.

Cause for concern

- CVD mortality accounts for almost 30% of all premature deaths in County Durham.
- Premature cancer mortality rates (2006-08) were significantly higher in County Durham than England. Cancer is the second largest contributor to the life expectancy gap in County Durham Spearhead areas. (areas selected for targeted health improvement work).
- The percentage of mothers smoking in pregnancy in County Durham (22%) is worse than the England average of 14%.
- Alcohol-related admission rates for under 18s in the period 2006/07 to 2008/09 were 88% greater in County Durham (121.1 per 100,000) than nationally (64.5 per 100,000). Rates in County Durham are also higher than the North East (106 per 100,000) although this difference is not statistically significant.

Did you know?

- In County Durham, between 2000 and 2008, an average of 643 people (under the age of 75) died prematurely from CVD per year.
- Life expectancy for men living in County Durham is 1.4 years less than the England average. Life expectancy for women living in County Durham is 1.6 years less than the England average (*at birth 2007-2009*).
- All hospital stays for alcohol-related harm show that County Durham is significantly worse than the England average.

Look out for:

- A marketing campaign to help people be more aware of heart health
- 'No Smoking Day' to be held on 9th March 2011, providing support and information to encourage smokers to quit.
- A marketing campaign to raise awareness of the harm caused by alcohol.

High level Action Plan

Action	Responsibility	Timescale
Implement the Alcohol Harm Reduction Strategy:	Head of Social Inclusion	
<ul style="list-style-type: none"> • Strategy in place 		April 2011
<ul style="list-style-type: none"> • Deliver 2 social marketing campaigns to raise awareness 		March 2012
<ul style="list-style-type: none"> • Work with schools to increase understanding of the harm caused by alcohol, to educate 'social norms' about drinking alcohol. 		March 2012
Implement the Cardio Vascular Disease programme:	Head of Social Inclusion	
<ul style="list-style-type: none"> • Outreach services in 5 venues across 2 localities 		June 2011
<ul style="list-style-type: none"> • Complete a social marketing campaign for heart health. 		March 2013
Implement the 'Achieving Marmot Beacon' project relating to health inequalities, providing 150 frontline staff with the skills to deliver health improvement.	Head of Social Inclusion	March 2012
In partnership with NHS County Durham, we will deliver a 'Stop Smoking' campaign and support activities related to 'No Smoking Day'.	Head of Social Inclusion	March 2012

2. Reduce health inequalities

There are several factors which contribute to health inequalities within County Durham and the Council works with its partner organisations across the county to tackle issues in areas such as housing, education and employment.

Obesity is also a major risk factor in the development of a number of severe medical conditions. Being obese makes people more likely to suffer from Type II diabetes, diseases of the cardiovascular system (e.g. heart disease, stroke, angina, deep vein thrombosis, high blood pressure), certain types of cancer, arthritis of the back and other health problems.

Childhood obesity is linked to diet and nutrition, physical activity, parenting and emotional health and wellbeing. Breastfeeding contributes towards tackling childhood obesity. Rates of obesity in the county are below the national average for children in Year 6 and above for those in Reception classes.

Going well

- The number of physically active adults in county Durham increased from 11.8% in 2008 to 12.6% in 2010.
- The number of healthy eating adults in County Durham increased from 21% in 2008 to 22.1% in 2010.

Cause for concern

- Breastfeeding initiation is lower in County Durham than nationally or regionally, whilst breastfeeding at 6-8 weeks is also lower than for England or the region.
- The County Durham Health Profile 2010 shows 27.9% of adults in County Durham are obese compared to 24.2% nationally, an increase of 2.6% and 0.6% respectively on the 2009 Health Profile.

Did you know?

- Overweight young people have a 50% chance of being overweight adults.

Look out for:

- Advice and information about the importance of healthy activity, and where and how to find local activities.

High level Action Plan

Action	Responsibility	Timescale
Develop a programme for Healthy School Lunches to inform parents, teachers and children about the benefits of having healthy food in schools.	Head of Social Inclusion	June 2011
In partnership with NHS County Durham, we will implement the breastfeeding friendly venues programme, associated with the NHS Baby Lifecheck programme.	Head of Social Inclusion	March 2012
Work with regional partners to promote healthy eating messages covering the key themes of diet and nutrition, supported by evidence from agreed sampling programmes, including proactive information and advice to consumers regarding interpretation of food labelling.	Head of Environment, Health and Consumer Protection	July 2012

Develop a healthy eating award scheme in County Durham, providing recognition for food businesses that provide excellent standards of hygiene and healthy dietary choices.

Head of Environment,
Health and Consumer
Protection

July 2012

3. Improve mental health and wellbeing of the population

Good mental health is the foundation for wellbeing and the effective functioning of individuals and communities. Mental illness accounts for 26% of life years affected by illness or disability, far more than cardiovascular disease (17.2%) and cancer (15.5%). By 2030 that figure is set to rise to 31% (New Horizons, a shared vision for mental health, DH, 2009).

The JSNA 2010-11 states that one in four people at any one time will experience a mental health problem.

The multi-agency Health and Wellbeing Partnership has identified 'improving mental health and wellbeing of the population' as a priority and recognised that maximising independence for people is an important contributor to positive mental health. It is widely acknowledged that participation in work is one of the main routes to social inclusion and improving mental health and wellbeing.

Mental health problems are the leading cause for incapacity benefit claims within County Durham, accounting for around 40% of all claims. However, incapacity benefits for mental illness improved slightly across the county from 2006 – 2008, falling from 43.3 per 1000 to 40.6. Additionally, the financial and emotional burden of unemployment has a significant impact on mental health and wellbeing; lower level mental health problems, such as anxiety and depression, impact on significant numbers of those out of work.

Going well

- Latest data (up to December 2010) shows that 84.6% of adults in contact with secondary mental health services live in settled accommodation, this is significantly above the 2009/10 England average of 51.5%
- Between April and September 2010, 78.1% of people have moved on from supported housing in a planned way to independent living, i.e. a supported housing scheme, permanent accommodation or back to family, against a target of 71%. This compares to 76.5% in 2009/10.

Cause for concern

- A suicide audit in Durham suggests that multiple risk factors associated with age, sex, health and social circumstances lead to the following groups being at heightened risk of suicide:
 - those in contact with criminal justice services
 - young men with chaotic lifestyles (often involving drugs or alcohol)
 - older people
- Although rates of incapacity benefits claimants for mental illness are lower in County Durham (40.6% of all claiming) than for the North East, they are significantly higher than for England (27.7%).

Did you know?

- The World Health Organisation predicts that by 2020 depression will be the second leading cause of disability worldwide
- People with learning difficulties are more likely to experience mental illness and are more prone to chronic health problems, epilepsy, and physical and sensory disabilities.

Look out for:

- World Mental Health Day on 10th October 2011

High level Action Plan

Action	Responsibility	Timescale
Implement the Joint Commissioning Strategy for Adults with Mental Health Need by managing projects in relation to: <ul style="list-style-type: none"> • 2 Debt Advice Workers. 	Head of Commissioning	October 2011
<ul style="list-style-type: none"> • 'Time Bank' in North West Durham (skills exchange project in the community). 		March 2012
<ul style="list-style-type: none"> • Volunteer and Peer Support Scheme with Stonham. 		March 2012
Provide training, mentoring and employment opportunities for 150 people with mental ill-health, learning disabilities, physical disability and sensory impairment.	Head of Social Inclusion	March 2012

4. Enable adults with social care needs to live independently

All local authorities with social services responsibilities have a statutory duty to assess the needs of people (and their carers), who require a social care assessment. The assessment process uses eligibility criteria to determine the level of need of individuals and therefore the level of service required. The level of need ranges from low to moderate, substantial and critical. Durham County Council gives priority to people with the greatest social care needs and services are therefore provided to those people assessed as having critical or substantial needs.

Reviews of care plans are carried out at least on an annual basis to ensure that service users continue to receive the most appropriate service and level of care.

The coalition Government 'Think Local, Act Personal' sector-wide statement of intent, published in November 2010 sets out the government's new vision for social care, presenting the way forward for personalisation and community-based support. This will have a major impact on the way in which provision of social care services are provided and delivered, by ensuring that every person who receives a personal budget has choice and control over what they purchase. In Durham there has been a significant increase in the number of people who are offered the choice and control to purchase their own care services through direct payments and personal budgets. Further work is being undertaken to increase the number of people who can access direct payments and individual budgets through marketing and further provision of information to the public.

Members of the public are consistently saying they wish to remain in their own homes for as long as possible. Reablement is about giving people over the age of 18 years the opportunity, motivation and confidence to relearn / regain some of the skills they may have lost as a consequence of poor health, disability, impairment or accident and to gain new skills that will help them to develop and maintain their independence. Intermediate care services also help people to maximise their independence. Intermediate care is a range of time-limited health and social care services to promote faster recovery from illness, avoid unnecessary admission to hospital, support timely discharge from hospital and avoid premature long-term admission to a care home.

Going well

- 92% of service users receiving a social care service in 2010 have had a review of their services against a target of 89%.
- The year end target of 30% of social care users receiving a personal budget was achieved by December 2010. This is a significant increase from 6% in 2009-10.
- 98.7% of service users were very or fairly satisfied with the intermediate care services they received.

Cause for concern

- As the ageing population continues to increase, there will be more people providing unpaid care for longer and carers themselves will need social care services. From 2007/08 to 2009/10, there was a 37.2% increase in the number of carers who received a social care assessment.
- There was a significant increase (32%) in the number of critical and substantial needs identified between 2007/08 and 2009/10, with 'personal care' needs accounting for approximately 23% of identified need.

Did you know?

- Approximately 16,000 service users received a review in 2009/10
- Between April and September 2010, 3,755 people were in receipt of a personal budget for social care
- The number of people who have received community based services increased by 5%, from 37,450 in 2007/08 to 39,388 in 2009/10.
- In 2009/10, County Durham performed better than the England average (80.1%) for achieving independence for older people through rehabilitation / intermediate care – with a score of 86.9%.
- The percentage of people remaining in their own home 12 weeks after discharge from hospital into intermediate care or rehabilitation services was 83.8% at the end of Quarter 3 2010. This is slightly above the 2009-10 England average of 82%.
- The number of older people receiving intensive home care (i.e. 10 hours or more per week) increased from 1,637 in 2007/08 to 1,715 in 2009/10, a rise of 4.8%.
- The complexity of need is increasing as people with disabilities are living longer. For example, the prevalence of learning disability in the general population is expected to rise by around 1% per annum for the next 10 years and to grow by over 10% by 2020. It is also expected that there will be a growth in the complexity of disabilities which is attributable to improvements in maternal and neonatal care and improvements in general health care for adults which lead to increased life expectancy.

Look out for:

- The independent commission on the funding of care and support is to publish its review in July 2011.
- The government is to publish its report on Social Care Reform in December 2011.
- Review of Self Directed Support Questionnaire for carers
- Launch of the Prevention and Personalisation website
- The Reablement Factsheet available from Social Care Direct to provide information about the service for adults to help maximise independence following poor health, disability, impairment or accident.

High level Action Plan

Action	Responsibility	Timescale
Implement a reablement service for domiciliary care by giving adults the opportunity, motivation and confidence to relearn/ regain some of the skills they may have lost as a consequence of poor health, disability/ impairment or accident.	Head of Adult Care	April 2011
Promote the uptake of preventive services by launching the 'Prevention and Personalisation' website and a programme of signposting to community and universal services.	Head of Social Inclusion	June 2011
Increase the numbers of service users in receipt of an annual care plan review.	Head of Adult Care	Annually March 2012 March 2013 March 2014
Increase service users in receipt of Personal Budgets to 50%, through delivery of the Personalisation Project Plan.	Head of Commissioning	March 2012
Carry out a scoping exercise with NHS County Durham to look at the structure of a range of community rehabilitation services including intermediate care.	Head of Commissioning	March 2012
Ensure consistent application of existing eligibility criteria with specific application to new and reviewed care packages.	Head of Adult Care	April 2012
Extend the personalisation agenda to carers: consultation with carers will be carried out with a view to reviewing the Self Directed Support Questionnaire (self assessment questionnaire).	Head of Commissioning	April 2012

5. Respond to the White Paper, 'Equity and excellence: Liberating the NHS'

New and forthcoming national legislation places a duty on local authorities to coordinate the commissioning of local NHS services, social care and health improvement. This includes taking the lead on Joint Strategic Needs Assessments and Health and Wellbeing Strategies and promoting collaboration on joint working, local commissioning plans and the support of joint commissioning arrangements where appropriate.

The NHS White Paper: Equity and Excellence also sets out radical proposals for reform of the NHS and related local authority responsibilities. This includes putting patients at the heart of the NHS, focusing on improving outcomes in health and social care and making NHS services more directly accountable to patients and communities. This work will involve establishing Health and Wellbeing Boards to provide joined up commissioning and secure better care for patients and service users; creating local HealthWatch, to engage local people; moving the commissioning of health services to GP consortia and the creation of the NHS Commissioning Board to provide national leadership for delivering quality of care; and changes to the Council's scrutiny role.

The Health and Social Care Bill, once passed will set the proposals within the NHS White Paper into legislation.

Durham County Council needs to prepare for the seamless transfer of public health functions and related resources from the NHS as new responsibilities for public health are placed on local authorities.

Going well

- Local authorities have begun building relationships with GPs in relation to commissioning.
- Regular communications are being provided to Elected Members on the NHS reforms.

Cause for concern

- The transitional period will take place at a time of significant reductions in management capacity in PCTs. Engaging in transition planning and continuity of existing joint planning arrangements may therefore be difficult.

Did you know?

- The NHS reforms are paving the way for the most radical shake up of the NHS in over 40 years.
- The NHS reforms offer an increased role for local government and a renewed focus on the integration of health and social care services.
- Local authorities will gain public health functions from PCT's and have a duty to improve the health of their populations from April 2013. Shadow allocations of public health ring-fenced budget to local authorities will allow for planning before allocations are introduced in 2013/14.

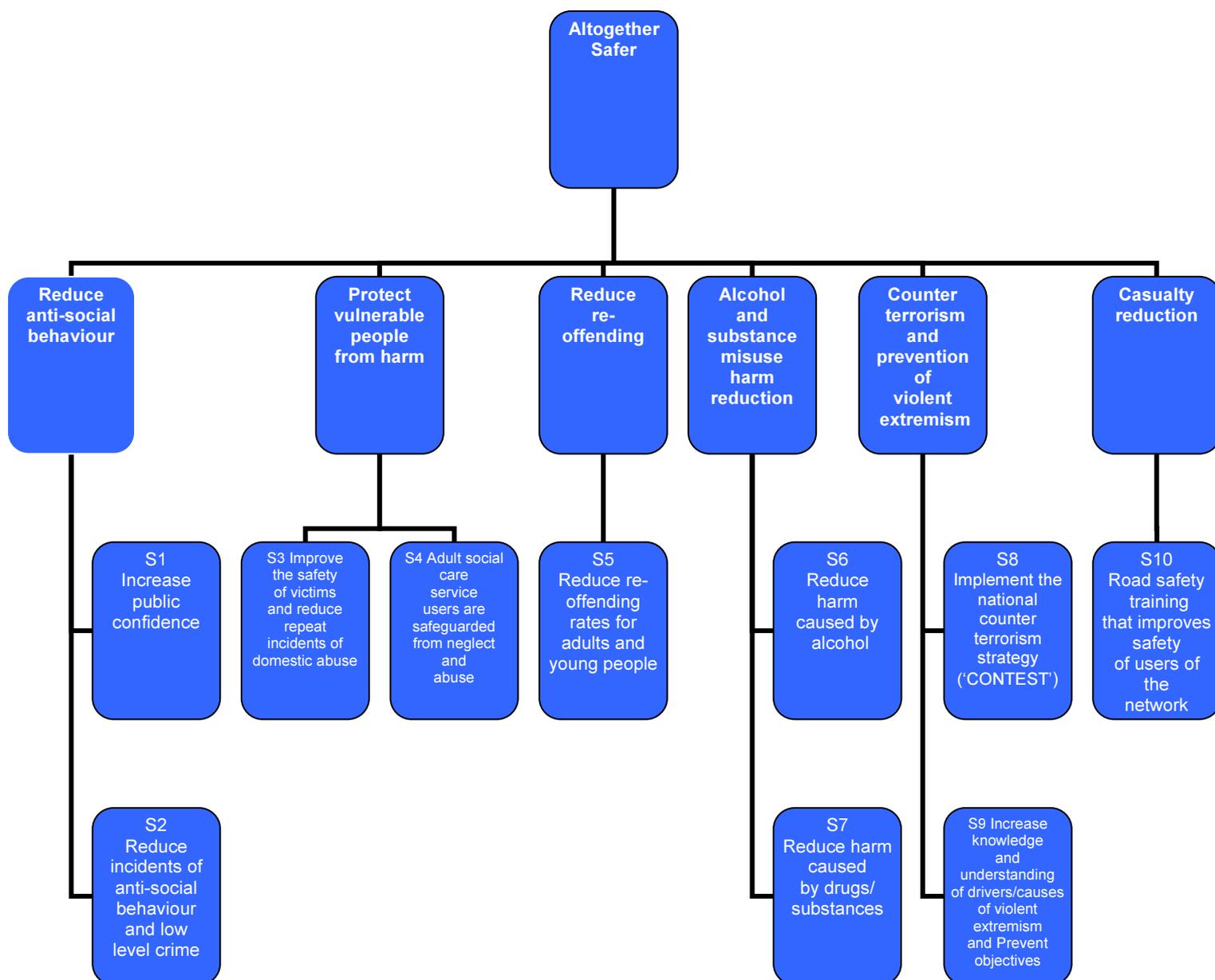
Look out for:

- A Joint Commissioning Strategy for Long Term Conditions will be published in August 2011.
- Local Involvement Networks (LINKs) will be transformed into Local HealthWatch. From April 2012 Local HealthWatch will take over the functions of LINKs in promoting and supporting public involvement in the commissioning, provision and scrutiny of local health and social care services.
- Health and Wellbeing Boards will assume statutory responsibilities from April 2013 but will be set up in shadow form from April 2012.

High level Action Plan

Action	Responsibility	Timescale
In partnership with NHS County Durham, we will commence the implementation of the Joint Commissioning Strategy for People with Long Term Conditions (i.e. a condition that cannot at present be cured but can be controlled by medication and other therapies).	Head of Commissioning	August 2011
We will respond to the White Paper 'Equity and Excellence: Liberating the NHS': <ul style="list-style-type: none">• Health and Wellbeing Boards assume statutory responsibilities• Transform the Local Involvement Network into a Local HealthWatch• Prepare for the transfer of public health improvement functions	Head of Policy, Planning and Performance	April 2013 (Dependent on government schedule) April 2012 (Dependent on government schedule) April 2013 (Dependent on government schedule)

Altogether Safer



The Council will continue to work with partner organisations, as part of the Safe Durham Partnership, to tackle crime and disorder, anti-social behaviour, alcohol and substance misuse, environmental crime and reducing re-offending in County Durham.

The Council supports the Safe Durham Partnership Plan 2011-14, which sets out a high level strategy to deliver a day-to-day operational response to issues impacting on our neighbourhoods. The Council will work with partners to involve the community in tackling priorities, with the aim of creating a safer county and contributing to an Altogether Better Durham.

Crime and disorder is not distributed equally around the county and key hotspots are identified as particularly vulnerable parts of the county. These areas generally face problems such as unemployment, low educational attainment and ill-health. Evidence shows that there are links between levels of deprivation and levels of domestic abuse, anti-social behaviour, re-offending, alcohol and substance misuse, and road casualties.

The Council will continue to work with partners throughout the county to tackle these issues, which have an impact on the personal safety of residents and service users. In particular, the Council is committed to safeguarding all those in our community who are vulnerable and at risk of abuse or neglect through the Safeguarding Adults Board.

The Council also supports the work of the Safe Durham Partnership to strengthen the resilience of public services and the community to acts of violent extremism and to provide support to those who are vulnerable to radicalisation.

1. Reduce anti-social behaviour

Anti-social behaviour is associated with everyday problems like nuisance neighbours, noise, graffiti, vehicle crime, abandoned cars, vandalism, litter, verbal abuse, intimidation, harassment and street drinking.

Going well

- People's perceptions that anti-social behaviour is a problem has reduced from 15.8% in 2009/10 to 10.1% for the year ending December 2010.

Cause for concern

- 52.8% of people surveyed in the year ending December 2010 were satisfied with how well the police and council deal with anti-social behaviour - this is down from 53.5% in 2009-10 and below the 2010-11 target of 57.5%.

Did you know?

- The issues causing residents most concern are parents not taking responsibility for the behaviour of their children, people not treating others with respect and consideration, and teenagers hanging around on the streets.

Look out for:

- Safe Durham Partnership Plan 2011-14

High level Action Plan

Action	Responsibility	Timescale
Deliver design projects aimed at enhancing a number of community buildings to encourage disengaged learners to participate in diversionary activities, i.e. <ol style="list-style-type: none"> 1. Youcan Centre⁷ 2. Seaham Youth Centre 3. Community Business College 	Head of Technical Services	June 2011 August 2011 July 2011
Deliver a programme of target hardening in areas at risk of crime including the installation of 'dusk til dawn' security lighting, security alarms, window/door locks, fire alarms.	Head of Direct Services	July 2011
Deliver design projects aimed at enhancing a number of community buildings to encourage disengaged learners to participate in diversionary activities.	Head of Technical Services	August 2011
Develop a collective approach to community intelligence gathering, analysis and sharing between the relevant agencies of the Community Safety Partnership.	Head of Direct Services	December 2011
As part of the 'Not in My Neighbourhood' campaign coordinate 14 weeks of actions, focussing on actions specific to local communities to address issues like crime and anti-social behaviour.	Head of Social Inclusion	March 2012
Develop a responsible retail scheme for retailers of age restricted products to address supply to children and young people.	Head of Environment, Health and Consumer Protection	March 2012
Deliver a joint enforcement protocol for licensed activities aimed at reducing alcohol related crime and disorder.	Head of Environment, Health and Consumer Protection	Complete annual enforcement programme March 2012/13/14
Completion of a programme intelligence led enforcement initiatives in relation to door step crime, rogue traders and the supply of illicit counterfeit and age restricted goods.	Head of Environment, Health and Consumer Protection	March 2012

⁷ The YouCan Centre offers disengaged children an educational programme in a 1:1 setting as well as counselling and anger management strategies.

2. Protect vulnerable people from harm

Protecting vulnerable people from harm includes those who suffer domestic abuse and those who suffer neglect or abuse. Reported incidents of domestic abuse are increasing in County Durham and demand exceeds supply for refuge and outreach services.

It is estimated that only a quarter of all domestic abuse incidents are reported to the police.

Safeguarding adults is a key priority for Durham County Council. DCC operates a zero tolerance approach to all forms of abuse and is committed to preventing the abuse of adults and responding promptly when abuse is suspected, with other partners.

Adult Safeguarding Referrals for suspected abuse increased by 102.1% between 2007/08 and 2009/10 as our reporting of issues improve in the County. There has been an increase in awareness and provision of multi agency safeguarding training provided by the Safeguarding Adults Board.

Going well

- 10.9% of domestic abuse victims accessing the 'Multi-Agency Risk Assessment Conference' (coordinated response to domestic abuse) were repeat victims, this significantly exceeds the target of less than 28% repeat victims.
- 78.7% of service users in County Durham have no worries about their personal safety or have support to ensure they have no worries, compared to an England average of 72.9%.
- 93% of safeguarding strategy meetings (to address suspected abuse and neglect referrals) were completed within 5 days of referral.

Cause for concern

- Physical and financial or material abuse remained the most common forms of abuse during the period of 2008/09 and 2009/10. Physical abuse increased by 29.5% when comparing 2008/09 with 2009/10, with financial or material abuse increasing by 75% over the same period.

Did you know?

- The 'Multi-Agency Risk Assessment Conference' became fully operational across the whole of County Durham in 2010-11.
- Safeguarding referrals for older people increased significantly and continued to rise from 2007/08 to 2009/10 across the county, showing an increase from

322 in 2007/08 to 666 in 2009/10.

Look out for:

- Safe Durham Partnership Plan 2011-14.
- Consultation on Joint Commissioning Strategy for Domestic Abuse.

High level Action Plan

Action	Responsibility	Timescale
Co-ordinate the implementation of the Joint Commissioning Strategy for Domestic Abuse Services.	Head of Social Inclusion	September 2011
Ensure that safeguarding adults targets are achieved, by completing 'strategy' meetings for referrals for suspected adult abuse and neglect within 5 days of referral and complete investigations into suspected adult abuse and neglect within 28 days.	Head of Adult Care	March 2012
Work with partners to provide individual emotional and practical support services to victims of domestic abuse.	Head of Social Inclusion	April 2012

3. Reduce re-offending

The Safe Durham Partnership Prolific Priority Offenders (PPO) Strategy 2009 identified that nationally, approximately 10% of the active offender population are responsible for half of all crime and that a very small proportion of offenders (0.5%) is responsible for one in ten offences.

Reducing Re-offending is a Safe Durham Partnership priority. The aim is to develop strategic pathways through key services to ensure offenders have the support they need to stop their offending behaviour.

Going well

- Fewer young people are re-offending and committing fewer offences: 139 re-offended in 2009, committing 534 offences compared to 171 re-offending and committing 579 offences in 2005. This was also recognised by *Ofsted*

(November 2009): ‘... a small number of young people are now re-offending.’

Cause for concern

- In 2009-10 there was a 13% reduction in re-offending by the Prolific and Priority Offenders cohort, this did not however achieve the Home Office target of a 24% reduction.

Did you know?

- During April-June 2010, Theft and Handling Stolen Goods accounted for 24% of offences by young people which resulted in a Pre-Reprimand Disposal, pre-court decision or court conviction.

Look out for:

- Safe Durham Partnership Plan 2011-14.

High level Action Plan

Action	Responsibility	Timescale
Coordinate with partners the Reducing Re-offending Group as part of the Safe Durham Partnership and keep track of the group's delivery action plan on a 3-monthly basis.	Head of Social Inclusion	March 2012

4. Alcohol and substance misuse harm reduction

Alcohol consumption is a significant contributory factor with respect to a range of offences, and in particular violence, disorder and anti-social behaviour. The main issue is addressing the circumstances and situations where the consumption of alcohol contributes to unacceptable forms of behaviour.

Going well

- People's perception of drunk and/or rowdy behaviour in public areas as a problem decreased from 35.7% in 2008/09 to 17.5% for the year ending December 2010.
- The drug-related offending rate reduced from 1.23 in 2008/09 to 1.17 in 2009/10.
- The public's perceptions of drug use or dealing in their local area being a problem decreased from 23.4% in March 2010 to 17.9% in December 2010.

Cause for concern

- 60 casualties from road traffic accidents in the year to date have involved illegal alcohol levels.
- Performance up to September 2010 identifies 1,520 drug users in effective treatment which is not on track to achieve the Sustainable Community Strategy target of 2,030 or the local target of 1,630.

Did you know?

- Over 7% of reported crimes (and about 50% of violent crime against the person) in County Durham are alcohol-related.
- An estimate of the total cost of alcohol misuse in County Durham ranges from £173m - £228m.
- It is estimated by the National Treatment Agency that there are nearly 2000 class 'A' drug users in the County. County Durham DAAT considers this an underestimation as, unlike other areas in England such as Manchester and London where numbers in treatment have remained stable, County Durham still continues to see an increase.

Look out for:

- Safe Durham Partnership Plan 2011-14

High level Action Plan

Action	Responsibility	Timescale
Work with partners to deliver a programme of interventions involving licensing enforcement and health promotion initiatives aimed at reducing harm caused by alcohol	Head of Environment, Health and Consumer Protection	March 2012
Implement the County Durham Alcohol Harm Reduction Strategy action plan and review it on a 3-monthly basis.	Head of Social Inclusion	March 2012
Agree an implementation plan for the national Drug Strategy for County Durham to: <ul style="list-style-type: none"> • Assist people to seek help and 	Head of Social Inclusion	March 2012 (Dependent on Government schedule).

overcome their dependency on drugs

- Address other issues in addition to drug treatment such as offending, employment and housing
- Enable local communities to tackle drugs and the harm they cause.

5. Counter terrorism and the prevention of violent extremism

The current threat level for the United Kingdom is 'Severe' which means a terrorist attack is highly likely.

The most significant element of national counter terrorism response (CONTEST) dealt with by the Safe Durham Partnership Counter Terrorism Group is the 'Prevent' agenda, which is based on a better understanding of the causes of 'radicalisation' (the process by which people become terrorists or lend support to violent extremism). The two supporting objectives are to: develop intelligence, analysis, and information; and to improve our strategic communications.

Going well

- Developed and successfully participated in the Cabinet Office approved 'Busan Gold' multi-agency strategic command exercise.

Cause for concern

- High profile case involving convictions for acts of terrorism in County Durham in May 2010.

Did you know?

- Durham is currently at level 2 in relation to building resilience to violent extremism, with a clear plan to achieve level 3 in 2011/12.

Look out for:

- Safe Durham Partnership Plan 2011-14.

High level Action Plan

Action	Responsibility	Timescale
Co-ordinate local authority actions to contribute to the 'CONTEST Strategy' delivery action plan	Head of Social Inclusion	March 2012

6. Casualty reduction

Durham appears to be doing reasonably well in relation to the current Government Casualty targets, in particular there has been a reduction in the child pedestrian casualties in 2009/10 in comparison with previous years.

There is cause for concern that our overall casualty figures may not meet a government target of a 40% reduction in fatalities. On a positive note the number of children killed or seriously injured has reduced in 2009/10 in comparison with previous years and our slight casualties are also in line with a government target of a reduction of 10%.

Regional data shows that child pedestrian casualties feature highly on the IMD (Index of Multiple Deprivation) and in particular the Durham City, Wear Vally, Easington, Chester le Street and Sedgefield areas are highlighted as a concern in this respect. Work with target groups is therefore aimed at reducing these figures further.

Going well

- There was a 53% reduction in child pedestrian casualties in 2009/10

Cause for concern

- Numbers of cyclists killed or seriously injured has increased from 4% to 7% for all casualties in 2009/10
- The number cyclists killed or seriously injured has risen from 4% to 7% of all casualties in 2009/10
- Over the last 5 years motorcyclists continue to account for 22% of all casualties.
- Young drivers were involved in 39% of all collisions in 2009/10 (Although this is in line with regional figures)

Did you know?

- Bikeability 'real world' training on cycling on roads has now been provided to nearly 15,000 children in County Durham

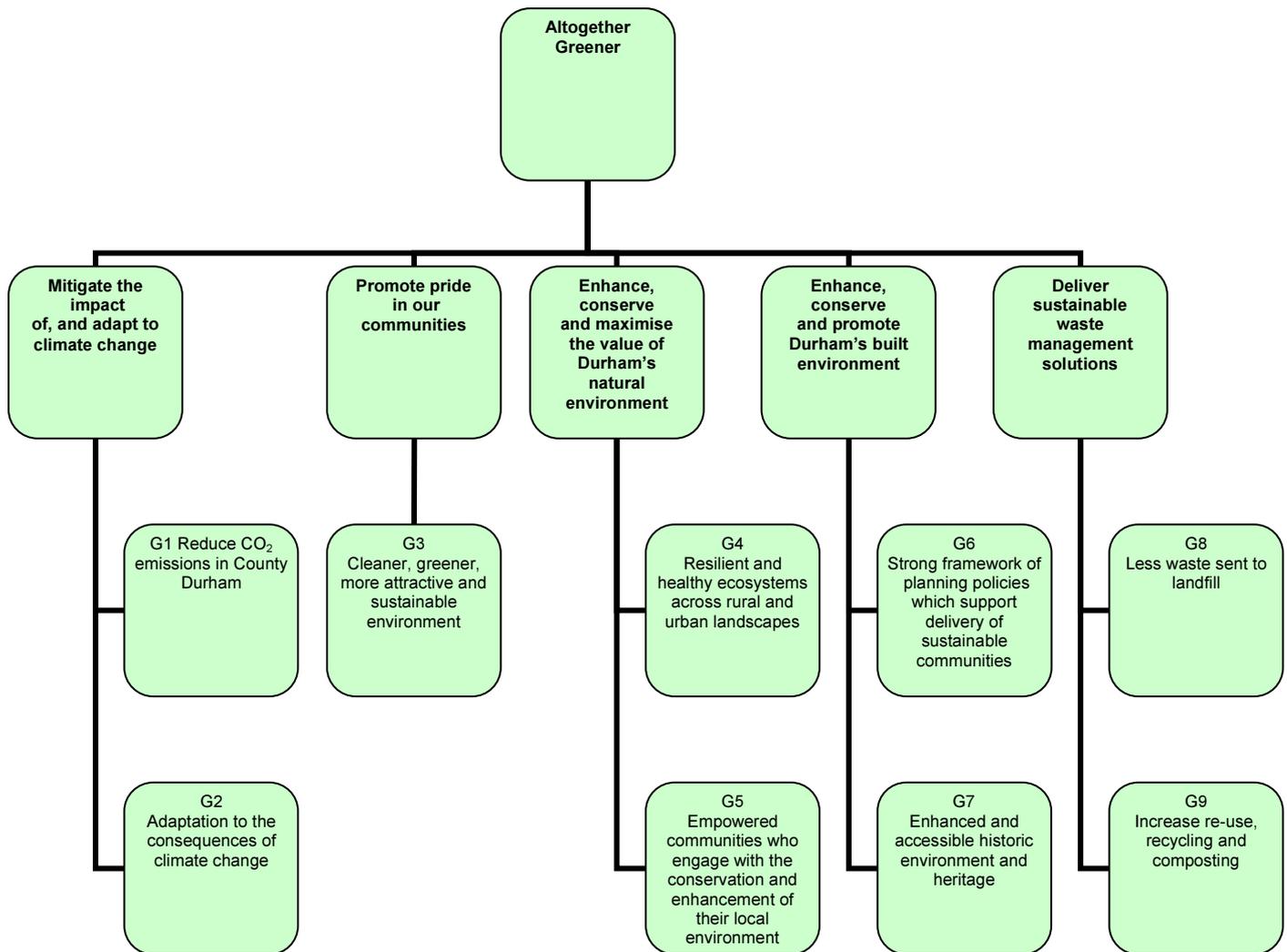
Look out for:

- The 'Excelerate' scheme that provides training for pre and post test drivers

High level Action Plan

Action	Responsibility	Timescale
Increase participation in the Excelerate Scheme aimed at improving the road skills of new and inexperienced drivers aged 17-25.	Head of Technical Services	March 2012
Wise Drive Event		September 2011
Provide practical child pedestrian training in targeted primary schools (7-9 years old).	Head of Technical Services	March 2012
Provide training for 'born again' bikers and new full licence holders who ride large cc Motorcycles:	Head of Technical Services	March 2014
Annual Bike Wise Event		July 2011
Determine the sustainability and maintain Standards for our transport assets to ensure that we can plan for future resilience of our highways.	Head of Transport	March 2012

Altogether Greener



There is mounting evidence that the UK is beginning to experience changing climatic conditions and more extreme weather patterns attributable to the effects of global climate change. These changes are accelerating and will bring significant challenges to every aspect of our lives, our communities and the natural environment. The Council has set challenging targets to reduce carbon emissions caused by the Council's operations and also to tackle emissions across the wider County. We aim to do this through programmed activity with residents and also through working with large scale businesses and employers such as the NHS and Fire and Rescue Service. The Council also has a key role in ensuring that resilience to extreme weather events is increased through adapting to the changes caused by climate change.

Reducing waste is another important contributor to sustaining our natural resources. Last year we land-filled 165,482 tonnes of municipal household waste representing an improvement of 3% on the previous year. We need to further reduce waste generation, increase levels of re-use and recycling, and where possible recover energy from waste if we are to achieve our goal of diverting waste from landfill.

Through engaging with our communities, we know that local environmental cleanliness is an important factor in making County Durham a good place to live, work and bring up a family. Both the natural and built environment, require careful management to ensure that we can maintain a good quality of place and access to our natural assets. In addition, communities regularly emphasise the importance of access to parks and green spaces for socialising, exercise and enjoying nature. Through education, involvement and enforcement, where necessary, we will work with communities to improve the overall cleanliness and attractiveness of our local environment.

1. Mitigate the impact of, and adapt to climate change

The Council has targets to reduce its own carbon emissions by 40% by 2015 and emissions across the whole of County Durham by 40% by 2020. Alongside the Council is working to ensure the County is well prepared to adapt to the consequences of climate change. In particular we need to ensure that County Durham is well prepared to cope with any future major flooding events. By working with the Environment Agency, we have identified those areas which may be vulnerable to flooding. Over the next three years we will be implementing actions to mitigate the potential impact and protect our communities.

Going well

- The largest uptake of micro-renewable technologies in the North East, and we are currently in the top 7% in the country.
- Durham County Council has achieved the 5th largest number of cavity wall and loft insulation measures in England, Scotland and Wales carried out across all tenures of housing over the first two years of the Carbon Emissions Reduction Target.
- The Council has signed the European Covenant of Mayors, which is a commitment by signatory towns and cities to go beyond the objectives of EU energy policy in terms of reducing CO₂ emissions through enhanced energy efficiency and cleaner energy production and use.
- We have set up a Council wide Eco-Champions Group to embed carbon reductions across the Council.
- Delivering an energy saving awareness programme across the Council.
- We have established a new Drainage and Coastal Protection Team to ensure the Council's obligations under the Flood and Water Management Act 2010 are carried out.
- Three Electric Cathedral buses were introduced during 2010.

Cause for concern

- With the economic downturn and rising energy prices fuel poverty is likely to become an even greater challenge for County Durham.
- A need for major capital investment for climate change resilience measures.
- We need to ensure that low carbon measures are at the heart of economic recovery.
- In addition to carbon emissions, there is a necessity to reduce other atmospheric pollutants, for example, DEFRA has stated that the cremation industry must abate 50% of flue gases from cremations by 2012 and 100% by 2020.

Did you know?

- To reduce the effects of climate change, the Government has committed to reducing carbon emissions within the UK by 60% by 2050, in comparison to 1990 levels. As part of this commitment, the Council has committed to reducing its own carbon emissions by 40% by 2015. We also agreed to work to a target of a 40% reduction in CO₂ across County Durham by 2020.
- County Durham needs to reduce its CO₂ emissions by 742,000 tonnes by 2020. This breaks down into 313,500 tonnes from housing, 313,500 tonnes from industry and 115,000 tonnes from transport.
- As part of the [Warm Homes Campaign](#), free and subsidised home insulation is available to people living in County Durham.
- Peatland has a moderating role in global warming. The UK's peatlands, of which 27% is in the North Pennines, contain more carbon than the combined forests of France and UK.
- Street lighting is one of the areas impacting on the environment through its CO₂ emission. Controlling the lighting strength of chosen lights at particular times of day reduces energy costs and CO₂ emissions.
- The Council maintains more than 80,000 street lights and 5,500 lit signs.
- Last year the Council replaced deteriorating lighting columns on a 20 mile stretch of the A167 with a new lighting monitoring control system. As part of that scheme, 1136 lanterns were replaced or reused and fitted with intelligent electronic ballasts, reducing lighting levels by up to 30 % between midnight and 5am when traffic levels are low.

Look out for:

- Local Transport Plan 3 which comes into effect from April 2011.
- DCC has already installed 20 Electric Vehicle Recharging Points across the County and a further 100 points will be installed by the end of March 2013.
- Walkway and Cycleway improvements by 2014.
- Renewable energy generation projects on Council property that will feed into the national grid, to generate income and reduce our energy consumption.

High level Action Plan

Action	Responsibility	Timescale
Reduce the need to travel to access Council services through better use of technology delivered by the Channel Migration and Improvement Strategy.	Corporate Director of Neighbourhood Services	April 2011
Develop projects for renewable energy development on council assets to include solar farms, biomass and wind generation:	Head of Planning	
<ul style="list-style-type: none"> Overarching plan and projects finalised 		April 2011
<ul style="list-style-type: none"> Implementation of plan 		February 2012
Address and support climate change adaptation through the County Durham Plan and mitigate the effect of flooding throughout the County	Head of Planning/ Head of Technical Services	
<ul style="list-style-type: none"> Produce a county-wide Preliminary Flood Risk Assessment to increase our understanding of flood risk and act as a foundation for future investment and action. 		June 2011
<ul style="list-style-type: none"> Establish a Flood Risk Management Strategy for Durham County Council 		April 2012
<ul style="list-style-type: none"> Address and support climate change adaptation through land allocations and the design and enhancement of environments (County Durham Plan). 		July 2011
Develop a programme of initiatives to reduce carbon emissions and other atmospheric pollutants from Council Services' operations including:		
<ul style="list-style-type: none"> Deliver a £2.3m scheme to install new cremators and mercury abatement plants to comply with European legislation 	Head of Direct Services	December 2012
<ul style="list-style-type: none"> Further roll out a Central Management System for street lighting 	Head of Technical services	March 2013
<ul style="list-style-type: none"> Deliver a primary school replacement sustainable design programme <ul style="list-style-type: none"> Kirk Merrington School 	Head of Technical Services	February 2013
<ul style="list-style-type: none"> Greenlands School 		April 2013

2. Promote pride in our communities

Consultation with our residents consistently identifies clean streets as one of the most important priorities. However, addressing this issue is not solely about the Council improving its operations. To be truly effective and sustainable our approach should harness the contribution that everyone can make, as we all have a role to play in helping make our communities cleaner, safer and greener. We intend to encourage local people to look at ways to improve their local area and to get involved in implementing their ideas.

Going well

- Just 2% of relevant land and highways are assessed as having litter deposits that fall below an acceptable level.
- 449 fewer fly-tipping incidents have been reported during 2010/11/10.
- 65 businesses in the authority area now meet Tidy Business Standards.
- 3250 volunteering episodes were recorded with the Countryside Rangers.

Cause for concern

- There has been an increase in the number of fly-tipping incidents of tipper lorry size over the last year.

Did you know?

- In the UK we drop 122 tons of cigarette butts and litter every day.
- 1.3 million pieces of rubbish are dropped on Highways Agency roads alone every weekend.
- The Council was selected to participate in a national campaign last October to highlight that “there is no such thing as a dog poo fairy”. During that campaign, we recorded that 98% of dog owners were responsibly disposing of their dog waste. We are now working hard to deal with the small minority who continue to blight our local environment.

Look out for:

- A range of activities organised by the Civic Pride Teams to enable everyone to get involved and ‘Do their bit’
- The annual environment award scheme which recognises the achievements of local individuals and groups in relation to good design and sustainable principals in all aspects of the built and natural environment encouraging Pride in our communities.
- Police Support Officers being able to issue fixed penalty notices for incidents of enviro-crime, from 1st April.

High level Action Plan

Action	Responsibility	Timescale
Establish a Street Champions Scheme integrated with Neighbourhood Watch for reporting environmental concerns.	Head of Direct Services	April 2011
Recognise the achievements of 'Pride in Durham' volunteers, property owners and business by co-ordinating an annual award scheme which recognises the achievements of local individuals and groups.	Head of Direct Services/ Head of Planning	June 2011

3. Enhance, conserve and maximise the value of Durham's natural environment

Our natural environment underpins our economic prosperity, as well as our health and our wellbeing and as a result, protecting the environment and enhancing biodiversity is a priority.

There have been a number of improvements to Durham's natural environment; the air we breathe is cleaner, the quality of water in our rivers has improved and our wildlife sites are in better condition. These successes show that properly focused environmental policies can deliver real change. Our natural environment is under constant pressure and if it is to be protected as a resource for future generations, we need to take action now.

There are natural challenges specific to the North East of England that need to be considered, including the need to provide large scale biodiverse landscapes to mitigate the impact of climate change. The pressures on the natural environment, for example, housing, energy business and food production are immense.

Going well

- 10 'green flags' were awarded to parks and open spaces under the control of the Council. In addition, 5 further green flags were awarded to Ferryhill (2 awards) and Horden (3 awards) town councils. Durham County has performed very well compared to other local authorities in the region. Only Newcastle achieved the same number of awards (10).
- £2million in Heritage Lottery funding has been awarded to the Limestones Landscape Initiative.
- A new landscape partnership – the Heart of Teesdale Partnership – covering the Tees Vale around Barnard Castle has been developed with Heritage Lottery Funding.
- Durham Heritage Coast was awarded the UK Landscape of the Year award 2010.
- Parts of the West Durham coalfield have been identified by Natural England as an Integrated Biodiversity Delivery Area – one of a small number of national pilot schemes.

Cause for concern

- The latest residents' survey shows that although 76% of respondents to the recent residents' survey are satisfied with parks and open spaces, the level varies from 68% to 87% depending upon location. We are committed to providing the same high level to all residents, regardless of where they live.

Did you know?

- Hardwick Park is the second most popular attraction in the county after Durham cathedral with 400,000 visitors each year.
- The Durham Magnesian Limestone Plateau has two-thirds of the rare Magnesian Limestone grassland, 52 Sites of Special Scientific Interest (SSSIs), over 200 Local Sites, 4 National Reserves (all in Durham) and European sites of conservation.
- Castle Eden Dene on the east coast is a National Nature Reserve that has the largest and best preserved gorge woodland in Britain, as well as being home to the Durham Argus Butterfly.
- The stunning Durham landscapes also support other notable habitats such as the Moorlands of the North Pennines which are home to rare and protected species iconic to Durham including the Black Grouse and Spring Gentian.
- Data collected by the Environment Agency shows an overall improvement in the quality of local river water marked by the return of 'keystone' species such as the otter.
- Nationally and within Durham, Natural England report that over the last 50 years the country has experienced a dramatic reduction habitats including woodland, wild flower meadow, wetland and hedgerows.

Look out for:

- The green Flag Award Results.
- Improvements delivered through the Limestone Landscape Partnership and the Heart of Teesdale Landscape Partnership.
- Durham Heritage Coast submission for the European Landscape of the Year award 2011.

High level Action Plan

Action	Responsibility	Timescale
Improve the quality, appearance and biodiversity of key open spaces around the County including: <ul style="list-style-type: none"> Jubilee Park, Howden le Wear Durham City Riverbanks 	Head of Sport and Leisure Services Head of Direct Services	May 2011 March 2012
Develop the County Durham Green infrastructure Strategy. Complete local implementation plans.	Head of Planning, Head of Direct Services	July 2011 March 2012
Develop biodiversity and landscape policies for the County Durham Plan and develop criteria based policies through subsequent Development Planning Documents.	Head of Planning	December 2011
Develop an Open Space Strategy to incorporate countryside play events, playing pitches, parks, allotments.	Head of Direct Services	December 2011
Harmonise grounds maintenance standards across the authority area.	Head of Direct Services	April 2012

4. Enhance, conserve and promote Durham's built environment

Our built environment is the place where most people both live and work. The appearance of our built environment is important but good design is about much more than how things look. It is about uplifting communities and transforming how people feel and behave. It is also about using resources effectively and imaginatively.

There is a need to plan for the future of our built environment. As our population ages, we need to make places more welcoming and inclusive, and ensure that they are designed for the convenience and the enjoyment of all age groups. In addition, the challenges of climate change demand that we fundamentally re-think the way we plan and design our built environment – both to mitigate climate change, by using local and sustainable materials in the actual build, whilst ensuring that energy use from the building is minimised through energy efficiency and renewable energy and to adapt, by ensuring that development is fully prepared for more extreme weather.

Quality of place does not just matter for the here and now. The built environment endures, and decisions made now will continue to have repercussions down the decades.

Going well 👍

- Over 5,300 people enjoyed the opportunity offered by Heritage Open Days, an increase of over 1500 from 2009
- Conservation Area Appraisals which set out the significant conservation characteristics to aid owners and investors in planning were completed in 16 areas since April 2009. A further 8 are well on the way, after public consultation events, to adoption.
- In 2010, a Historic Environment Record Officer was appointed to develop a better electronic data base to provide improved access to historic environment information. This helps developers and decision makers better understand our built identity.

Cause for concern 🗨️

- Large Number of historic buildings in Durham on the annual 'At Risk' Register. The English Heritage Register is a tool to help all, especially owners, focus on the importance of regular maintenance and occupation before major problems occur. It includes only the top 8% of listed buildings and scheduled monuments.

Did you know?

- The County Durham Plan is being developed which will provide the planning framework for County Durham up to 2030.
- County Durham has 94 designated Conservation Areas the first being designated in 1968 and the most recent in 2010. These are designated locally by the Council
- County Durham has more than 3000 listed buildings, 260 are in the top 8% in the country. Listed buildings are designated by government, not locally
- Durham Cathedral and Castle is a World Heritage Site. The local planning authority must include policies for the protection and sustainable use of the site in its planning framework

Look out for:

- Further County Durham Plan Consultations with the core strategy due to be adopted by March 2012 and allocation document published May 2013.

High level Action Plan

Action	Responsibility	Timescale
Maintain the County's historic/listed highway bridges in line with the 2011/12 programme which includes: <ul style="list-style-type: none"> • Hargill • Haswicks • West Blackdene • Greta Old Bridge 	Head of Technical Services	July 2011 August 2011 August 2011 October 2011
Manage promote and deliver an enhanced annual programme of Heritage Open Days, increasing participation.	Head of Planning	September 2011 (Annually)
Raise understanding, expectations and quality for, County Durham's built and natural environment through the County Durham Plan, by producing a Sustainable Design Supplementary Planning Document.	Head of Planning	May 2012
Support the reduction of Heritage at Risk in County Durham through identifying works, possible grants and providing advice. Identify 12 buildings over the next three years and work with owners to try and remove heritage sites from the risk list.	Head of Planning	March 2014

5. Delivering sustainable waste management solutions

Sustainable waste management solutions are important to both our natural environment and in terms of the contribution to climate change.

Recycling is vital. In order to manage the County's waste, we must ensure that our focus is on reduction, re-use and recycling of waste to divert it from landfill. Diversion from landfill will not only protect our environment, but also reduce the financial burden placed on the Council through the Landfill Tax Escalator which makes it more and more expensive to send waste to landfill.

Going well

- Over 40,000 subsidised compost bins have been sold to residents over the last 7 years.
- A programme of repair and improvement work at all 15 Household Waste Recycling Centres has increased user satisfaction with the facilities and increased collection of recyclable materials.
- Our Waste and Recycling Team were named 'Best Service Team of the Year' at the annual Association for Public Sector Excellence (APSE) awards in September 2010 in recognition of excellence in frontline services.

- 39.4% of household waste is now reused, recycled or composted.
- There has been a 12% reduction in the amount of household waste collected.
- 92% of County Durham residents use the doorstep recycling facilities.
- 88% of our residents are satisfied with the doorstep recycling facilities.

Cause for concern

- There are 240,000 household tonnes of waste produced in County Durham every year.
- 25% of all construction packaging waste is plastic.

Did you know?:

- The amount of waste produced and sent to landfill is still too high.

Look out for:

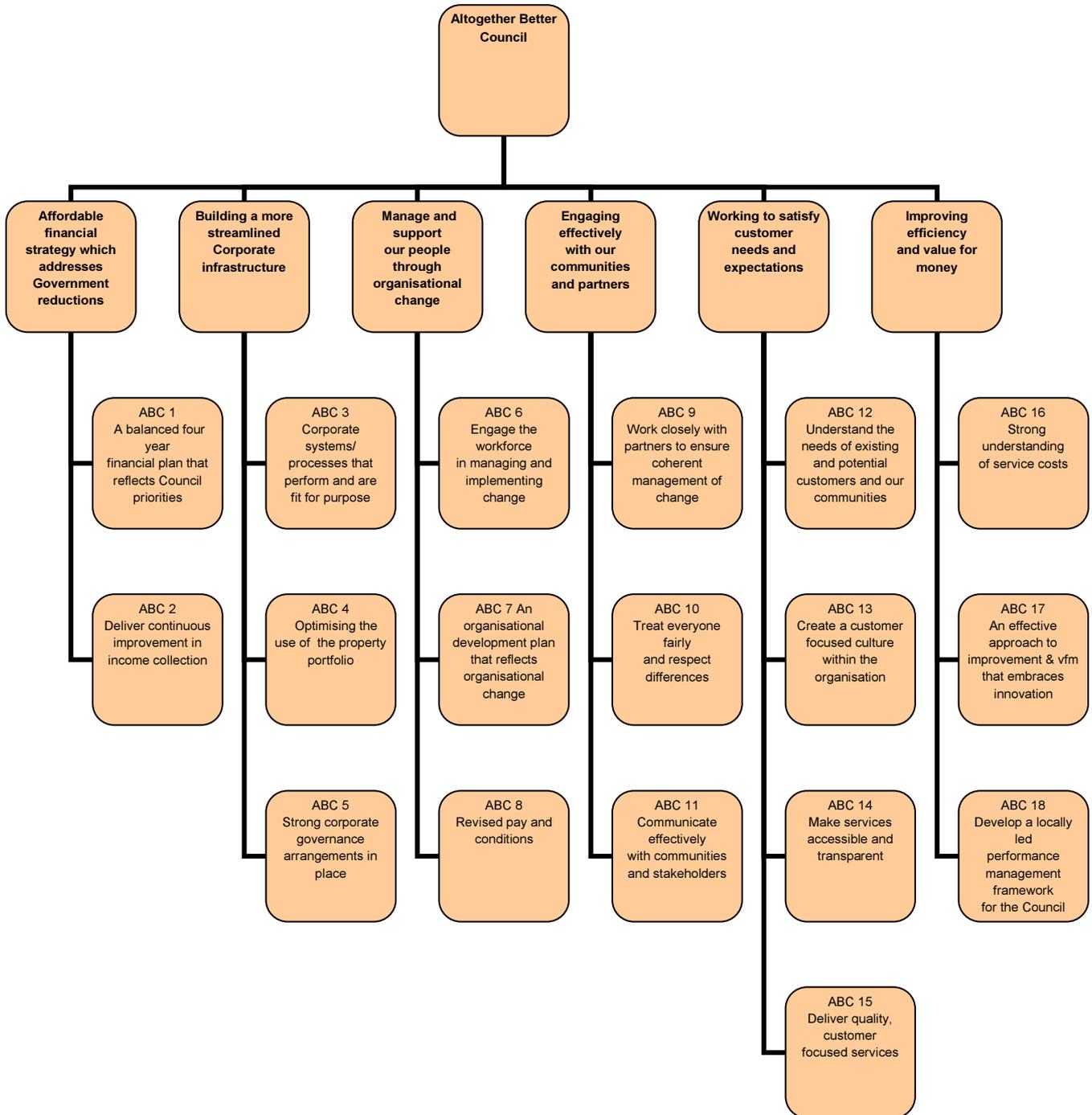
- The results of the public consultation in relation to the Council's approach to waste management.

High level Action Plan

Action	Responsibility	Timescale
Improve routes for waste collection to ensure a more efficient service.	Head of Direct Services	April 2011
Complete options appraisal for:		
<ul style="list-style-type: none"> • the rationalisation of Household Waste Recycling Centres (HWRCs) 	Head of Direct Services	Sept 2011
<ul style="list-style-type: none"> • recycling of plastic waste from highways operations 	Head of Technical Services	Dec 2012
<ul style="list-style-type: none"> • separate collection of food waste. 	Head of Direct Services	Dec 2014
Review and implement changes to trade waste services, maximising value for money and increasing recycling rates for businesses.	Head of Direct Services	April 2012
Implement alternate weekly collection service for residual household waste	Head of Direct Services	April 2012
Complete a procurement exercise in order to determine the future options for how the Council disposes of its residual waste. ⁸	Head of Direct Services	May 2012

⁸ The waste left over after recycling and composting

Altogether Better Council



This section of the Council Plan has undergone the most change since last year. This is to ensure that our plans fully reflect the changes in the national picture following the change in Government last year. A key plank of the previous Government's performance management framework for local authorities was the Comprehensive Area Assessment regime which replaced the Comprehensive Performance Assessment in 2009. The coalition Government has abolished this and

has also proposed that the Audit Commission should be dismantled. Inspection and assessment formed a healthy independent framework for our improvement activity and was often a catalyst for change. In the future the Council will have to develop its own approach to improvement. The overriding driver for this will be the need to demonstrate value for money in the delivery of all of our services and to generate internal efficiencies to help mitigate some of the effects of the reductions in grant funding. Increased openness and transparency in public services is another underlying theme of the Government's programme. This is already beginning to shape up into a portfolio of additional requirements being placed on local authorities. The emphasis on localism is also a key driver of the Government's policies and while the picture in relation to their 'big society' is still emerging, it is going to lead to an increasing emphasis on community engagement and communication.

1. Affordable financial strategy which addresses Government reductions

The Council is facing an unprecedented level of reduction in Government support over the medium-term. Although the savings that the Council needs to achieve are substantial, we have been working to develop plans well in advance of the announcement of the Finance Settlement in December. We largely anticipated the Government Grant reductions and the heavy front loading of the required savings. The Council has agreed a strategy for making the savings where more than half of the required savings will be made through reductions in management costs, support services, efficiencies and increases to fees and charges so that the impact of reductions to frontline services are minimised.

Going well

- After taking account of the receipt of Government Capital Grants and receipts from the sale of capital assets, the Council is able to invest an additional £38.6 million in 2011/12 in key infrastructure projects to support our corporate priorities. This will give us a revised capital budget of over £194 million for the financial year and £364 million over the lifetime of this Plan.
- The Audit Commission judged the Council to have adequate arrangements in place for financial planning in 2009/10.

Cause for concern

- The Council is facing unprecedented levels of reduction in financial support from the Government with our two-year Financial Settlement confirming heavily front loaded reductions in 2011/12 and 2012/13.
- After taking account of other budget pressures, the Council is required to achieve savings of £123.5 million over the next 4 years amounting to almost 30% of our Net Revenue Expenditure Budget.

Did you know?

- The development of the proposals for savings within the Medium-Term Financial Plan draws heavily on the results of consultation with residents through the Residents' Survey (over 6,500 respondents) and a series of specific budget consultation exercises involving over 1,400 people.
- The Council has prepared an equality impact assessment for each individual savings proposal, all of which are available for public inspection and the report seeking approval of the Medium-Term Financial Plan also details cumulative impact on service users, other organisations or Council staff based on protected characteristics contained within equalities legislation.

Look out for:

- The 2011/12 Budget has been developed assuming the Council will leave Council Tax levels unchanged.

High level Action Plan

Action	Responsibility	Timescale
Delivery of the 4 year Medium Term Financial Plan programme of planned savings. (Appendix 2)	Corporate Management Team	2011-2015
Implement new council-wide revenues and benefits system, relocate revenues and benefits staff to one location and carry out a restructure of the service.	Head of Finance	August 2011

2. Building a more streamlined corporate infrastructure

The Council aims to achieve savings of £27.1 million over the next 4 years through reductions to management and support service costs, which accounts for 30.5% of the total budget in these areas. A number of planned savings contained within the Council's Medium-Term Financial Plan reflect the further benefits to the Council of becoming a unitary authority and still having significant efficiency savings and modernisation opportunities still to be implemented. For example, consolidation of some of our computer systems onto a single platform following Local Government Reorganisation will allow us to achieve some significant efficiency savings. The implementation of the Council's Accommodation Strategy also aims to achieve reductions in premises costs which will deliver a net saving.

Going well

- The Council's Benefits Service was inspected by the Audit Commission in 2010 and judged to be a fair (one star) service with promising prospects for improvement. Only 7% of inspections to date have resulted in a score better than this.
- The Audit Commission judged the Council to have adequate arrangements in place for commissioning and procurement, data quality, corporate governance and strategic asset management in 2009/10.

Cause for concern

- The payment of invoices to suppliers within 30 days and the time taken to process housing and council tax benefit claims remain areas for improvement but remediation plans are in place to address performance issues in these areas.
- The Audit Commission who is the Council's auditor issued the Council with a qualified opinion for 2009/10 on the value for money conclusion which it is required to make as part of the annual audit of accounts. This was because in 2010 the Council failed to produce its accounts by the statutory deadline of 30th September 2010 and had weaknesses in financial control for some of its key financial systems during the year.

Did you know?

- The Council's planned programme of rationalisation of office accommodation is projected to deliver savings in excess of £1.5 million over 4 years after taking into account the additional costs that the programme will incur.

Look out for:

- Implementation of the Council's Office Accommodation Strategy which will involve the development of further customer access points across the County, relocation of 950 members of staff and demolition of costly and old accommodation which is no longer fit for purpose.
- The Localism Bill which when enacted will abolish the Standards Board regime and the Members' model code of conduct and introduce local accountability and a criminal offence of deliberate failure to declare a personal interest in a matter.
- Abolition of the Audit Commission which will involve putting into place alternative arrangements for the auditing of public bodies by 2012/13.

High level Action Plan

Action	Responsibility	Timescale
Delivery of the Accommodation Strategy to timescales and realisation of the planned benefits: <ul style="list-style-type: none"> • Opening of Spectrum 8, Seaham • Closure of Consett Civic Centre. 	Assets Project Manager	May 2011 November 2011
Carry out annual reviews of the Corporate Improvement Programme including identification of benefits realised.	Head of Policy and Communications	August 2011, August 2012, August 2013

3. Manage and support our people through organisational change

The Authority will be undergoing a dramatic change over the medium term, mainly due to the challenge we face in having to find savings as a result of reductions in Government grant support. The Council has estimated that it needs to lose 1,600 full-time equivalent posts from its establishment over the next 4 years to help us meet our savings targets. It is essential that we engage with the workforce in helping us to manage and implement the necessary changes and that we develop an organisational development plan which reflects these changes. Part of our approach to ensuring equity in our pay and rewards systems is to harmonise terms and conditions and introduce a new pay structure following job evaluation.

Going well

- The Audit Commission judged the Council to have adequate arrangements in place for workforce planning in 2009/10.

Cause for concern

- Despite making substantial in-year savings of over £18 million in 2009/10 and deleting 350 posts from its establishment, it is expected that a further 1,600 of full-time equivalent posts will need to be lost over the next 4 years.

Did you know?

- The Council has an establishment of 17,579 full-time equivalent posts and employs 21,823 people.

Look out for:

- A new single status framework of employment terms and conditions
- A new pay and grading structure following job evaluation.
- New policies to support staff and manage change such as home working, career breaks, job share, flexible working and flexible retirement.

High level Action Plan

Action	Responsibility	Timescale
Agree single status framework for terms and conditions of employment for negotiation with trade unions.	Head of Human Resources and Organisational Development	December 2011
Implement a new pay and grading structure appropriate to the Councils requirements	Head of Human Resources and Organisational Development	December 2011
Implement the Council's People and Organisational Development Strategy in accordance with the action plan.	Head of Human Resources and Organisational Development	March 2012
Introduction of wider reward initiatives such as salary sacrifice schemes, voluntary benefits and discount purchase schemes for staff.	Head of Human Resources and Organisational Development	March 2013

4. Engaging effectively with our communities and partners

Effective engagement with local residents has been a key focus for Durham County Council since local government reorganisation, and our 14 Area Action Partnerships across the County are key to achieving this. The Government is also placing a great emphasis on connecting with communities through its Localism Bill and emphasis on transparency of Council information for the public. This will give councils a general power of competence and residents will also be given the power to instigate referendums on any local issue. They will also be able to veto excessive council tax increases. The Bill will also provide new power to residents to help save local facilities and services threatened with closure and give voluntary and community groups the right to challenge the Council over service provision.

It is also critical that we maintain a focus on effective partnership working within the changing national context, in particular working through the County Durham

Partnership to ensure integrated delivery of public services across the County. In 2011 the Council will also continue to respond to their requirements of the Equalities Act 2010. A new single equality duty applies from 2011 extending equalities legislation to the areas of age, faith, sexual orientation, transgender, pregnancy and maternity and marriage and civil partnerships in addition to the already protected areas of gender, race and disability.

Going well

- Almost 4 out of 5 (78%) of respondents to the Council's Residents' Survey are satisfied with the way that Durham County Council runs things. This is five percentage points higher than available benchmarks of satisfaction ratings with other local authorities.

Cause for concern

- Satisfaction levels vary between different localities with highest levels recorded in Teesdale and Weardale and the lowest being recorded in the Durham and Derwent Valley Partnership areas.
- 62% of respondents to the Residents' Survey felt that the Council is remote and impersonal.
- Communications mechanisms other than Durham County News need to be explored for engaging with under 25s as 37% of respondents to the Residents' Survey in this age group said that they have never read it.

Did you know?

- Durham County Council owns 6 Gypsy and Traveller sites which have a total of 113 pitches.
- There are 109 parish and town councils in County Durham.
- Durham County Council is currently responsible for 143 community buildings
- Area Action Partnerships have brought in over £10 million of funding to the County in addition to allocating £5 million to community projects from their budgets.
- There is now a gold, silver and bronze award scheme for County Council teams who carry out good quality community engagement and consultation.

Look out for:

- A review of Area Action Partnerships by Scrutiny together with local partners.
- The Census will be carried out nationwide in March 2011. A census is carried out every 10 years to gather information on the population to help the Government and local authorities plan, fund and deliver public services.
- The launch of an award scheme that recognises the aspirations and achievements of town and parish councils
- Information on the council website about forthcoming consultations.
- A guide to engaging with migrant communities

High level Action Plan

Action	Responsibility	Timescale
Review AAPs with Scrutiny and partners including the use of locality budgets.	Overview and Scrutiny Manager/Head of Partnerships and Community Engagement	April 2011
Development of 2 more Gypsy and Traveller temporary stop-over areas in the county.	Head of Social Inclusion	May 2011
Initial self-assessment against Equality Framework for Local Government and develop an action plan to achieve 'excellent' status by the end of 2013.	Head of Planning and Performance	August 2011
Local Action Plans setting out strategic neighbourhood priorities and incorporating neighbourhood priorities, AAP action plans and parish plans.	Head of Partnerships and Community Engagement	March 2012

5. Working to satisfy customer needs and expectations

The Council has agreed a Customer First Strategy and implementation plan. The strategy aims to understand our customers better and to further embed a customer focussed culture throughout the organisation. The Council will explore ways to improve access and information through the use of its website, new communications media like telly talk, digital TV and mobile phones. We have also sought to improve service delivery through the agreement of customer service standards, improvements to our complaints system and assessment of our service performance against the national Customer Service Excellence Standard.

Going well

- The Council has opened a new Customer Access Point in Front Street, Consett. This facility is more accessible for customers than the facility it replaces at Consett Civic Centre which is outside of the town centre and will serve as the model for future Customer Access Points throughout the County.
- 82% of survey respondents are satisfied with services delivered by the Council via the telephone.

Cause for concern

- The Council has a target to answer 90% of telephone calls made to any of its customer access points but has failed to meet this target overall this year.

Did you know?

- The Council handles approximately 1.2 million telephone calls from customers and 291,000 visitors to its customer access points per year
- The telephone is the most popular method of contacting the Council amongst survey respondents (68%)
- The Council is committed to being transparent and accountable. We publish information on our website (<http://www.durham.gov.uk>) relating to our performance, allowances paid to councillors, salaries and roles of our senior officers and payments over £500 made to our suppliers.
- The Council has received and responded to 922 Freedom of Information Act requests in 2010.

Look out for:

- Monthly publication of all of our payments over £500 made to suppliers. These can be found on the Council's website <http://www.durham.gov.uk>

High level Action Plan

Action	Responsibility	Timescale
Produce a corporate accessibility strategy.	Head of Performance and Planning	June 2011
Develop and implement a consistent service delivery model for customer facing services across the authority.	Customer Services Manager	March 2012

6. Improving efficiency and value for money

We aim to gain a better understanding of our costs and how they relate to performance in comparison with other service providers. This will require us to develop our own arrangements for obtaining quality comparative data following the abolition of the National Indicator Set. We need to develop a new performance management framework now that we do not have to report to Government on National Indicators. This gives us the opportunity to design something that satisfies local needs. One of the key issues for the Council will be the necessity for us to achieve efficiency savings in order to meet the commitments in our Medium-Term Financial Plan.

Going well

- The Audit Commission judged the Council to have adequate arrangements in place for understanding costs and achieving efficiencies in 2009/10.

Cause for concern

- Abolition of Government performance management arrangements for councils means that a new local framework will need to be developed.
-

Did you know?

- 59% of respondents to the Residents' Survey believe that the Council provides value for money.

Look out for:

- A comprehensive programme of service reviews to help the Council find the savings it requires in its Medium-Term Financial Plan.
- The development of value for money indicators as part of the Council's performance management framework for next year.
- A review of the Council's Contracts Register which will be updated and published electronically.

High level Action Plan

Action	Responsibility	Timescale
Review and refresh the Council and County Durham Partnership performance management framework to reflect local priorities.	Head of Planning and Performance	April 2011
Undertake a baseline assessment of comparative cost and performance of all Council services.	Head of Planning and Performance	June 2011
Implementation of a programme of reviews linked to achieving savings within the Medium-Term Financial Plan. (see Appendix 2)	Corporate Management Team	2011-15

Appendix 1 outlines a Corporate basket of performance indicators that are currently under development:

Altogether Wealthier	
Objective	Key Measures
A thriving Durham city	Number employed in higher level occupations in Durham City
	Number of planning permissions granted for new housing in Durham City.
	Top retailer representation
	Congestion in Durham City – new indicator using licence plate recognition – expected during 2011
	Footfall in Durham City
	Access to Durham Market Place by 8.30am, by public transport, with a 60 minute travel time
	Number of visitors – attraction numbers
	Percentage of users who felt the cultural events were ‘good’ or ‘very good’
	Percentage increase in people engaged in cultural events
Vibrant and successful towns	High quality executive homes completed
	Agreed development framework for each centre (action rather than measure)
	All homes completed in and near all major settlements (final definition to be advised)
	Occupancy rates – retail units in town centres (annual)
	Number of planning permissions granted for new housing in major centres
	% properties in band D and above (Council Tax)
Competitive and successful people	18 - 24 year olds not in employment
	JSA claimants claiming for one year or more
	New enterprise start ups
	Employment rate of the working age population
	Number of apprenticeships – started and completed – to be defined
	Percentage of enrolments on Adult Learning courses leading to qualifications
Sustainable neighbourhoods and rural communities	Affordable homes provided as a proportion of the total net homes completed
	Access to services and facilities
	The number of private rented sector properties improved as a direct consequence of local authority intervention
	The number of empty properties brought back into use as a result of local authority intervention
A top location for business	Business registration rate – data lag – annual , supported with Banksearch data (local proxy for registrations)
	Overall employment rate – data lag -quarterly
	Enterprise start-up enquiries

Altogether Better for Children and Young People	
Objective	Key Measures
All children and young people are healthy	Percentage of primary schools that have achieved the new Enhanced National Healthy Schools Status
	No of young people referred for support/treatment for alcohol/drug misuse (4real)
	Number of schools and other settings with Durham Anti-Bullying Service / Childline / NSPCC Accreditation Status
	Numbers of school staff achieving the criteria for PSHE (including SRE)
All children and young people are kept safe from harm	Percentage of referrals occurring within 12 months of previous referral
	Children becoming the subject of a Child Protection Plan for a second or subsequent time
	Percentage of Integrated teams in place by September 2011
	Number of short breaks as per Aiming Higher for Disabled Children full service offer in relation to a) overnight stays b) number of hours
All children and young people enjoy their lives and achieve to their potential	Achievement gap between pupils eligible for free school meals and their peers achieving the expected level at KS2 and KS4
	Achievement of 5 or more A*-C grades at GCSE including maths and English
	Number of agencies and organisations achieving Investing in Children Membership
All children and young people are supported to make a positive contribution	Percentage of young people participating in youth work
	Rate of proven re-offending by young people who offend
All children and young people can achieve economic wellbeing	16-18 year olds not in education, employment or training

Altogether Healthier	
Objective	Key Measures
Improve Life Expectancy	4 week smoking quitters
	Number of people referred to the Community Alcohol Service (CAS)
Reduce health inequalities	Adult participation in sport and active recreation
	Obesity levels in adult population
Improve mental health and wellbeing of the population	Adults in contact with secondary mental health services in employment
Enable adults with social care needs to live independently	Social care service users offered self directed support (direct payment and individual budgets)
	Percentage of service users reporting that the help and support they receive has made their life “much” or “a little” better
	Service users receiving an ongoing service (continuously) for at least 1 year who have had a review (or re-assessment)
	Percentage of people who remain in their own homes 12 weeks after discharge from rehabilitation or intermediate care
	Overall satisfaction rating for assessment of social care needs
	Number of carers (all service user types) receiving a specific carers service as a percentage of service users receiving community based services
	Overall satisfaction rating for intermediate care services
	Delayed transfers of care
	The proportion of social care users who found it ‘very’ or ‘fairly’ easy to find information and advice about services

Altogether Safer	
Objective	Key Measures
Reduce anti-social behaviour	Perceptions of anti-social behaviour
Protect vulnerable people from harm	Number of reported incidents of anti-social behaviour
	Percentage of safeguarding strategy meetings completed within 5 days of referral
	Percentage of investigations completed within 28 days following strategy meeting
	Repeat incidents of domestic violence
Reduce re-offending	Percentage change in detected crimes for offenders in the Integrated Offender Management (IOM) cohort over the last 12 months
Alcohol and substance misuse harm reduction	Number of problematic drug users in effective treatment
	Number of people referred to the Community Alcohol Service (CAS)
Counter terrorism and prevention of violent extremism	Building resilience to violent extremism
Casualty reduction	Number killed or seriously injured through road accidents

Altogether Greener	
Objective	Key Measures
Mitigate the impact of, and adapt to climate change	Reduction in carbon dioxide emissions across the council
	Reductions in carbon dioxide emissions from sport and leisure facilities
	% of actions to implement long-term flood and coastal erosion being undertaken satisfactorily
Promote pride in our communities	% relevant land and highways assessed as having unacceptable levels of (a) litter (b) detritus (c) graffiti (d) fly tipping
	Fly tipping
	No. of fixed penalty notices
	No. of community based clean ups
	No. of Green Flag awards
Enhance, conserve and maximise the value of Durham's natural environment	Satisfaction with cleanliness of local area
	Satisfaction with parks and open spaces
	Reduction in complaints relating to the environment
Deliver sustainable waste management solutions	Satisfaction with refuse collection service
	% of municipal waste landfilled
	Diversion of street waste from landfill
	% of household waste arisings that have been sent by the authority for re-use, composting treatment by anaerobic digestion
	Satisfaction with doorstep recycling
	% of construction waste landfilled

Altogether Better Council	
Objective	Key Measures
Affordable financial strategy which addresses Government reductions	% council tax collected
	% National Non-Domestic Rates collected
	% housing rent collected
	% of accounts paid within 30 days (debtors)
Building a more streamlined corporate structure	% vacant or surplus accommodation
	% capital receipts targets secured
	% savings targets from Accommodation Strategy achieved
	% invoices paid within 30 days
Manage and support our people through organisational change	Time taken to process housing benefit change events
	Staff satisfaction
	Staff sickness rates
	% completed performance appraisals
Engaging effectively with our communities and partners	Equalities performance indicators
	Increase in % of public believing that they can influence local decisions
Working to satisfy customer needs and expectations	% of Equality Impact Assessments delivered on time
	Customer satisfaction rate
	Complaints and compliments
	Performance against corporate customer standards
	% public buildings with (i) an accessibility audit (ii) an accessibility plan
Improving efficiency and value for money	% Freedom of Information Act requests responded to within statutory deadlines
	Savings delivered against the MTFP in 2011/12 (£ m)

Appendix 2

The Authority has adopted an approach to the achievement of savings required to balance its Medium Term Financial Plan which involves seeking to meet over half of the reductions through savings to management costs and the cost of support services, reviewing fees and charges and realising efficiencies. This is in order to minimise the effect on frontline services. The reviews that the Council plan to carry out over the next 4 years are detailed below. This is analysed by service grouping.

MTFP BUDGET SAVINGS AND DETAILS OF WITHDRAWN GRANTS AND AGREED SAVINGS ON RETAINED ABG						
SAVING REF.	DESCRIPTION	TOTAL MTFP SAVING	2011/12	2012/13	2013/14	2014/15
ACE CORE BUDGET SAVINGS						
		£	£	£	£	£
ACE 1	Review of Policy and Communications Support Function	367,000	306,500	60,500	0	0
ACE 2	Reduce number of issues of Durham County News per annum	135,000	135,000	0	0	0
ACE 3	Management Review within ACE	203,000	0	0	0	203,000
ACE 4	Rationalise performance, research and inspection support	279,734	279,734	0	0	0
ACE 5	Reduce research activity	40,000	40,000	0	0	0
ACE 6	Review Performance Management Systems	10,000	10,000	0	0	0
ACE 7	Reduce Health Scrutiny Function	20,000	20,000	0	0	0
ACE 8	Review AAP Administration	190,196	137,615	52,581	0	0
ACE 9	Review Partnership Support	858,490	466,831	355,914	0	35,745
ACE 10	Reduce AAP Area Budgets	420,000	420,000	0	0	0
ACE 11	Reduce Member Neighbourhood Budgets	630,000	0	0	630,000	0
ACE 12	Review support to Principal Infrastructure Organisations	58,580	0	58,580	0	0
ACE 13	Review support to community buildings	50,000	0	50,000	0	0
ACE 14	Review of the Civil Contingencies Unit	121,000	52,000	23,000	23,000	23,000
TOTAL ACE		3,383,000	1,867,680	600,575	653,000	261,745
ACE WITHDRAWN ABG						
	Working Neighbourhoods Fund - planned phasing out of interim funding to the Primary Infrastructure Organisations	352,000	352,000	0	0	0

AWH CORE BUDGET SAVINGS		TOTAL MTFP SAVING	2011/12	2012/13	2013/14	2014/15
		£	£	£	£	£
AWH 1	Residential Homes: Closure of 7 homes as already approved by Cabinet	2,000,000	2,000,000	0	0	0
AWH 2	In-house Home Care: Move to Reablement service as already approved by Cabinet	1,070,000	570,000	500,000	0	0
AWH 3	Review of in-house social care provision	2,040,000	800,000	1,040,000	200,000	0
AWH 4	Closure of Home Independence Shops as already approved by Cabinet	180,000	180,000	0	0	0
AWH 5	Consistent and effective application of existing eligibility criteria	2,100,000	1,600,000	500,000	0	0
AWH 6	Review of Adult Social Care charging including the introduction of charging for day care transport, the introduction of charging for deputyship/court of protection work and the annual re-assessment of user contributions	3,260,000	1,410,000	1,050,000	400,000	400,000
AWH 7	Commissioning (Reduction in Adult Care service level contracts)	1,150,000	1,150,000	0	0	0
AWH 8	Review of Carers service	250,000	250,000	0	0	0
AWH 9	Review of Transport commissioning	500,000	250,000	250,000	0	0
AWH 10	Library Service Review	1,457,626	330,000	570,000	230,000	327,626
AWH 11	Review Create	120,000	90,000	30,000	0	0
AWH 12	Review of funding for arts development and external arts organisations including contributions to the Forge, Highlights and Durham City Arts	60,780	10,780	20,000	30,000	0
AWH 13	Review funding to Museums including contributions to Beamish and Bowes Museums	91,740	91,740	0	0	0
AWH 14	Gala Theatre - review of operating costs	120,000	80,000	40,000		
AWH 15	Review of Training provision	190,000	190,000	0	0	0
AWH 16	Adult Learning Service review	250,000	250,000	0	0	0
AWH 17	Review of WorkAble Solutions	250,000	250,000	0	0	0
AWH 18	Review of Welfare Rights Service	163,000	163,000	0	0	0
AWH 19	Review grant support to Citizens Advice Bureau	127,000	74,000	26,500	26,500	0
AWH 20	Review Community Safety services	186,000	100,000	0	86,000	0
AWH 21	Review of Substance Misuse and Alcohol Abuse services	136,000	136,000	0	0	0
AWH 22	Management and support services staffing restructures and service rationalisation	12,718,854	1,882,000	1,122,000	4,261,000	5,453,854
AWH 23	Review of all non-statutory services	3,070,000	0	0	3,070,000	0
AWH 24	Review of Service user surveys	30,000	0	0	30,000	0
AWH 25	Review capacity to support Safe Durham Partnership	69,000	0	0	69,000	0
AWH 26	Additional income to support Social Care	0	4,533,000	0	-4,533,000	0
TOTAL AWH		31,590,000	16,390,520	5,148,500	3,869,500	6,181,480
AWH WITHDRAWN ABG						
	Withdrawal of Supporting People Administration Grant - managed within service cash limits	315,304	315,304	0	0	0
	Removal of all Stronger, Safer Communities ABG funding - Requires review of priorities through Safe Durham Partnership. (Partnership discussion required)	661,786	661,786	0	0	0
TOTAL AWH WITHDRAWN ABG		977,090	977,090	0	0	0
AWH SAVINGS IN RETAINED ABG						
	Review of Supporting People Programme requiring reduction in contracts/service provision (Notices required to be served to partners in December 2010). This sum may be reduced as a result of joint agreement to use Social Care monies passported through health	2,000,000	2,000,000	0	0	0

CYPS CORE BUDGET SAVINGS		TOTAL MTFP	2011/12	2012/13	2013/14	2014/15
		SAVING				
		£	£	£	£	£
CYPS 1	Reduced operating costs -supplies, premises,travel	209,200	189,200	20,000	0	0
CYPS 2	(a) Increased income and deployment of grant funding	591,151	428,371	162,780	0	0
	(b) Music Service to become self financing - other than Free School Meals pupils	251,200	40,200	50,000	70,000	91,000
CYPS 3	(a) Creation of Integrated Teams - including Health Services	782,000	482,000	300,000	0	0
	(b) Restructured management and support services	416,235	277,335	138,900	0	0
CYPS 4	(a) Review of Education Psychological Service	300,000	200,000	100,000	0	0
	(b) Reduced spend of Special Education Needs Support Teams	42,500	42,500	0	0	0
CYPS 5	(a) Outdoor Education Centres to rationalise and become self financing - other than for Free School Meals pupils	200,000	40,000	50,000	50,000	60,000
	(b) Reduced spend on curriculum/school improvement	69,000	69,000	0	0	0
CYPS 6	(a) Review of Grant Aid to Youth Groups	58,800	58,800	0	0	0
	(b) Regional Youth Grant/Community safety reduction	54,500	54,500	0	0	0
CYPS 7	(a) Revenue contribution phases out for Primary Free School Meals Pilot	210,000	140,000	70,000	0	0
	(b) Withdraw contribution to The Forge Arts Initiative	15,000	15,000	0	0	0
CYPS 8	Decommission Specialist Safeguarding Services and not fill vacancies	557,203	557,203	0	0	0
CYPS 9	End of Contact Point initiative and reduced support to Local Childrens Boards	99,100	61,000	38,100	0	0
CYPS 10	Reduced training costs and Special Education Needs administration	49,620	49,620	0	0	0
CYPS 11	Reduced support,training, HR - Youth Offending Service	135,200	135,200	0	0	0
CYPS 12	Reduced support functions - Awards and Finance Teams	310,500	290,500	20,000	0	0
CYPS 13	Reduced spend on Business Support and training	230,650	230,650	0	0	0
CYPS 14	Reduced spend on Data Services, Planning & Performance and Health and Safety	80,000	80,000	0	0	0
CYPS 15	(a) Reduce level of Education Welfare Service	67,220	67,220	0	0	0
	(b) Review Home to School/College transport policies - Cease Post 16 - September 2011	2,330,000	930,000	1,400,000	0	0
	Eligibility from 2 to 3 miles - September 2012	760,000	0	160,000	300,000	300,000
	Faith Schools - September 2012	1,050,000	0	250,000	400,000	400,000
	Associated Transport - September 2012	1,600,000	0	400,000	600,000	600,000
	(c) Introduce charge for concessionary seats on contract vehicles - September 2011	250,000	165,000	85,000	0	0
CYPS 16	(a) Reduced Funding - end of National School Improvement Strategies	392,265	392,265	0	0	0
	(b) Reduce support to specific secondary schools - Key Stage 4 Improvement Funding	781,636	781,636	0	0	0
CYPS 17	(a) Review of Youth Centre and Youth Bus provision	102,186	102,186	0	0	0
	(b) Review funding of shared/community use schemes on school sites - September 2011	435,000	255,000	180,000	0	0
	(c) Deployment of grant funding to support under 5's activity	252,814	252,814	0	0	0
CYPS 19	Vacancy management and efficiencies	235,220		235,220		0
CYPS 20	Service efficiencies and reduced service provision (funded from deployment of planned cash limit underspend in 2011/12)	5,381,780	932,780		2,240,000	2,209,000
TOTAL CYPS CORE BUDGET SAVINGS		18,299,980	7,319,980	3,660,000	3,660,000	3,660,000
CYPS WITHDRAWN ABG/SPECIFIC GRANTS						
	Reduction in Government Grants will mean less spend on School Improvement, SureStart infrastructure and Connexions/14 to 19 planning	10,484,000	10,484,000	0	0	0
TOTAL SAVING IN WITHDRAWN ABG/SPECIFIC GRANTS		10,484,000	10,484,000	0	0	0
CYPS SAVING IN RETAINED ABG						
	Learning and Skills Council - Reduced Post 16 Planning Activity	40,000	40,000	0	0	0
	Child Death Reviews - Costs absorbed within Revenue Base Budget	60,000	60,000	0	0	0
TOTAL SAVING IN RETAINED ABG		100,000	100,000	0	0	0

NEIGHBOURHOODS CORE BUDGET SAVINGS		TOTAL MTFP	2011/12	2012/13	2013/14	2014/15
		SAVING				
		£	£	£	£	£
NS 1	Review of sport and leisure facilities and rationalisation of sports development activities	1,361,100	712,050	549,050	100,000	0
NS 2	Review of back office and technical support facilities	915,737	451,819	258,034	205,884	0
NS 3	Structural reviews/ Back office Rationalisation/Deletion of Vacant Posts/More efficient ways of working	4,997,222	1,903,028	1,101,976	1,188,136	804,082
NS 4	Harmonisation and rationalisation of Grounds Maintenance Services	1,038,296	900,000	0	138,296	0
NS 5	Waste and Recycling Service (Route Optimisation/Harmonised Collection & Contractual Arrangements)	3,884,330	1,587,026	1,397,304	730,000	170,000
NS 6	Reassess Waste Disposal Costs	2,700,000	1,195,000	305,000	200,000	1,000,000
NS 7	Review of Facilities Management	300,000	300,000	0	0	0
NS 8	Reprioritised Gully Cleansing Service (Risk Assessment of individual gullies)	250,000	250,000	0	0	0
NS 9	Review Countryside Maintenance	200,000	200,000	0	0	0
NS 10	Reduced Weed Spraying Operation	104,000	104,000	0	0	0
NS 11	Review Highways Maintenance/ School Crossing Patrols/ Street Lighting	1,753,530	213,000	594,530	415,000	531,000
NS 12	Street Cleansing Operations - Vehicle Rationalisation/ Staffed Public Conveniences	235,482	68,863	0	0	166,619
NS 13	Increased Diversion of Waste - Reductions in Permits for Household Waste Recycling Centres	355,875	0	0	355,875	0
NS 14	Review sampling of water, food, products (Environment, Health & Consumer Protection)	55,000	25,000	10,000	10,000	10,000
NS 15	Procurement Savings	65,000	0	0	65,000	0
NS 16	Review contributions to Partners (Leisure Trusts etc.)	717,380	183,000	134,000	266,380	134,000
NS 17	Additional Income from provision of Road Safety Services to Private Sector, and additional pest control charges	114,002	0	500	113,502	0
NS 18	Reduction in supplies and services and training	230,000	0	175,000	30,000	25,000
NS 19	Fleet Rationalisation	283,677	21,958	261,719	0	0
NS 20	Review of governance and management arrangements in Leisure	479,292	0	479,292	0	0
NS 21	Review of In-house service provision	250,000	0	0	200,000	50,000
TOTAL NEIGHBOURHOODS		20,289,923	8,114,744	5,266,405	4,018,073	2,890,701
NEIGHBOURHOODS WITHDRAWN ABG						
	Detrunking - Reductions in Highways Maintenance associated with the A167 and other roads (ABG was awarded in lieu of formula grant when responsibility transferred to DCC from the Highways Agency)	158,698	158,698	0	0	0
	Road Safety - Reduction in campaigns and initiatives (including work with schools) to support Casualty Reduction Strategy	200,717	200,717	0	0	0
TOTAL NEIGHBOURHOOD WITHDRAWN ABG		359,415	359,415	0	0	0

RESOURCES CORE BUDGET SAVINGS		TOTAL MTFP	2011/12	2012/13	2013/14	2014/15
		SAVING				
		£	£	£	£	£
RES 1	Corporate Estates - Rationalisation of Staffing Structure	445,409	114,021	120,076	97,063	114,249
RES 2	Corporate Procurement - Rationalisation of Staffing Structure	276,141	62,858	41,960	85,918	85,405
RES 3	Planning & Investment Team - Rationalisation of Staffing Structure	280,082	164,952	0	0	115,130
RES 4	Projects Team - Rationalisation of Staffing Structure	232,265	66,563	100,043	65,659	0
RES 5	Restructure of ICT	1,105,117	1,105,117	0	0	0
RES 6	HR Reduction in Establishment	98,941	98,941	0	0	0
RES 7	Unitisation of HR	225,605	225,605	0	0	0
RES 8	Reconfiguration of Member Support Team	85,745	85,745	0	0	0
RES 9	Alternative arrangement for Chauffering Services	30,000	30,000	0	0	0
RES 10	Restructure of Committee Services	243,678	243,678	0	0	0
RES 11	Restructure of Internal Audit and Risk and Payroll and Pensions	643,457	643,457	0	0	0
RES 12	ICT - Rationalisation of Staffing Structure	826,847	0	826,847	0	0
RES 13	Legal and Democratic - Review of Service Delivery	1,038,115	70,123	280,000	343,996	343,996
RES 14	HR - Review of Service Delivery	730,230	0	243,410	243,410	243,410
RES 15	Finance - Review Structure in Resources and Strategic Finance	475,000	0	475,000	0	0
RES 16	ICT -Review of service delivery	1,653,671	0	0	826,847	826,824
RES 17	Finance - Review of service delivery	950,000	0	0	475,000	475,000
TOTAL RESOURCES		9,340,303	2,911,060	2,087,336	2,137,893	2,204,014
OTHER SAVINGS		TOTAL MTFP	2011/12	2012/13	2013/14	2014/15
		SAVING				
		£	£	£	£	£
	Further 5% Savings from ABG transferred into Formula Grant	4,200,000	0	1,400,000	1,400,000	1,400,000
	Essential Car User	1,000,000	500,000	500,000	0	0
	Car Mileage Rate	450,000	225,000	225,000	0	0
	Concessionary Fares	800,000	800,000	0	0	0
	Additional Savings to be found	3,264,000	0	3,264,000	0	0
TOTAL OTHER SAVINGS		9,714,000	1,525,000	5,389,000	1,400,000	1,400,000
COUNTY COUNCIL CORE BUDGET SAVINGS		94,283,640	40,637,242	22,708,455	15,193,248	15,744,695
SAVINGS FROM WITHDRAWN ABG		24,128,376	24,128,376	0	0	0
SAVINGS FROM RETAINED ABG		6,679,261	2,479,261	1,400,000	1,400,000	1,400,000
TOTAL SAVINGS		125,091,277	67,244,879	24,108,455	16,593,248	17,144,695

Source: Report to Cabinet – 26th January 2011

Key Abbreviations

AAP	Area Action Partnerships	MTFP	Medium Term Financial Plan
ABG	Area Based Grant	NHS	National Health Service
ACE	Assistant Chief Executive's Service Grouping	NHSS	National Healthy Schools Status
APSE	Association for Public Sector Excellence	NS	Neighbourhood Services Grouping
AWBH	Adults, Wellbeing and Health Service Grouping	NSPCC	National Society for Prevention of Cruelty to Children
BSF	Building Schools for the Future	PCT	Primary Care Trust
CAA	Comprehensive Area Assessment	PPO	Prolific Priority Offenders
CAS	Community Alcohol Service	PRD	Pre-Reprimand Disposal
CDYPS	County Durham Youth Offending Service	PSHE	Personal, Social and Health Education
CONTEST	UK counter-terrorism strategy	RED	Regeneration & Economic Development Service Grouping
CVD	Cardio Vascular Disease	RRSA	Rights Respecting School Award
CYPP	Children and Young People's Plan	SASS	Specialist and Safeguarding Services
CYPS	Children and Young People's Service Grouping	SEN	Special Educational Needs
DAAT	Drug and Alcohol Action Team	SHMA	Strategic Housing Market Assessment
DCC	Durham County Council	SRE	Sex and Relationship Education
ERP	Enterprise Resource Planning	SSSI	Sites of Special Scientific Interest
FTE	Full-Time Entrants	TAMHS	Targeted Mental Health in Schools
GVA	Gross Value Added	YJS	Youth Justice System
HCA	Homes and Communities Agency		
HWRC	Household Waste Recycling Centres		
liC	Investing in Children		
IMD	Index of Multiple Deprivation		
IOM	Integrated Offender Management		
LEP	Local Enterprise Partnerships		
LGR	Local Government Reorganisation		
LINKs	Local Involvement Networks		
LSCB	Local Safeguarding Children's Board		
JSA	Job Seekers Allowance		
JSNA	Joint Strategic Needs Assessment		

County Council

23 March 2011

Local Transport Plan 3



Ian Thompson, Corporate Director, Regeneration and Economic Development

Councillor Neil Foster, Cabinet Portfolio Holder for Regeneration and Economic Development

Terry Collins, Corporate Director, Neighbourhood Services

Councillor Neil Foster, Cabinet Portfolio Holder for Regeneration and Economic Development

Councillor Bob Young, Cabinet Portfolio Holder for Strategic Environment and Leisure

Purpose of the Report

- 1 This report is to seek approval for the new local transport plan, LTP3, which is to come into effect 1 April 2011 on expiry of the current plan.

Background

- 2 The Transport Act 2000, as amended by the Local Transport Act 2008, places a statutory duty on the County Council to produce a local transport plan and to keep it under review.
- 3 This is the third local transport plan for County Durham and is the successor plan to LTP2, covering the 5-year period from April 2006 to March 2011.
- 4 It has been drawn up in accordance with Department for Transport (DfT) guidance on the preparation of third generation local transport plans, issued in July 2009 and is in two parts:
 - A **Transport Strategy** that looks some 10 years ahead and the key issues facing the county and the actions we need to take to achieve our objectives.
 - A **Delivery Programme** firmed up for the first year of the plan period, with an indicative programme for subsequent years, subject to agreement within the Council's capital programme.

*Note: LTP3 is also supported by a volume of **Appendices** that provides more detailed information on some aspects of the Plan referred to within the Transport Strategy and/or the Delivery Programme.*

Strategic Framework and Statutory Assessment

- 5 Nationally, we need to move towards more sustainable forms of transport. The expectation is for local authorities to focus on a number of **national transport goals and challenges** in delivering sustainable and safe transport

systems that will allow economies to flourish, reduce our carbon output while protecting our environment and the quality of life for all.

6 These new goals provide the LTP3 framework and replace the shared priorities of LTP2:

- Support economic growth
- Reduce carbon emissions
- Promote equality of opportunity (in relation to accessibility)
- Contribute to better safety security and health
- Improve quality of life and a healthy natural environment
- Maintenance of the Transport Asset**

***Although not strictly one of the national transport goals stated within the original guidance, maintaining our transport asset clearly needs to be considered a priority.*

7 However, we also need to address local priorities as set out in the **Sustainable Community Strategy** for creating an 'Altogether Better' Durham, the **Regeneration Statement** that promotes our aspirations and ambitions for economic transformation and the direction of the emerging **County Durham Plan**. In aligning with these key strategies and taking into account feedback from the stakeholder and public consultation phases in the latter half of 2010 as part of the development process for the plan, LTP3 gives priority to supporting economic growth, followed by maintaining the transport asset and reducing our carbon output, with each of the remaining goals having equal priority.

8 In accordance with the Guidance and as part of the development process, the plan has been subject to the required assessments – environmental, habitat regulations, health impact and equality. In each case, the plan content (policies mainly) has been revised accordingly.

Delivery Programme

9 A major change for LTP3 is that all DfT block funding is now being provided to the authority as direct grant whereas previously it has been a mix of direct grant (one third) and borrowing approval (two thirds). In December 2010, DfT announced firm allocations for Years 1 and 2 with indicative figures for Years 3 and 4. Following a recent confirmation of the corporate capital programme by the Member / Officer Working Group (MOWG), the approved transport provision for Year 1 was increased from the DfT figure of £2.984m to £3.305m (for **Integrated Transport**) and from £11.212m to £11.303m (for **Maintenance**).

10 The potential **LTP3 Capital Programme** for the first 3 years has been planned against funding levels as shown in the following table:

	Integrated Transport	Maintenance	
Year 1 2011/12	£3.305m	£11.303m	} Indicative
Year 2 2012/13	£3.183m	£10.679m	
Year 3 2013/14	£3.183m	£10.132m	
Year 4 2014/15	£3.183m	£11.072m	

Note: Excluded from the table above is the approved funding from the Corporate Capital programme for Neighbourhood Services in respect of continuing with the Area Programmes and Member provision for Local Area Measures.....over Years 1-3 this is circa £6.3 million in total. Both of these stem from LTP2 and are no longer part of the new strategic approach put forward by LTP3.

- 11 The Capital Programme, as set out in Appendix 2, is divided into two distinct blocks - Integrated Transport (addressing the first five goals in the bulleted list above) and Maintenance (addressing the sixth goal). Integrated Transport is further sub-divided into 3 spending sectors:
- **Sustainable Travel** continues to address the improvement of the bus network/infrastructure, road safety and the management of traffic on the highway network. It also looks to tackle new problems in relation to air quality and noise.
 - **Economic/Transport Corridors** funding tackles the problems of congestion and delays for the movement of people and goods by improving junctions and other infrastructure on key corridors across the highway network.
 - **Whole - Town Approach** funding is targeted at transport gateways such as bus and railway stations in the first instance but also in support of the Place-Shaping initiative by accessibility improvement and other transport-related issues in the main towns.
- 12 LTP3 also contains information on anticipated **Other funding**, as set out in Appendix 3, for specific transport projects from the corporate capital programme and potential developer funding as well as normal highways **Revenue expenditure**, both of which help to support the delivery of the planned Capital Programme.

Keeping LTP3 under review

- 13 In compliance with our statutory duty, LTP3 (both parts - the Transport Strategy and the Delivery Plan) will be reviewed on an annual basis to provide a provisional 3-year rolling programme going forward. To enable the review process, a progress update/summary would be produced from data collected through the monitoring framework (described in Section 6.0 of the Delivery Plan) at the end of each year - the first of these for Year 1 would be completed and published by July 2012 and made available to the public on the DCC website.

Accessing LTP3

- 14 Copies of the current version of LTP3 - the Strategy and the Delivery Plan - will be placed in the Resource Centre for those Members interested in the detail and the final version will be available on the County Council web site from 1 April 2011 or shortly afterwards. A copy will also be on deposit in each library throughout the county, at the Helpdesk here in County Hall and at all other County Council offices, to be made available to the public on request. Additional copies can also be provided in CD format on request to the Strategic Transport Planning Manager.

Recommendations

- 15 County Council are recommended to:
- Approve the third Local Transport Plan (LTP3), comprising the Transport Strategy and the Delivery Plan including the capital programme for 2011/12 and recommend its adoption by full Council;
 - Note the intended annual review (in compliance of the statutory requirement) and reporting regime that will monitor and update the ongoing performance and delivery of the Plan's objectives.

Background Papers

DfT Guidance on Local Transport Plans (July 2009)
County Durham Local Transport Plan 1 (2001-2006)
County Durham Local Transport Plan 2 (2006-2011)
County Durham Sustainable Community Strategy (2010-2030)
Regeneration Statement (January 2010)
County Durham Plan - Issues and Options
Council Plan (2010-2013)
Building *Altogether Better* Lives – A Housing Strategy for County Durham (2010-2015)
Draft Rights of Way Improvement Plan (2011-2021)
Destination Development Plans
Medium - Term Financial Plan 2011/12 – 2014/15
Local transport settlement (2011/12 - 2012/13) letter from DfT dated 13 December 2010.

Contact: Harris Harvey Tel: 0191 383 3459

Appendix 1: Implications

Finance – The funding for LTP3 comes through direct grant from central government under the two block allocations of Integrated Transport and Maintenance. Other complementary funding is anticipated from the authority's own capital programme and from planning gain through S106 or S278 funding. The opportunity will also be taken to submit a bid for capital to the new Local Sustainable Transport Fund, for which bidding guidance has just been issued in January. Revenue support for transport-related activities is drawn from the existing corporate provision.

Staffing – Existing staffing arrangements in place for delivery of the outgoing LTP2 will remain largely the same. Strategic Transport Planning (and other staff) within RED will oversee delivery of LTP3 and undertake the monitoring, review and further development of the plan. Design work on the planned interventions will be done mostly by Neighbourhood Services in-house design staff while construction will mostly be undertaken by Highways Ops.

Risk – Government have announced firm funding allocations for years 1 and 2 of the plan. The Government funding for years 3 and 4 is indicative only.

Equality and Diversity - An Equalities Impact Assessment (EQIA) was carried out during the development period and the results taken into account in finalising the plan content.

Accommodation - None

Crime and Disorder – Some of the planned interventions, such as improved street lighting and public transport infrastructure to be implemented through LTP3 will contribute to the prevention of crime and disorder

Human Rights – Consultation on the plan and in connection with individual schemes and measures is carried out and should ensure there is no detrimental effect on people's human rights.

Consultation – A Consultation Draft was made available to the public over a 12 week period between October and December 2010. The County Durham Transport Partnership, of stakeholder organisations with transport-related interests has been fully involved throughout the development of the plan. Information has also been provided to a number of AAPs and a stakeholder workshop including Members was held in October. A schedule of comments received and our response in each case is published on the DCC web site.

Procurement – All construction works arising from the implementation of the plan will be procured in compliance with standard DCC procurement rules.

Disability Discrimination Act - This is considered to have been addressed under the EQIA referred to above.

Legal Implications – None

Appendix 2: LTP3 Capital Programme

LTP3 Capital Programme																	
INTEGRATED TRANSPORT			LTP3														
Regeneration Statement Ambition	Location	Budget	Year 1 2011/12 (£)	Year 2 2012/13 (£)	Year 3 2013/14 (£)	Year 4 2014/15 (£)	Year 5 2015/16 (£)	Year 6 2016/17 (£)	Year 7 2017/18 (£)	Year 8 2018/19 (£)	Year 9 2019/20 (£)	Year 10 2020/21 (£)	Year 11 2021/22 (£)	Year 12 2022/23 (£)	Year 13 2023/24 (£)	Year 14 2024/25 (£)	Year 15 2025/26 (£)
Sustainable Travel																	
Sustainable Neighbourhoods and Rural Communities	Countywide	Public Transport Information	200,000	125,000	100,000												
	Countywide	Community Transport	70,000	70,000	70,000												
	Countywide	Bus Infrastructure	295,000	225,000	150,000												
	Countywide	Bus Priority			250,000												
	Countywide	Taxis		30,000	25,000												
	Countywide	Workplace Travel Planning & Attitudinal Change	40,000	40,000	40,000												
	Countywide	Casualty Reduction	200,000	200,000	200,000												
	Countywide	Driver Information/UTMC	150,000	150,000	150,000												
	Countywide	Demand Management	85,000	85,000	75,000												
	Countywide	Electric Vehicle Charging Infrastructure	75,000	60,000	60,000												
	Countywide	Air Quality/Noise	50,000	100,000													
	Countywide	Walking & Cycling	500,000	500,000	500,000												
		Sub-Total	1,665,000	1,585,000	1,620,000												
Economic/Transport Corridors																	
Vibrant & Successful Towns	North & East Durham, Durham City, South Durham	Transit 15	Refer to Other Funding table	300,000													
Vibrant & Successful Towns	North & East Durham, South Durham	A167 Corridor															
		B6300 Sunderland Bridge Junction	Refer to Other Funding table	Refer to Other Funding table													
		Additional Improvements			180,000												
Vibrant & Successful Towns	North & East Durham	A692 Corridor															
		Scheme(s) to be identified and assessed		Refer to Other Funding table	Refer to Other Funding table												
		Additional Improvements		50,000	150,000												
Vibrant & Successful Towns	North & East Durham	A693 Corridor															
		C11 Oxhill Junction	Refer to Other Funding table														
		C5 Pelton/Ouston Junction			Refer to Other Funding table												
		Additional Improvements		50,000	172,000												
Vibrant & Successful Towns	Durham City	A691 Corridor															
		A691/A167 Link Road															
		Sniperley Roundabout	500,000														
		Additional Improvements		50,000	140,000												
Vibrant & Successful Towns	Durham City	A690 Corridor															
		C13 Belmont Business Park Junction	175,000	300,000													
		Additional Improvements			140,000												
Vibrant & Successful Towns	Countywide	Other Corridors	152,000	50,000	97,000												
		Sub-Total	827,000	800,000	879,000												
Whole - Town Approach																	
Thriving Durham City	Durham City	Durham City															
		Bus Station North Road	30,000			40,000											
		Durham City P&R Extension	Refer to Other Funding table		Refer to Other Funding table												
		Rail Station															
		Durham City Northern Relief Road															
		Durham City Western Relief Road															
Vibrant & Successful Towns	West Durham	Bishop Auckland															
		Rail Station	Refer to Other Funding table														
		Bus Station			200,000												
		Accessibility improvements		20,000	20,000												
Vibrant & Successful Towns	North & East Durham	Consett															
		Bus Station	25,000	200,000													
		Traffic Management	30,000														
Vibrant & Successful Towns	West Durham	Barnard Castle															
Vibrant & Successful Towns	North & East Durham	Stanley															
		Bus Station	30,000														
Vibrant & Successful Towns	North & East Durham	Seaham															
		B1404/B1285 Junction			Refer to Other Funding table												
		Rail Station															
Vibrant & Successful Towns	North & East Durham	Chester-le-Street															
		South Burns Bus Interchange			20,000												
		Rail Station	30,000														
		Parking control DDP schemes	10,000	10,000													
Vibrant & Successful Towns	North & East Durham	Peterlee															
		Rail Station		Refer to Other Funding table	Refer to Other Funding table												
		Bus Station	200,000														
Vibrant & Successful Towns	South Durham	Newton Aycliffe															
		Newton Aycliffe Rail Station															
		Amazon Park/Heighington Rail Station		100,000													
Vibrant & Successful Towns	South Durham	Spennymoor															
		Town Centre Bus Interchange															
		Accessibility improvements	20,000	30,000													
Vibrant & Successful Towns	West Durham	Crook															
Vibrant & Successful Towns	South Durham	Shildon															
Vibrant & Successful Towns Sustainable Neighbourhoods and Rural Communities		Place-Shaping Support	100,000	175,000	175,000												
		Sub-Total	475,000	555,000	435,000												
		Revenue support	338,000	243,000	249,000												
		PLANNED INTEGRATED TRANSPORT BLOCK EXPENDITURE	3,305,000	3,183,000	3,183,000	3,183,000	Indicative only										
MAINTENANCE																	
	Location	Budget	Year 1 2011/12 (£)	Year 2 2012/13 (£)	Year 3 2013/14 (£)	Year 4 2014/15 (£)	Year 5 2015/16 (£)	Year 6 2016/17 (£)	Year 7 2017/18 (£)	Year 8 2018/19 (£)	Year 9 2019/20 (£)	Year 10 2020/21 (£)	Year 11 2021/22 (£)	Year 12 2022/23 (£)	Year 13 2023/24 (£)	Year 14 2024/25 (£)	Year 15 2025/26 (£)
	Maintaining the Transport Asset																
	Countywide	Highway maintenance	7,500,000	7,650,000	7,803,000												
	Countywide	Bridge maintenance	2,800,000	2,700,000	2,755,000												
	Countywide	Street Lighting	1,000,000	1,020,000	1,040,000												
		PLANNED MAINTENANCE BLOCK EXPENDITURE	11,300,000	11,370,000	11,598,000	11,072,000	Indicative only										

Other Funding

INTEGRATED TRANSPORT			LTP3		
Regeneration Statement Ambition	Location	Budget	Year 1 2011/12 (£)	Year 2 2012/13 (£)	Year 3 2013/14 (£)
Sustainable Travel					
	Countywide	Public Transport Information			
	Countywide	Community Transport			
	Countywide	Bus Infrastructure			
	Countywide	Bus Priority			
	Countywide	Taxis			
	Countywide	Workplace Travel Planning & Attitudinal Change			
	Countywide	Casualty Reduction			
	Countywide	Driver Information/UTMC			
	Countywide	Demand Management			
	Countywide	Electric Vehicle Charging Infrastructure			
	Countywide	Air Quality/Noise			
	Countywide	Walking & Cycling			
		Sub-Total	0	0	0
Economic/Transport Corridors					
Vibrant & Successful Towns	North & East Durham, Durham City, South Durham	Transit 15	Remaining T15 funding from LTP2 - amount not yet known		
Vibrant & Successful Towns	North & East Durham, South Durham	A167 Corridor			
		B6300 Sunderland Bridge Junction	750,000	1,000,000	
Vibrant & Successful Towns	North & East Durham	A692 Corridor			
		Scheme(s) to be identified and assessed		500,000	100,000
Vibrant & Successful Towns	North & East Durham	A693 Corridor			
		C11 Oxhill Junction			
		C5 Pelton/Ouston Junction			500,000
Vibrant & Successful Towns	Durham City	A691 Corridor			
Vibrant & Successful Towns	Durham City	A690 Corridor			
		C13 Belmont Business Park Junction			
Vibrant & Successful Towns	Countywide	Other Corridors			
		Sub-Total	750,000	1,500,000	600,000
Whole Town Approach					
Thriving Durham City	Durham City	Durham City			
		Durham City P&R Extension (Belmont & Sniperley sites)	250,000		400,000
Vibrant & Successful Towns	West Durham	Bishop Auckland			
		Rail Station	900,000		
Vibrant & Successful Towns	North & East Durham	Consett			
Vibrant & Successful Towns	West Durham	Barnard Castle			
Vibrant & Successful Towns	North & East Durham	Stanley			
Vibrant & Successful Towns	North & East Durham	Seaham			
		B1404/B1285 Junction			400,000
Vibrant & Successful Towns	North & East Durham	Chester-le-Street			
Vibrant & Successful Towns	North & East Durham	Peterlee			
		New Rail Station	300,000	1,000,000	2,000,000
Vibrant & Successful Towns	South Durham	Newton Aycliffe			
Vibrant & Successful Towns	South Durham	Spennymoor			
Vibrant & Successful Towns	West Durham	Crook			
Vibrant & Successful Towns	South Durham	Shildon			
		Sub-Total	1,450,000	1,000,000	2,800,000
		TOTAL ANTICIPATED FUNDING	2,200,000	2,500,000	3,400,000
		DCC Corporate Capital Programme			
		Section 106/278 Funding			
		LTP2 Capital Funding Carryover			

County Council

23 March 2011

Shotley Papermill Footbridge



Report of Corporate Management Team
Terry Collins, Corporate Director of Neighbourhood Services
Don McLure, Corporate Director of Resources
Councillor Bob Young, Cabinet Portfolio Member for Strategic Environment and Leisure

Purpose of Report

1. To seek authority to the use of compulsory purchase powers for the purpose of the acquisition of land shown on the attached plan for the Shotley Papermill Footbridge scheme.

Background

2. Shotley Papermill Footbridge first appeared on historic map information held by Durham County Council in its present form and position on the 1894–1899 map editions placing it at circa 116 years old. The bridge is understood to have been built to connect The Forge Cottage at the time with the papermill industries on the east side of the river Derwent.
3. In the summer of 2008 a maintenance scheme had been prepared to strengthen, paint and re-deck the existing footbridge. Works were due to commence in September 2008 and initial access scaffolding had been erected in preparation.
4. On 6 September 2008 unprecedented flooding of the River Derwent caused the destruction of the existing footbridge. In total three footbridges were lost during this flood in County Durham. Northumberland experienced similar flooding and also lost a number of bridges at this time, especially in Morpeth which made national headlines.
5. The footbridge at Shotley Papermill provided an important crossing between County Durham and Northumberland linking Public Rights of Way on both sides of the River Derwent and it also provided a private pedestrian access to Forge Cottage. Vehicular access to Forge Cottage is via a track some 1.9km long from the A68; however the owner generally used the car park on the eastern bank for parking and crossed the bridge on foot. The nearest alternative pedestrian crossing of the river is a footbridge some 600 metres downstream.

Bridge Replacement Proposals

6. The preparation of a replacement footbridge was started immediately after its loss with a view to construction during the summer of 2009. Views were sought from planners and conservation planners from both Durham County Council and Northumberland along with the views of the local residents of the immediate vicinity.

Initial consultations with the Environment Agency were also undertaken and possible construction restraints considered. Shotley Bridge Village Trust was likewise consulted on the proposals. The proposal for the replacement footbridge was for a location slightly downstream of the original bridge – shown as Option One on the attached plan. The land does not fall into any special categories and therefore there is no need for any special procedures

7. This option however did not progress at the time and therefore consideration was given to relocate the bridge to the same location as the “washed away” bridge - shown as Option Two on the attached plan. The high skew crossing shown in this option arises from the need to provide disabled access on a ramped approach to the east end of the bridge. The bridge that was washed away had stairs at the east end but the site constraint would not facilitate a ramped approach to any replacement bridge at this location and would not therefore meet our disabled access obligation. There was also construction and environmental constraints with placing the bridge in its original position due to the site conditions e.g. mature trees, possible flood implications, other properties and construction problems etc.
8. Option 2 also required extensive hydraulic studies to satisfy the Environment Agency (EA) and this, together with their construction restrictions, meant the construction date in 2009 could not be met. This was however resolved in early 2010 which would have permitted construction during summer 2010, subject to obtaining planning permission and Environment Agency consent.
9. Negotiations with the landowner were well advanced; however the landowner's agent proposed an excessive claim for compensation to reflect the cost of land acquisition, licensing of land for working space and also for disruption while the bridge had been missing. It should be noted that extensive accommodation works had previously been agreed with the landowner, which included track upgrade and further works including fencing, gates, footpath improvements, site clearance and street lighting. The claim was considered to be without basis and therefore preparations for site works ceased until a resolution could be found.
10. The opportunity was then taken to re-examine alternatives in more detail and the original (Option One) was found to be significantly superior in engineering, Environment Agency requirements, environmental impact and aesthetics. Further investigation into the costs of construction also showed significant savings of up to £70,000, further reinforcing this as the option to pursue. Legal advice also confirmed that there was no requirement to land the bridge at the same location as the original. Funding for the project has been identified in the County Council's Local Transport Plan
11. Option 1 no longer necessitates acquisition of land from the owner of Forge Cottage but will require the acquisition of 9 sq. metres of riverbank land for the bridge support together with a licence area of 40 sq. metres for working space and a permanent deck easement of 37 sq. metres which corresponds with the boundary of ownership as shown on the land interest plan in Appendix 3.. Preliminary negotiations with this landowner's agent have indicated that the land needed for the scheme would be secured by mutual agreement at the present time, but authority for the use of compulsory purchase order (CPO) is considered appropriate should negotiations not secure the land interest. Planning permission and Environment Agency consent is also being sought for Option One.

12. A further benefit with the preferred option1 is that works could be undertaken at any time of the year and would not be dictated by Environment Agency conditions for working in the river. A mutual agreement would therefore permit an earlier delivery of the scheme

Conclusions

13. It is proposed to develop the scheme shown as Option One on the plan detailed in Appendix 2. Negotiations with the landowners agent will continue with a view to Durham County Council securing the land interest by mutual agreement.
14. Should it not be possible to complete negotiations with the landowners agent it will be necessary to have authority to pursue a CPO. The necessary orders for the Public Right of Way will also be required but this will be dealt with by the Corporate Director Regeneration and Economic Development.

Recommendation

15. It is recommended that:
 - a) The County Council agree to the use of compulsory purchase powers for the purpose of acquiring the land shown on the attached plan in Appendix 3 for Shotley Papermill Footbridge as described in the report above under the provisions of the Highways Act 1980 section 239 and other enabling powers and that
 - b) the Corporate Director of Resources be authorised to:
 - i) take all necessary steps to secure the making , confirmation and implementation of the CPO, including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry.
 - ii) acquire interests in the land and new rights within the compulsory purchase order either by agreement or compulsorily
 - iii) approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order
 - iv) confirm the order, if unopposed, when referred to the authority by the Government Office North East or its successor.

Contact: Terry Collins, Corporate Director Neighbourhood Services
Tel: 0191 383 3343

Appendix 1: Implications

Finance

The scheme is included in the current Bridges Programme for 2011/2012 to be funded through LTP Bridges Maintenance

Risk

Not securing County Council authority to compulsory purchase the land necessary for the proposed footbridge may result in not being able to replace the washed out footbridge.

Staffing

None

Equality and Diversity

Positive impact on gender, age and disability. An Equality and Diversity impact assessment has been undertaken and is attached at Appendix 4.

Accommodation

None

Crime and Disorder

None

Human Rights

The project does involve the acquisition of a small area of land which does not undermine the viability of the remaining land holding. The land owner will be compensated for the agreed value of the land to be acquired.

Consultation

Planning permission and Environment Agency consultations

Procurement

None

Disability Discrimination Act

None

Legal Implications

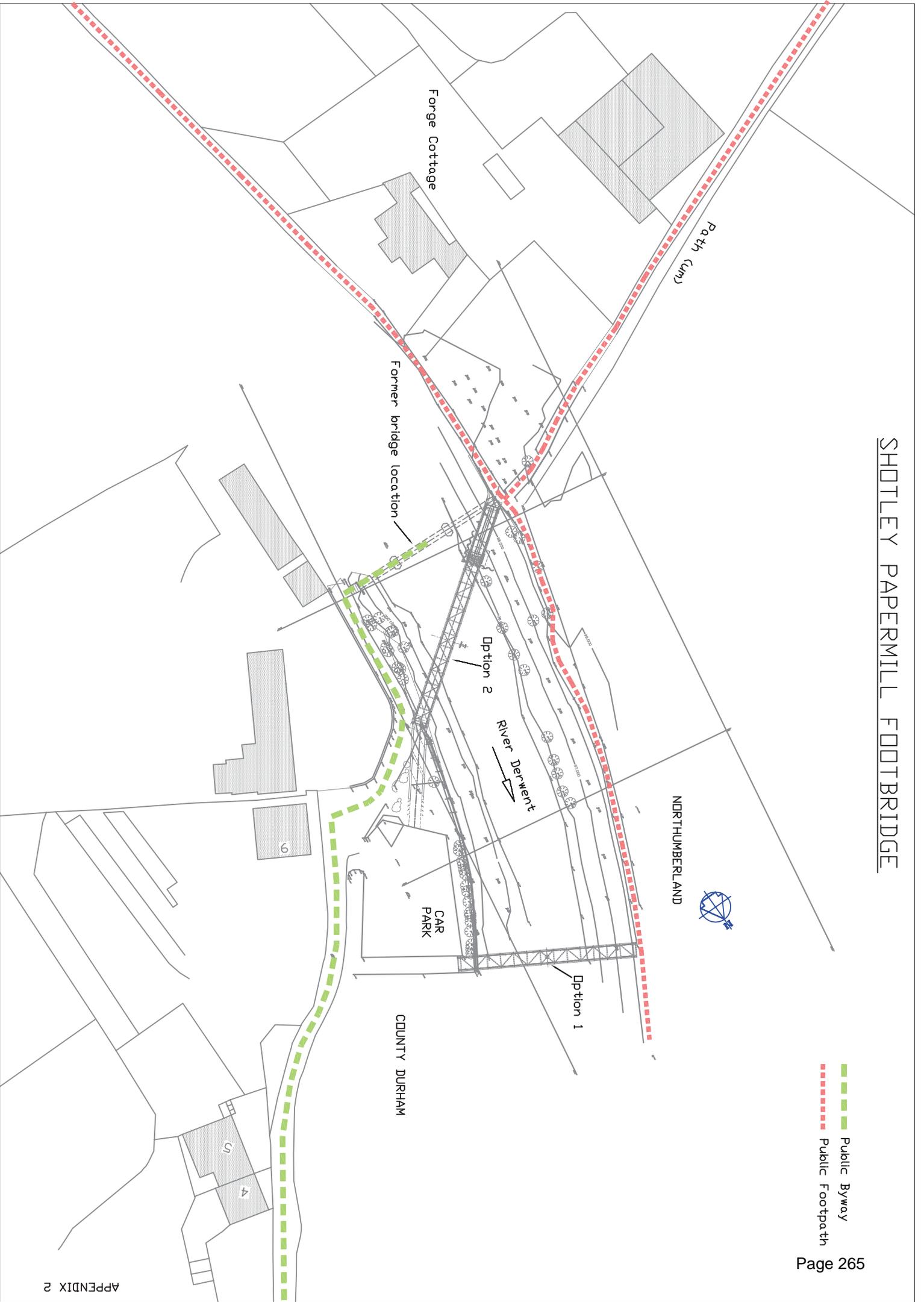
None

Health

The footbridge will re-instate a link to the public rights of way on both sides of the River Derwent and encourage walking.

SHOTLEY PAPERMILL FOOTBRIDGE

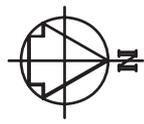
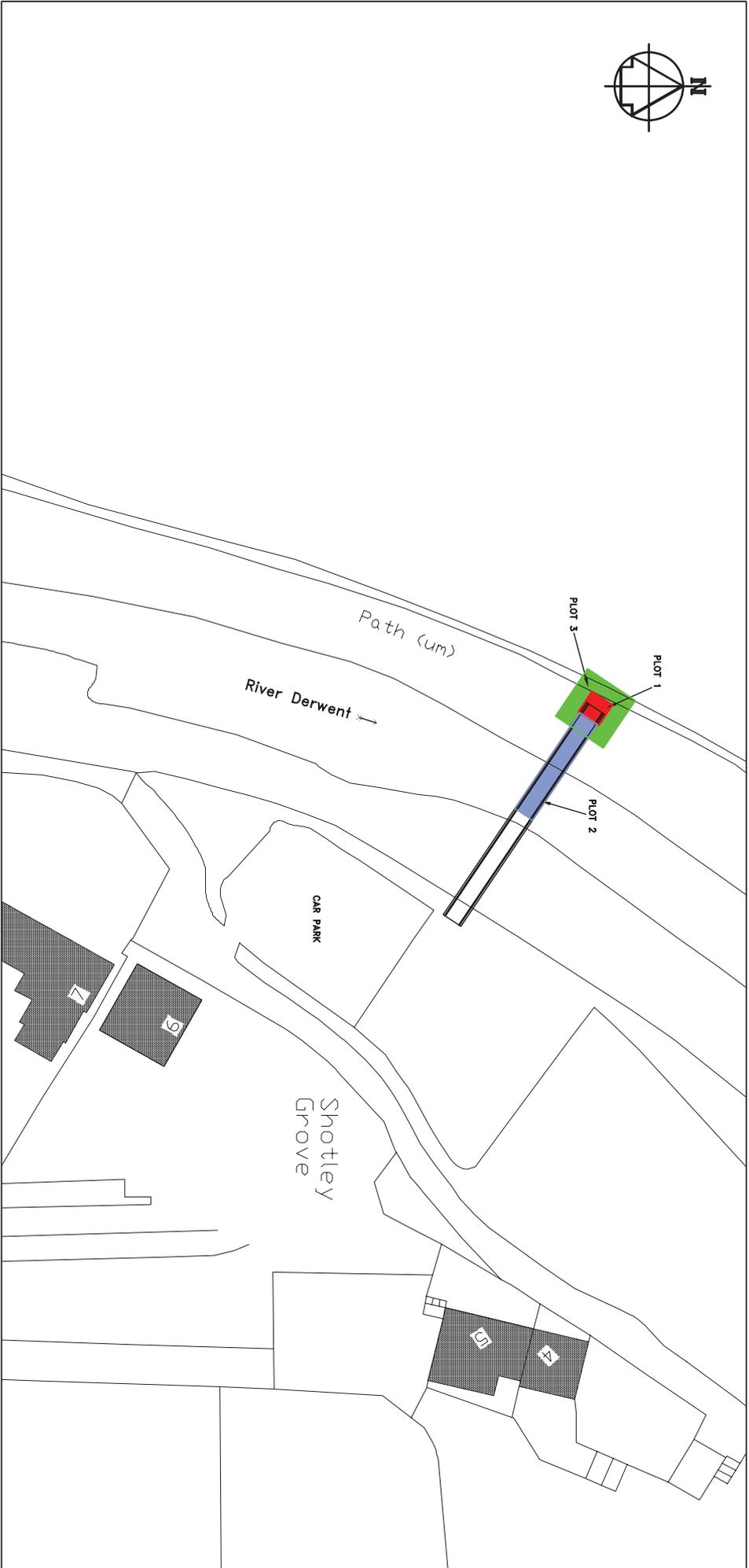
- Public Byway
- Public Footpath



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Project Shotley Papermill Footbridge Replacement
 Project No. 616/00171/FB 345/TC LP1

LAND INTEREST PLAN



Plot	Area	Requirement	Owner	Tenant	Lessee	Amendments			Scale		
1	9sq m	ACQUISITION	SIR TOM COWIE O.B.E THE ESTATE OFFICE BROADWOOD HALL LANCHESTER, CO DURHAM DH7 0TD			Ref.	Date	Description	Approved	I Collins Corporate Director, Environment County Hall, SUQ Durham DH1 5UQ Land Requirement and Area (m ²) Acquisition/Dedication (Pink) Licence (Green) Easement (Blue)	
2	37sq m	EASEMENT	SIR TOM COWIE O.B.E ADDRESS AS ABOVE			0/-	Dec 10		P Berkacs		
3	40sq m	LICENSE	SIR TOM COWIE O.B.E ADDRESS AS ABOVE								
						This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright and Database Right 2002. All Rights Reserved. Ordnance Survey is a registered trademark of Ordnance Survey. Durham County Council 075598 2002.			Drawing No. 616/00171/FB 345/TC LP1		Rev. 0/-

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Shotley Papermill Footbridge Replacement – Appendix 4

Durham County Council – Altogether Better equality impact assessment form

NB: Equality impact assessment is a legal requirement for all strategies plans, functions, policies, procedures and services. We are also legally required to publish our assessments. You can find help and prompts on completing the assessment in the guidance from page 7 onwards.

Section one: Description and initial screening

Section overview: this section provides an audit trail.	
Service/team or section: Technical Services	
Lead Officer: Head of technical Services Equality & Diversity Officer Design Engineer Civil Engineering Manager Section Manager	Start date: 14 th March 2011
Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate)	
Shotley Papermill Footbridge – Replacement Shotley Papermill footbridge was destroyed by flood in September 2008 The footbridge provided an important crossing between County Durham and Northumberland linking Public Rights of Way on both sides of the River Derwent. The planned replacement must meet conditions set out by the Environment Agency in order to reduce the risk of further flood damage and in order to meet these conditions and the requirements of the Disability Discrimination Act (now The Equality Act 2010) will be repositioned to ensure sufficient height and improved accessibility.	
Two Options have been considered in order to meet these requirements. Option 2, a diagonal bridge landing in	

the same place as the original on the Northumberland side has been rejected due to financial considerations. Option 1 is the preferred option and provides a direct and accessible route from the car park on the County Durham Side to the footpath on the Northumberland side. This footpath will be improved as part of the project, and consideration is being given to providing additional lighting and seating on the route.

Who are the main stakeholders: General public / Employees / Elected Members / Partners/ Specific audiences/Other (please specify) –
General Public, Landowners and Local Residents

Is a copy of the subject attached? Yes / No
 If not, where could it be viewed?

Initial screening

Prompts to help you:
 Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

Is there an actual/potential negative or positive impact on specific groups within these headings?
 Indicate :Y = Yes, N = No, ?=Unsure

Gender	Y	Disability	Y	Age	Y	Race/ethnicity	N	Religion or belief	N	Sexual orientation	N
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	accessible for people with prams and pushchairs. This is likely to impact positively on women in particular		
Age	The replacement bridge will have improved access both in the form of steps and a ramp. Also improvements to the car park on the County Durham side and the foot path on the Northumberland side should have a positive impact on users of all ages, particularly older people.	Evidence suggests that mobility issues are likely to increase with age. Improved access will therefore help to reduce barriers.	Consider provision of improved lighting and seating along route. Monitor Complaints
Disability	The replacement bridge will have improved access for people with disabilities, particularly wheelchair users, people with limited mobility and visually impaired people, resulting in a positive impact. It is recognised that the distance to be covered in order to get to the landing point of the old bridge will be 12 metres longer in option 1 than in option 2. However, improvements to the path, lighting and seating	The bridge design has taken in to account the requirements of the Disability Discrimination Act (Equality Act 2010) and associated guidance. The bridge design includes steps and a ramp. Step edges will be highlighted appropriately in keeping with the surrounding area to ensure good contrast to reduce barriers for people with visual impairments.	Consider tactile warnings where appropriate. Consider provision of improved lighting and seating along route.

	provision will significantly reduce any barrier that this presents.		
Race/Ethnicity	None		Monitor complaints
Religion or belief	None		Monitor complaints
Sexual orientation	None		Monitor complaints

How will this promote positive relationships between different communities?
N/A

Section three: Review and Conclusion

<p>Summary: please provide a brief overview, including impact, changes, improvements and any gaps in evidence.</p> <p>The replacement of Shotley Papermill Footbridge will improve access for parents or carers with pushchairs, older people and people with disabilities due to the improvements in the design in relation to the previous bridge. Works on the car park and the path on the opposite side will also improve access for all groups, and while we have identified no impact for Race, Religion & Belief or Sexual Orientation, we recognise that the improvements, particularly to lighting etc may improve safety for all vulnerable groups.</p> <p>Consultation was undertaken prior to both options with a wide range of stakeholders including Residents, The Environment Agency, Access And Rights of Way, Highways & Development Control, Design and Conservation , Northumberland County Council, The Ramblers Association and Shotley Bridge Village Trust. No equality</p>
--

impacts have been identified during this consultation.			
Action to be taken	Officer responsible	Target Date	In which plan will this action appear
Ensure consideration is given to appropriate lighting and seating on routes to the bridge are considered in the project plan	Civil Engineering Manager	May 2011	Bridges Works Programme for 2011/12
Monitor complaints for equality impacts once bridge is in place	Civil Engineering Manager	Estimate from summer 2011	Bridges Group
When will this assessment be reviewed?	Date: March 2012		
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer - sign off: Steve Keetley, Head of Technical Services			Date: March 14 2011
Service equality representative - sign off: Mary Readman, Policy & Performance Manager			Date: March 14 2011

Please email your completed Impact Assessment to the Equality team - equalities@durham.gov.uk.

County Council**23 March 2011****Houses in Multiple Occupation – Adopted Standards and Licence Conditions**

**Terry Collins, Corporate Director Neighbourhood Services
Councillor Bob Young, Cabinet Portfolio Holder for Strategic
Environment and Health**

Purpose of the Report

- 1 This report seeks the approval of revised standards and licence conditions for houses in multiple occupation (HMO) and delegated authority to make minor amendments and legislative changes to update HMO standards and licence conditions as and when required.

Background**Houses in Multiple Occupation**

- 2 Well managed HMOs meet the needs of a diverse population, including young professionals, low paid workers and older single persons. In the City Centre, privately owned HMOs provide accommodation for more than half of all University students. Conversely, poorly managed HMOs have traditionally been associated with some of the worst housing conditions in the private rented sector. The latter often manifests through increased risks to the health and safety of the occupants arising from poor fire safety measures, inadequate kitchen and sanitary provision, poor management standards and dangerous fixtures, fittings or layout. The improvement of standards in HMOs remains a priority to protect residents from unsafe and unhealthy conditions.
- 3 The national standards for HMOs which are licensed by the Council are now prescribed in regulations made under the Housing Act 2004. These relate to provision of bathrooms, WCs, kitchens, fire safety and heating within HMOs. They are used to determine whether or not a property is reasonably suitable for occupation by a certain number of households or persons. If these standards are not met, a licence cannot be granted.
- 4 Even if these prescribed standards are met, the Council must still determine whether the HMO is or is not reasonably suitable for occupation. More detailed standards can therefore be set to reflect local housing conditions, provided they do not fall below the prescribed national standards.
- 5 Adopting local HMO standards will also furnish landlords with the detailed information on what is expected of them, and provide the basis for enforcement standards.

6 There are currently 345 licensed HMOs across the County and to the best of our knowledge this represents all known HMOs that fall into the category for mandatory requirements for licensing. It is estimated that there could be a further 1000-1200 other smaller HMOs, which currently fall outside of the scope of the mandatory licensing regime.

7 Current HMO standards exist for the following types of HMO:

- Shared houses
- Bedsits
- Hostels, Guest Houses and Bed and Breakfast premises.

These existing standards were set by the various district authorities prior to Local Government Reorganisation in County Durham.

8 It is important that therefore that the Council regularly reviews and develops local standards and licence conditions to ensure that the regulation of HMOs is in line with current legislative requirements and to ensure that accommodation is maintained at the level or above prescribed by the minimum national standards where appropriate.

9 The Council's Cabinet meeting held on 15th December 2010 approved the Report "Licensing of Houses of Multiple Occupation" (item A8). The main purpose of the report was to consider the HMO fee structure for new HMOs and those subject to re-licensing; and to agree in principle to the introduction of an 'Additional' licensing regime for houses in multiple occupation, subject to a further report following completion of the appraisal and consultation process.

10 The current proposals for re-licensing provide an opportunity to review existing standards and licence conditions and update them into line with current legislation.

Material Considerations

Proposed Standards and licence conditions

11 It is vital that the HMO standards and licence conditions reflect current legislation, are fair and proportionate and can be used to determine all types of HMO licences in the foreseeable future.

12 The revised standards are attached at Appendices 1, 2 and 3 respectively. Overarching fire safety standards, applicable to all types of HMO, are contained in Appendix 4. Officers have also consolidated various proposed revisions to the HMO licensing conditions. Revised conditions are attached at Appendix 5.

13 The proposed standards incorporate the broad principles and requirements of the existing standards that are in place but have been revised in line with current legislation.

- 14 These new local standards will also serve as an enforcement tool. They will provide detailed information for landlords on what is required of them to comply with the law and to ensure their accommodation is properly managed and safe, and that it provides well maintained and adequate facilities and sufficient living space for the occupiers.
- 15 Failure to endorse and implement new HMO standards could mean that enforcement decisions are fundamentally flawed, and the Council may be criticised for failing to develop local policies in line with the Housing Act 2004. This criticism is most likely to originate from Residential Property Tribunals where any enforcement action would be under scrutiny.

Staff and Financial Resources

- 16 The Environment, Health and Consumer Protection service has established a dedicated team of officers to deal with Houses in Multiple Occupation. Revisions to the standards and conditions in Appendices 1 to 5 present no additional staff or financial implications.

Conclusion

- 17 The improvement of conditions in HMOs remains a priority to protect residents from unsafe and unhealthy conditions. It also contributes to their overall quality of life and general health which are some of the core principles of the new Public Health White Paper, "Healthy Lives, Healthy People" which sets out the Government's long-term vision for the future of public health in England.

Recommendations and Reasons

- 18 Members are asked to consider the content of this report and Appendices 1 to 5 and to adopt the revised standards and licence conditions.
- 19 For the Director of Neighbourhood Services and Head of Environment, Health and Consumer Protection in consultation with the Head of Legal Services be authorised to amend the standards and licence conditions to reflect changes in legislation as and when necessary.

Background Papers

Housing Act 2004

Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Regulations 2006

Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) Regulations 2006

Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

General Consents for Licensing Schemes under Parts 2 and 3 of the Housing Act 2004

Contact: Joanne Waller Tel: 0191 3835672

Appendix 1: Implications

Finance:

The introduction of revised HMO standards and licence conditions present no additional operational costs to the Council's budget.

Staffing:

The Environment, Health and Consumer Protection department has established a dedicated team of officers to deal with Houses in Multiple Occupation. The introduction of revised HMO standards and licence conditions present no additional Council staffing implications.

Risk:

Failure to have the standards approved by members could affect enforcement actions if challenged by HMO landlords or managers at Residential Property Tribunals.

Equal and Diversity

An Equality and Diversity impact assessment has been undertaken and can be viewed on Committees, meetings and minutes webpage on Durham County Council's website. [Cabinet 9 March 2011 Papers](#)

Accommodation:

The introduction of revised HMO standards and licence conditions present no additional accommodation implications.

Crime and Disorder:

An effective approach to the management of HMOs may reduce the incidence of ASB.

Human Rights

None

Consultation:

Existing protocols between the Council and partner organisations, e.g. the County Durham and Darlington Fire and Rescue Service and Durham Students' Union, are utilised where appropriate. Landlords have been required to comply with the principles and requirements of these standards when applied under the previous District Council structure.

Procurement

None

Disability Discrimination Act

None

Legal Implications

The power to make local standards is under Section 65(2) of the Housing Act 2004.

APPENDIX 2

STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “SHARED HOUSES”

“Shared houses” mean, for the purposes of this standard, HMO’s where the property has been rented out by an identifiable group of sharers such as students, work colleagues or friends as joint tenants. In deciding on whether the property is shared, the following factors will be considered and a balanced view taken of the particular state of affairs:

- (i) The extent, or otherwise, to which each occupier shares facilities such as dining rooms, kitchens, bathrooms and other parts of the property, and whether all parts of the property are accessible to all occupiers;
- (ii) The degree of co-operation and social interaction amongst the occupiers;
- (iii) The terms and conditions contained in the tenancy agreement(s);
- (iv) Payment arrangements for rent, utility bills, food and other such items;
- (v) The extent, or otherwise, of related occupiers;
- (vi) Features present in the property, such as locks on individual units of accommodation and to what extent facilities are shared;
- (vii) Any factors affecting the likely fire safety risks e.g. occupiers with limited mobility, drug / alcohol dependency etc.

PART 1

Prescribed standards for deciding the suitability for occupation of a Licensed HMO by a particular maximum number of households or persons

These standards have been set nationally in the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. They apply to any Category of Houses in Multiple Occupation that is subject to licensing, and must be read in conjunction with the Part 2 specific conditions.

1. Heating

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

2. Washing facilities

(1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household—

- (a) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and
- (b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms

(2) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

3. Kitchens

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food—

(a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food.

(b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—

- (i) sinks with draining boards;
- (ii) an adequate supply of cold and constant hot water to each sink supplied;
- (iii) installations or equipment for the cooking of food;
- (iv) electrical sockets;
- (v) worktops for the preparation of food;
- (vi) cupboards for the storage of food or kitchen and cooking utensils;
- (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
- (viii) appropriate refuse disposal facilities; and

- (ix) appropriate extractor fans, fire blankets and fire doors .

4. Units of living accommodation without shared basic amenities

(1) Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with—

- (a) adequate appliances and equipment for the cooking of food;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.

(2) Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either—

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation

5. Fire precautionary facilities

Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

CATEGORY B HOUSES – including SHARED STUDENT HOUSES

PART 2

Locally adopted standards that apply to all Houses in Multiple Occupation within this Category. Houses in Multiple Occupation that require a licence must also comply with the Part 1 prescribed standards where they are higher than the local standards.

A. Space Standards

Note: Reference made to floor space means “usable floor space” – actual floor space may therefore be reduced, for example, in irregularly shaped rooms.

1. One Person Units of Accommodation

(i) Each bedroom/study:

10m² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 6.5m².

2. Two Person Units of Accommodation

(i) Each bedroom/study:

15 m² except where a separate living room is provided which is not a kitchen or a kitchen/dining room, in which case the bedroom shall be 11m².

3. Measurement of Attic and Similar Rooms with Reduced Headroom

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5m shall be excluded from the calculation of the floor area of that room, (see also **D.1.** for notes on height of certain rooms).

4. Common Rooms

(i) Kitchens

used by 1-5 persons	7m ²
used by 6-10 persons	10m ²
used by 11-15 persons	13.5m ²
used by 16+ persons	16.5m ²

(ii) Dining/Kitchen

used by 1-5 persons	11.5m ²
used by 6-10 persons	19.5m ²
used by 11-15 persons	24m ²
used by 16+ persons	29m ²

(iii) Living rooms and dining rooms

used by 1-5 persons	11m ²
used by 6-10 persons	16.5m ²
used by 11-15 persons	21.5m ²
used by 16+ persons	25m ²

B. Natural Lighting

1. All habitable rooms shall be provided with an area of clear glazing equivalent in total area to at least $1/10^{\text{th}}$ of the floor area of the room, and some part of the window should normally be at least 1.75m above floor level.
2. Basement rooms used for human habitation should, in addition to the requirements in the paragraph 1 above, have sufficient natural lighting for their purpose.
3. All kitchens, bathrooms and water closet compartments shall comply with paragraph 1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Part C, to the satisfaction of the environmental health officer.

All glazing to windows in bathrooms and water closet compartments shall be obscure.

4. All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of Part C, to the satisfaction of the environmental health officer.

C. Artificial Lighting

1. All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity.

Time switches will only be allowed to common landings, passages and staircases and shall stay on for an adequate time to allow a person to climb stairs etc and enter a room.

There shall be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

D. Ventilation

1. All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m except in the case of existing attic rooms, which shall have a minimum height of 2.15m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor.
2. All habitable rooms shall be ventilated directly to the external air; the ventilation openings shall be equivalent to at least $1/20^{\text{th}}$ of the floor area of the room.
3. Where the free circulation of air may be restricted, such as in a room in a habitable basement, the floor of which is more than 0.9m below the surface of the adjacent street or ground, natural ventilation should be direct to the external air. In such situations, there should normally be an unobstructed space immediately outside the window opening which

extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights. It is also to be expected that the average height of such rooms from floor to ceiling should be sufficient to encourage the free convection of air within the room. See Part D No 1.

4. All kitchens, bathrooms, water closet compartments shall comply with paragraph 2 above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room.

In living rooms and kitchens, some part of the opening should normally be at least 1.75m above floor level.

5. Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all dining/kitchens, kitchens, bathrooms, water closet compartments, and any other rooms containing either cooking and/or washing facilities.

E. Water Supply

1. A supply of hot and cold running water, suitable for drinking and food preparation purposes, shall be provided over a sink, for the use of all occupants in each shared kitchen. Cold water shall normally be supplied from the rising main.
2. The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant water authority at all times.
3. All water supplies shall, where necessary, be protected from frost damage.

F. Personal Washing Facilities

1. Each bedroom/study room shall be provided with a suitable wash hand basin together with its own supplies of hot and cold running water and adequate drainage.

Where this is not practicable shared facilities will be accepted, by provision of a wash hand basin in each bathroom in the ratio shown in paragraph 2 below.

2. Each occupancy shall be provided with its own bath or shower, each in a proper room. Where this is not practicable a readily accessible bathroom or a shower room, being not more than one floor distant from any user, shall be provided in the following ratios:

1-5 persons	1 bathroom or shower room with wash hand basin
6-10 persons	2 bathrooms or shower rooms with wash hand basins.

3. Baths and showers shall not be provided in kitchens.

G. Drainage and Sanitary Conveniences

1. All above and below ground drainage shall comply with the requirements of the Building Regulations currently in force.
2. Each separate occupancy shall be provided with its own water closet compartment.

Where this is not practicable, a readily accessible water closet compartment, being generally not more than one floor distant from each user, shall be provided in the following ratios:

1-5 persons	1 water closet
6-10 persons	2 water closets

External water closets shall not be reckonable for this purpose.

3. Each shared water closet shall be situated in a room separate from the bathroom or shower room. In exceptional circumstances, Durham County Council may waive this provision, if the said separation of facilities is impossible to achieve or would involve either excessive cost or a significant reduction in usable room floor space.
4. A wash hand basin shall be provided in each separate water closet together with its own continuous supply of hot and cold running water. The hot and cold water supplies shall be adequate, constant and available at all times.

H. Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

Kitchen Facilities

1. Each occupancy shall have use of a kitchen separate from the sleeping room and wherever possible on the same floor but shall generally be not more than one floor distant from the users.
2. A kitchen which combines dining room facilities may be acceptable anywhere in the HMO.

Food Storage

1. The minimum provision for one individual occupancy will be a refrigerator of at least 0.1m³ and dry goods storage of at least 0.1m³.
2. The space in a sink unit below the sink will not be accepted, ventilated or otherwise.

Preparation

1. A work top of smooth, impervious material giving an unobstructed working area of at least 2000mm by 500mm shall be provided in the kitchen.
2. Two twin outlet power sockets in addition to any serving major appliances set at a convenient height and safe position shall be provided in the kitchen. Additional socket outlets may be provided in shared kitchens as the environmental health officer considers appropriate.

Cooking

The kitchen shall be provided with a proper cooking appliance. The minimum acceptable will be a cooker with four rings or hot plates together with a grill and an oven per six occupants living in the house. Microwave ovens will not be considered a proper cooking appliance but may be provided in addition to any gas or electric cooker.

Sinks and Disposal of Waste Water

1. The kitchen shall be fitted with its own sink complete with drainer and provided with its own continuous supplies of hot and cold running water and suitable drainage.

I. Space Heating

1. All habitable rooms shall be adequately heated by a fixed space heating appliance of either gas or electricity; solid fuel will only be permitted in exceptional circumstances where it can be shown that there is adequate fuel storage, no significant additional fire safety risks and no risk to safety from the removal of hot ashes. Portable or removable heating appliances will not be acceptable as the main source of heating.
2. All heating systems shall be of a sufficient output so as to heat adequately the habitable rooms to a temperature of 18°C with an outside temperature of -1°C.

J. Refuse, Storage and Disposal

1. Refuse storage containers shall be provided, sufficient for the needs of the house and of a type acceptable to the local authority. They should be located on a hard standing within the curtilage of the dwelling allowing suitable access for cleansing of the area and removal of the container.

K. Means of Escape from Fire and Other Fire Precautions

1. These are detailed in the Durham County Council Fire Safety Standards in Houses in Multiple Occupation document.

L. Management of Houses in Multiple Occupation

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to the premises and detail comprehensive responsibilities of managers and occupants.

1. On occupation / completion of all necessary works it must be ensured that the following parts of the house are in proper state of repair (including where appropriate reasonable decorative repair) a clean condition and good order:-
 - (a) all rooms in common use
 - (b) staircases, passageways and corridors
 - (c) halls and lobbies
 - (d) entrances to the house, including entrance doors, porches and entrance steps.
 - (e) any means of escape, apparatus, systems or other equipment provided by way of fire precautions
2. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - (a) sanitary conveniences, baths, sinks and wash hand basins
 - (b) installations for cooking or for storing food
3. Before any room or set of rooms are let, it must be ensured that the room or rooms are in a clean condition and that installations within the letting as regards water, gas and electric supply, space heating and water heating are in a reasonable state of repair and proper working order.
4. The electrical installation and appliances must be properly maintained in a safe condition. The installation and appliances must comply with the requirements of the current edition of the IEE Regulations and, where any person is employed, the Health and Safety Electricity at Work Regulations 1989.

Regular visual inspections must be carried out on all portable equipment provided for the use of the occupants. In addition, an annual Portable Electrical Appliances (PAT) Report for all such appliances must be issued by an 'approved electrical contractor' and be in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection and Testing of Electrical Equipment.

A 5 yearly Periodic Inspection Report (PIR) on the installation must be undertaken by an 'approved electrical contractor' and made available for inspection at the premises, together with a copy forwarded to Durham County Council. The PIR must confirm that the installation is safe for use, as specified in BS 7671:2008.

An 'approved electrical contractor' means one who is a member of one of the following organisations or registered with them as an authorised competent person: NICEIC, ECA, BRE Certification Ltd, British Standards Institute, ELECSA Ltd or NAPIT Certification Ltd. In exceptional circumstances, Durham County Council may accept reports from electricians who are not members of one of the aforementioned organisations, but who can demonstrate competency through suitable qualifications and experience.

PAT and PIR Reports must be available for inspection at the premises and copies forwarded to Durham County Council within 14 days from the date of renewal.

5. All gas appliances, fittings and flues must be kept in a safe working condition. They must be regularly serviced and maintained.

In accordance with the Gas Safety (Installation and Use) Regulations 1994 (as amended) an annual gas safety check must be undertaken on all gas installations by a competent gas safe registered installer. The inspection report must be available for inspection at the premises, and a copy forwarded to Durham County Council within 14 days from the date of renewal.

Footnote

These standards may not necessarily be the same as those applied by other organisations with an interest in this type of accommodation.

APPENDIX 2

STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “BEDSITS”

“Bedsits” mean, for the purpose of this standard, HMO’s which comprise a number of separate non-self-contained bedsit lettings or floor-by-floor lets. Typically there will be individual cooking facilities within each bedsit, although not always, and toilets and bathing / washing facilities will mostly be shared. There is unlikely to be a communal living or dining room and each bedsit or letting will be let to separate individuals with a degree of independence to each other.

In deciding upon whether a property is a bedsit or not, the following factors will be considered and a balanced view taken of the particular state of affairs, namely:

- (i) The extent, or otherwise, to which each occupier shares facilities such as dining rooms, kitchens, bathrooms and other parts of the property, and whether all parts of the property are accessible to all occupiers;
- (ii) The degree of co-operation and social interaction amongst the occupiers;
- (iii) The terms and conditions contained in the tenancy agreement(s);
- (iv) Payment arrangements for rent, utility bills, food and other such items;
- (v) The extent, or otherwise, of related occupiers;
- (vi) Features present in the property, such as locks on individual units of accommodation and to what extent facilities are shared;
- (vii) Any factors affecting the likely fire safety risks e.g. occupiers with limited mobility, drug / alcohol dependency etc.

PART 1

Prescribed standards for deciding the suitability for occupation of a Licensed HMO by a particular maximum number of households or persons

These standards have been set nationally in the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. They apply to any Category of Houses in Multiple Occupation that is subject to licensing, and must be read in conjunction with the Part 2 specific conditions.

1. Heating

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

2. Washing facilities

(1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household—

- (a) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and
- (b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms

(2) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

3. Kitchens

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food—

(a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

(b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—

- (i) sinks with draining boards;
- (ii) an adequate supply of cold and constant hot water to each sink supplied;
- (iii) installations or equipment for the cooking of food;
- (iv) electrical sockets;
- (v) worktops for the preparation of food;
- (vi) cupboards for the storage of food or kitchen and cooking utensils;
- (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
- (viii) appropriate refuse disposal facilities; and
- (ix) appropriate extractor fans, fire blankets and fire doors .

4. Units of living accommodation without shared basic amenities

(1) Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with—

- (a) adequate appliances and equipment for the cooking of food;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.

(2) Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either—

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation

5. Fire precautionary facilities

Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

CATEGORY A HOUSES - BEDSITS / FLATLETS

PART 2

Locally adopted standards that apply to all Houses in Multiple Occupation within this Category. Houses in Multiple Occupation that require a licence must also comply with the Part 1 prescribed standards where they are higher than the local standards.

A. Space Standards

1. One person units of accommodation

- (i) One room units: 13m² including kitchen facilities
10m² where provided with separate shared kitchen

Shared kitchens shall provide 3m² per person using the facility

- (ii) Two or more roomed units:

Each kitchen 4.5m²

Each living/kitchen 11m²

Each living room 9m²

Each bedroom 6.5 m²

2. Two or more person units of accommodation

- (i) One room units: not normally suitable for two or more persons who are married couples or cohabiters. In other cases 20m² for two persons

- (ii) Two or more roomed units

Each kitchen 7m²

Each living/kitchen 15m²

Each living room 12m²

Each living/bedroom 14m²

Each bedroom 10m²

These figures are based on two person occupancy. For occupancies of more than two persons reference must be made to Table 1 of the Sixth Schedule and Sections 325 and 326 of the Housing Act 1985 when considering the permitted number to use for sleeping.

3. Measurement of Attic and Similar Rooms with Reduced Headroom

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5m shall be excluded from the calculation of the floor area of that room, (see also **D.1.** for notes on height of certain rooms).

B. Natural Lighting

1. All habitable rooms shall be provided with an area of clear glazing situated in either a window and/or a door, equivalent in total area to at least 1/10th of the floor area of the room.
2. Underground rooms used as habitable rooms shall comply with B1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of part C, to the satisfaction of Durham County Council.
3. All kitchens, bathrooms and water closet compartments shall comply with B1 above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with requirements of part C, to the satisfaction of Durham County Council.

All glazing to windows in bathrooms and water closet compartments shall be obscure.

4. All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with the requirements of part C, to the satisfaction of Durham County Council.

C. Artificial Lighting

1. All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity.

Time switches will only be allowed to common landings, passages and staircases and should stay on for an adequate time to allow a person to climb stairs etc, and enter a room.

There shall be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

D. Ventilation

1. All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m, except in the case of existing underground rooms, which shall have a minimum height of 2.15m and attic rooms, which shall have a minimum height of 2.15m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor.
2. All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room.

Neither an openable door giving access directly to the external air nor a louvered opening in such a door will be acceptable for the purpose of this requirement.

3. Where the free circulation of air may be restricted, such as in a room in a habitable basement, the floor of which is more than 0.9m below the surface of the adjacent street or ground, natural ventilation should be direct to the external air. In such situations, there should normally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights. It is also to be expected that the average height of such rooms from floor to ceiling should be sufficient to encourage the free convection of air within the room. See Part D No 1.
4. All kitchens, bathrooms, water closet compartments shall comply with 2 above but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to the lighting circuit of the room.
5. Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all dining/kitchens, bathrooms, water closet compartments, and any other rooms containing either cooking and/or washing facilities.

E. Water Supply

1. Each separate occupancy shall be provided with a supply of cold running water suitable for drinking purposes either directly off the rising main or by such other means as are acceptable to the relevant Water Authority.
2. The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant Water Authority at all times.
3. All water supplies shall, where necessary, be protected from frost damage.

F. Personal Washing Facilities

1. Each separate occupancy shall be provided with a wash hand basin together with its own supplies of hot and cold running water, situated within the unit of accommodation, and of minimum dimension 560mm x 430mm.

If a sink is provided to comply with the requirements of paragraph F1 above, a separate wash hand basin will not be required.

2. Each separate occupancy shall be provided with its own bath or shower each in a proper room. Where this is not practicable a readily accessible bathroom or a shower room, being not more than one floor distant from any user, shall be provided in the following ratios:

1 - 5 persons	1 bathroom or shower room
6 - 10 persons	2 bathrooms or shower rooms
11 - 15 persons	3 bathrooms or shower rooms

The hot and cold water supplies shall be exclusive (unless the rental or charge for accommodation includes the supply of hot water), and available at all times.

3. Baths and showers shall not be provided in the kitchen.

G. Drainage and Sanitary Conveniences

1. All above and below ground drainage shall comply with the requirements of the Building Regulations currently in force.
2. Each separate occupancy shall be provided with its own water closet compartment. Where this is not practicable a readily accessible water closet compartment shall be provided, being not more than one floor distant from each user, in the following ratios:

1 - 5 persons	1 water closet
6 - 10 persons	2 water closets
11 - 15 persons	3 water closets

External water closets shall not be reckonable for this purpose

3. Where practicable each shared water closet shall be situated in a room separate from the bathroom or shower room.
4. A wash hand basin shall be provided in each separate water closet together with its own continuous supplies of hot and cold running water. The hot and cold water supplies shall be included in the rental or charge for accommodation, unless the water closet is for the exclusive use of one occupancy.

H. Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

Kitchen Facilities

1. Each occupancy shall have its own kitchen separate from but on the same floor as the sleeping room. Where this is not practicable, each occupancy shall have its own kitchen facilities within the unit of accommodation.
2. Shared kitchens may be provided for single person occupancies and where provided shall be on the same floor as the occupancies.

Food Storage

3. Each separate occupancy shall be provided with a proper food store of adequate size ventilated to the external air, within the unit of accommodation. A refrigerator shall be considered to be a proper food store for the purpose of this requirement.
4. The space in a sink unit below the sink will not be accepted, ventilated or otherwise.
5. Where shared kitchens are provided, each occupancy sharing shall have its own facility either within the unit of accommodation or in the kitchen. If in the kitchen, the facility shall be lockable.

Food Preparation

6. Each separate occupancy shall be provided with a suitable work top.
7. In shared kitchens a work top of sufficient size shall be provided.

Cooking

8. Each separate occupancy shall be provided with a proper cooking appliance. The minimum acceptable will be:
 - (a) two rings or hot plates together with either a grill or oven for a one person unit of accommodation;
 - (b) a cooker with four rings or hot plates together with a grill and an oven for units of accommodation for more than one person.
9. In shared kitchens, one cooking appliance shall be provided for each user in accordance with 8(a) above, a cooking appliance in accordance with 8(b) above shall be shared by not more than three one-person units.

Disposal of Waste Water

10. Each separate occupancy shall be provided with a sink with its own supplies of hot and cold running water.
11. In shared kitchens, sinks with adequate continuous supplies of hot and cold water shall be provided in the ratio of one sink per three one-person units of accommodation. The hot and cold water supplies shall be included in the rental or charge for the accommodation.

I. Space Heating

1. All habitable rooms shall be adequately heated by a fixed space heating appliance of either gas or electricity, solid fuel will only be permitted in exceptional circumstances where it can be shown that there is adequate fuel storage, no significant additional fire safety risks and no risk to safety

from the removal of hot ashes. Use of the appliance will be exclusive (unless included in the rental or charge for accommodation). Portable or removable heating appliances will not be acceptable.

2. All heating systems shall be of a sufficient output so as to heat adequately the bedrooms and living room to a temperature of 18°C with an outside temperature of -1°C.

J. Refuse, Storage and Disposal

1. Refuse storage containers shall be provided sufficient for the needs of the house and of a type acceptable to the local authority. This should normally be in the ratio of one British Standard dustbin or equivalent per household.
2. All containers should be located on hard standing with suitable access for cleansing of the area and removal of containers.

K. Means of Escape from Fire and Other Fire Precautions

2. These are detailed in the Durham County Council Fire Safety Standards in Houses in Multiple Occupation document.

L. Management of Houses in Multiple Occupation

The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to the premises and detail comprehensive responsibilities of managers and occupants.

4. On occupation / completion of all necessary works it must be ensured that the following parts of the house are in proper state of repair (including where appropriate reasonable decorative repair) a clean condition and good order:-
 - (f) all rooms in common use
 - (g) staircases, passageways and corridors
 - (h) halls and lobbies
 - (i) entrances to the house, including entrance doors, porches and entrance steps.
 - (j) any means of escape, apparatus, systems or other equipment provided by way of fire precautions
5. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - (c) sanitary conveniences, baths, sinks and wash hand basins
 - (d) installations for cooking or for storing food

6. Before any room or set of rooms are let, it must be ensured that the room or rooms are in a clean condition and that installations within the letting as regards water, gas and electric supply, space heating and water heating are in a reasonable state of repair and proper working order.
4. The electrical installation and appliances must be properly maintained in a safe condition. The installation and appliances must comply with the requirements of the current edition of the IEE Regulations and, where any person is employed, the Health and Safety Electricity at Work Regulations 1989.

Regular visual inspections must be carried out on all portable equipment provided for the use of the occupants. In addition, an annual Portable Electrical Appliances (PAT) Report for all such appliances must be issued by an 'approved electrical contractor' and be in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection and Testing of Electrical Equipment.

A 5 yearly Periodic Inspection Report (PIR) on the installation must be undertaken by an 'approved electrical contractor' and made available for inspection at the premises, together with a copy forwarded to Durham County Council. The PIR must confirm that the installation is safe for use, as specified in BS 7671:2008.

An 'approved electrical contractor' means one who is a member of one of the following organisations or registered with them as an authorised competent person: NICEIC, ECA, BRE Certification Ltd, British Standards Institute, ELECSA Ltd or NAPIT Certification Ltd. In exceptional circumstances, Durham County Council may accept reports from electricians who are not members of one of the aforementioned organisations, but who can demonstrate competency through suitable qualifications and experience.

PAT and PIR Reports must be available for inspection at the premises and copies forwarded to Durham County Council within 14 days from the date of renewal.

5. All gas appliances, fittings and flues must be kept in a safe working condition. They must be regularly serviced and maintained.

In accordance with the Gas Safety (Installation and Use) Regulations 1994 (as amended) an annual gas safety check must be undertaken on all gas installations by a competent gas safe registered installer. The inspection report must be available for inspection at the premises, and a copy forwarded to Durham County Council within 14 days from the date of renewal.

Footnote

These standards may not necessarily be the same as those applied by other organisations with an interest in this type of accommodation.

APPENDIX 3

STANDARDS FOR HOUSES IN MULTIPLE OCCUPATION – “HOSTELS, GUEST HOUSES AND BED AND BREAKFAST ACCOMMODATION”

“Hostels, Guest Houses and Bed and Breakfast Accommodation” mean, for the purposes of this standard, HMO’s where they are not occupied as shared houses or bedsits, but are nevertheless HMO’s under the meaning of section 254 of the Housing Act 2004 (the ‘Act’), or by virtue of a declaration issued by Durham County Council under section 255 of the Act and not subject to exemption under schedule 14 of the Act. In general terms, but not always, each unit of accommodation in “Hostels” is occupied by unrelated persons on a shorter term basis. “Guest Houses” and “Bed and Breakfast Accommodation” are generally former commercial premises used for holiday purposes, but now occupied by multiple households as their only or main residence.

In deciding upon whether a property provides Hostel, Guest House or Bed and Breakfast accommodation, the following factors will be considered and a balanced view taken of the particular state of affairs, namely:

- (i) The extent, or otherwise, to which each occupier shares facilities such as dining rooms, kitchens, bathrooms and other parts of the property, and whether all parts of the property are accessible to all occupiers;
- (ii) The degree of co-operation and social interaction amongst the occupiers;
- (iii) The terms and conditions contained in the tenancy agreement(s);
- (iv) Payment arrangements for rent, utility bills, food and other such items;
- (v) The extent, or otherwise, of related occupiers;
- (vi) Features present in the property, such as locks on individual units of accommodation and to what extent facilities are shared;
- (vii) Any factors affecting the likely fire safety risks e.g. occupiers with limited mobility, drug / alcohol dependency etc.

PART 1

Prescribed standards for deciding the suitability for occupation of a Licensed HMO by a particular maximum number of households or persons

These standards have been set down in the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007. They outweigh any locally adopted standards that relate to each individual subject area. They must be applied to any Category of House in Multiple Occupation that is subject to licensing.

1. Heating

Each unit of living accommodation in an HMO must be equipped with adequate means of space heating.

2. Washing facilities

(1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household—

(a) there must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing) for the number of persons sharing those facilities; and

(b) where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),

having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms

(2) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.

(3) All bathrooms in an HMO must be suitably and adequately heated and ventilated.

(4) All bathrooms and toilets in an HMO must be of an adequate size and layout.

(5) All baths, toilets and wash hand basins in an HMO must be fit for the purpose.

(6) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.

3. Kitchens

Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food—

(a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;

(b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities—

(i) sinks with draining boards;

(ii) an adequate supply of cold and constant hot water to each sink supplied;

(iii) installations or equipment for the cooking of food;

(iv) electrical sockets;

(v) worktops for the preparation of food;

- (vi) cupboards for the storage of food or kitchen and cooking utensils;
- (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);
- (viii) appropriate refuse disposal facilities; and
- (ix) appropriate extractor fans, fire blankets and fire doors.

4. Units of living accommodation without shared basic amenities

(1) Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with—

- (a) adequate appliances and equipment for the cooking of food;
- (b) a sink with an adequate supply of cold and constant hot water;
- (c) a work top for the preparation of food;
- (d) sufficient electrical sockets;
- (e) a cupboard for the storage of kitchen utensils and crockery; and
- (f) a refrigerator.

(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where—

- (a) the landlord is not contractually bound to provide such appliances or equipment;
- (b) the occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or
- (c) the appliances or equipment are otherwise outside the control of the landlord.

(2) Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either—

- (a) within the living accommodation; or
- (b) within reasonable proximity to the living accommodation

5. Fire precautionary facilities

Appropriate fire precaution facilities and equipment must be provided of such type, number and location as is considered necessary.

Category D Houses - Hostel, Guest House and Bed and Breakfast Type Accommodation

PART 2

Locally adopted standards that apply to all Houses in Multiple Occupation within this Category. Houses in Multiple Occupation that require a licence must also comply with the Part 1 prescribed standards where they are higher than the local standards.

A. Space Standards

1. *Bedrooms* (There shall be prominently displayed in each bedroom, a notice in all relevant languages, setting out the maximum number permitted to sleep in the room):

All bedrooms to be as follows:

i.	1 person	8.5m ²
ii.	2 persons	11m ²
iii.	3 persons	15m ²

For each additional person there shall be an additional 4.5m² of floor area.

2. Measurement of Attic and Similar Rooms with Reduced Headroom

The area of any part of the floor space over which the vertical height of the room is, by reason of a sloping roof or ceiling, reduced to less than 1.5m shall be excluded from the calculation of the floor area of that room, (see also **D.1.** for notes on height of certain rooms).

3. For the purpose of calculating these standards, a child under the age of one shall be disregarded, and a child more than one and less than 10 years of age shall count as ½ a person.

Lounge:

A minimum provision of 3m² per person will be required.

Dining:

A minimum of 2m² per person will be required.

Combined Lounge/Dining Areas:

A provision of 4m² per person will be deemed to be adequate if the floor areas of lounge and dining room are combined.

Kitchens:

To be in accordance with the requirements of the Food Safety Act 1990 and associated legislation.

B. Natural Lighting

1. All habitable rooms shall be provided with an area of clear glazing situated in either a window and/or door, equivalent in total to at least 1/10th of the floor area of the room.
2. All kitchens, bathrooms and water closet compartments shall comply with B1 above. Where this is not practicable, adequate artificial lighting shall be provided to the satisfaction of Durham County Council.

C. Artificial Lighting

1. All habitable rooms, kitchens, bathrooms, water closet compartments, staircases, landings and passages shall be adequately lighted by electricity, none of which will be provided via a time switch, and shall be available at all times.
2. There shall be sufficient switches to operate the artificial lighting on each landing, corridor or passage and each switch should allow all corridors, passages and stairways to be illuminated at the same time.

D. Ventilation

1. All habitable rooms, kitchens, bathrooms and water closet compartments shall have a minimum floor to ceiling height of 2.3m, except in the case of existing underground rooms, which shall have a minimum height of 2.15m and attic rooms, which shall have a minimum height of 2.3m over an area of the floor equal to not less than half of the area of the room, measured on a plane 1.5m above the floor.
2. All habitable rooms shall be ventilated directly to the external air by a window, the openable area of which shall be equivalent to at least 1/20th of the floor area of the room.
3. Neither an openable door giving access directly to the external air nor a louvered opening in such a door will be acceptable for the purpose of this requirement.
4. All bathrooms and water closet compartments shall comply with D2 above, but where this is not practicable, mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 20 minutes and be connected to a lighting circuit of the room.
5. Permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all kitchens, bathrooms, water closet compartments and any other rooms containing either cooking and/or washing facilities.

E. Water Supply

1. Each bedroom shall be provided with a supply of cold running water suitable for drinking purposes. The tap shall be suitably marked "Drinking Water".
2. The water pressure to all fitments shall comply with the minimum requirements laid down by the relevant water authority at all times.
3. All water supplies shall be suitably protected from frost damage.

F. Personal Washing Facilities

1. Each bedroom shall be provided with a wash hand basin together with its own continuous supplies of hot and cold running water, and of minimum dimension 560mm x 430mm.

Where an en-suite bathroom is available, such wash hand basin may be provided in that bathroom.

In self-catering hostels, where a sink is provided to comply with the requirements of paragraph H.1(j) a separate wash hand basin will not be required.

2. A readily accessible bathroom or a shower room shall be provided on every floor where bedroom accommodation is located. The bath/shower shall be sited in a proper room and shall be provided in the following ratios for each occupied floor:

1-5 persons	1 bathroom or shower room
6-10 persons	2 bathrooms or shower rooms
11-15 persons	3 bathrooms or shower rooms

3. The hot and cold water supplies shall be exclusive (unless the rental or charge for accommodation includes the supply of hot water), and available at all times.

G. Drainage and Sanitary Conveniences

1. All above and below ground drainage shall comply with the requirements of the Building Regulations currently in force.
2. A readily accessible water closet compartment shall be provided on every floor where bedroom accommodation is located. The water closet shall be sited in a proper room and shall be provided in the following ratios for each occupied floor:

1-5 persons	1 water closet
6-10 persons	2 water closets
11-15 persons	3 water closets

External water closets shall not be reckonable for this purpose. Additional water closet accommodation to the satisfaction of Durham County Council shall also be required to be provided on floors used for communal purposes.

3. Each reckonable water closet shall be situated in a room separate from the bathroom or shower room.
4. Separate male and female accommodation shall be required to the satisfaction of Durham County Council.
5. Any water closet accommodation provided for the above purpose is to be exclusive of any requirements under the Food Safety (General Food Hygiene) Regulations 1995.
6. A wash hand basin shall be provided in each separate water closet together with its own supplies of hot and cold running water. The hot and cold water supplies shall be included in the rental or charge for accommodation and available at all times.

H. Facilities for Storage, Preparation and Cooking of Food and for the Disposal of Waste Water

1. *Self Catering Hostels:*
 - (a) Each occupancy shall have use of a kitchen separate from the sleeping room, and of an area of 4m². Where this is not practicable, each occupancy shall have its own kitchen facilities within the accommodation and 4m² shall be added to the floor areas in A1.
 - (b) Shared kitchens may be provided for single person occupancies, but must be on the same floor as the accommodation provided for those people sharing the kitchen.

Food Storage

- (c) Each separate occupancy shall be provided with a proper food store of adequate size ventilated to external air, within the unit of accommodation. A refrigerator of at least 0.1m³ per person shall be considered to be a proper food store for the purpose of this requirement.
- (d) The space in a sink unit below the sink will not be accepted, ventilated or otherwise.
- (e) Where shared kitchens are provided, each occupancy sharing shall have its own facility either within the unit of accommodation or in the kitchen. If in the kitchen, the facility shall be lockable.

Preparation

- (f) Each separate occupancy shall be provided with a suitable worktop.
- (g) In shared kitchens a worktop of sufficient size shall be provided.

Cooking

- (h) Each separate occupancy shall be provided with a proper cooking appliance. The minimum acceptable will be:
 - (i) two rings or hot plates together with either a grill or oven for a one person unit of accommodation, or
 - (ii) a cooker with four rings or hot plates together with a grill and an oven for units of accommodation for more than one person.

In shared kitchens, one cooking appliance shall be provided for each user in accordance with h(i) above or, a cooking appliance in accordance with h(ii) above shall be shared by not more than three person units.

Disposal of Waste Water

- (i) Each separate occupancy shall be provided with its own sink complete with drainer and provided with its own supplies of hot and cold running water.
- (j) In shared kitchens, sinks shall be provided in the ratio of one sink per three one-person units accommodation.

2. Hostels Providing Meals

Kitchen Facilities

- (a) The facilities for preparation, cooking and serving food shall comply with the Food Safety (General Food Hygiene) Regulations 1995. Kitchen facilities for the cooking and preparation of food for residents as part of the service provided by the establishment shall not be allowed to be used by residents.
- (b) Separate provision for residents to prepare and cook their own food shall be provided within the property.

A suitable area for this purpose will be provided on each occupied floor and will contain the following facilities:

- (i) cooker with four burners, oven and grill;
- (ii) sink with constant hot and cold water supplies, properly connected to the drainage system;

- (iii) four 13 amp electric power outlets;
 - (iv) a worktop of sufficient size.
- (c) Kitchen facilities for the purpose of (b) above shall be available for use 24 hours a day and the cost of running the appliances will be included in the residential charge.
- (d) Separate provision as required by (b) above will not be required in circumstances where it can be shown to the satisfaction of Durham County Council, either by virtue of the scale of their provision of meals or because of the manner in which the premises are occupied, that such provision would be excessive. In these cases a lesser standard may be applied.

I. Space Heating

1. A fixed efficient heating system capable of heating the room temperature to 18°C shall be provided and properly fitted to all rooms. The system shall be capable of attaining this temperature when the outside temperature is -1°C. Solid fuel will only be permitted in exceptional circumstances where it can be shown that there is adequate fuel storage, no significant additional fire safety risks and no risk to safety from the removal of hot ashes. The cost of running the heating system is to be included in the residential charge, and shall be under the exclusive control of the manager.

A full central heating system shall be deemed to be adequate for this purpose.

J. Refuse, Storage and Disposal

1. Refuse storage containers shall be provided, sufficient for the needs of the premises and of a type acceptable to the local authority. This will depend on the frequency of collection and it may well be that it is necessary for the person having control to arrange for extra collections of refuse. Storage facilities shall be hygienic and regularly maintained.

K. Means of Escape from Fire and Other Fire Precautions

These are detailed in the Durham County Council Fire Safety Standards in Houses in Multiple Occupation document.

L. Management of Houses in Multiple Occupation

1. The Management of Houses in Multiple Occupation (England) Regulations 2006 apply to the premises and detail comprehensive responsibilities of managers and occupants.
2. On occupation / completion of all necessary works it must be ensured that the following parts of the house are in proper state of repair (including where appropriate reasonable decorative repair) a clean condition and good order:-

- a. all rooms in common use
 - b. staircases, passageways and corridors
 - c. halls and lobbies
 - d. entrances to the house, including entrance doors, porches and entrance steps.
 - e. any means of escape, apparatus, systems or other equipment provided by way of fire precautions
 - f. It must be ensured that the following installations in common use are in and are maintained in a proper state of repair.
 - g. sanitary conveniences, baths, sinks and wash hand basins
 - h. installations for cooking or for storing food
3. Before any room or set of rooms are let, it must be ensured that the room or rooms are in a clean condition and that installations within the letting as regards water, gas and electric supply, space heating and water heating are in a reasonable state of repair and proper working order.
 4. The electrical installation and appliances must be properly maintained in a safe condition. The installation and appliances must comply with the requirements of the current edition of the IEE Regulations and, where any person is employed, the Health and Safety Electricity at Work Regulations 1989.
 5. Regular visual inspections must be carried out on all portable equipment provided for the use of the occupants. In addition, an annual Portable Electrical Appliances (PAT) Report for all such appliances must be issued by an 'approved electrical contractor' and be in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection and Testing of Electrical Equipment.
 6. A 5 yearly Periodic Inspection Report (PIR) on the installation must be undertaken by an 'approved electrical contractor' and made available for inspection at the premises, together with a copy forwarded to Durham County Council. The PIR must confirm that the installation is safe for use, as specified in BS 7671:2008.
 7. An 'approved electrical contractor' means one who is a member of one of the following organisations or registered with them as an authorised competent person: NICEIC, ECA, BRE Certification Ltd, British Standards Institute, ELECSA Ltd or NAPIT Certification Ltd. In exceptional circumstances, Durham County Council may accept reports from electricians who are not members of one of the aforementioned organisations, but who can demonstrate competency through suitable qualifications and experience.
 8. PAT and PIR Reports must be available for inspection at the premises and copies forwarded to Durham County Council within 14 days from the date of renewal.

9. All gas appliances, fittings and flues must be kept in a safe working condition. They must be regularly serviced and maintained
10. In accordance with the Gas Safety (Installation and Use) Regulations 1994 (as amended) an annual gas safety check must be undertaken on all gas installations by a competent gas safe registered installer. The inspection report must be available for inspection at the premises, and a copy forwarded to Durham County Council within 14 days from the date of renewal.

Footnote

These standards may not necessarily be the same as those applied by other organisations with an interest in this type of accommodation.

APPENDIX 4



FIRE SAFETY PRECAUTIONS

IN

HOUSES IN MULTIPLE OCCUPATION

INTRODUCTION

Research indicates that certain types of HMOs present significantly greater health and safety risks to tenants than comparable single occupancy dwellings. Risk assessment carried out by ENTEC on fire safety in HMOs concluded that in all houses converted into bedsits, the annual risk of death per person is 1 in 50,000 (six times higher than in comparable single occupancy houses). In the case of bedsit houses comprising three or more storeys the risk is 1 in 18,600 (sixteen times higher).

This document has been developed by Durham County Council with the co-operation of the County Durham, Darlington Fire and Rescue Service and Darlington Borough Council. The objective of this document is to provide owners, managers, letting agents and contractors with the necessary information which will help them provide their tenants with safe and high quality accommodation, and reduce the need for intervention from local authorities.

The standards referred to in this document are based upon typical 2 or 3 storey houses in multiple occupation, whether they are subject to mandatory licensing or not. Assistance must be sought from Durham County Council or the County Durham and Darlington Fire and Rescue Service in all other cases, or where there are particular concerns.

MEANING OF HOUSE IN MULTIPLE OCCUPATION

The Housing Act 2004, Sections 254 – 259 gives a full explanation of the meaning of house in multiple occupation. A brief outline is shown below;

“House in Multiple Occupation” means a building, or part of a building (e.g. a flat):

- which is occupied by more than one household and in which more than one household shares an amenity (or the building lacks an amenity) such as a bathroom, toilet or cooking facilities; or,
- which is occupied by more than one household and which is a converted building which does not entirely comprise self contained flats (whether or not there is also a sharing or lack of amenities); or
- which comprises entirely of converted self contained flats and the standard of conversion does not meet, as a minimum, that required by the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

The terms “occupied” and “household” are further defined within the Housing Act 2004.

ENFORCEMENT POWERS

Local Authority Powers

Housing Act 2004

A range of powers has been introduced by the Housing Act 2004 and some associated Regulations have replaced earlier legislation under the Housing Act 1985;

- Part 1 – deals with housing conditions and replaces the fitness standard with a new Housing Health and Safety Rating System (HHSRS). Hazards and defects are now given a numerical score and this will be used to determine the effect on occupiers using a series of categories. Hazards in categories A – C indicate situations where the local authority must take action. Those in categories D – J are those where the local authority has discretion to act. The range of powers available under the Housing Act include, closing orders, demolition orders, prohibition orders, improvement notices and hazard awareness notices. In extreme cases emergency action is available.
- Part 2 – deals with the licensing of houses in multiple occupation.
- Part 4 – deals with control provisions including interim and final management orders.

Associated Regulations made under the Housing Act 2004

- The Housing Health and Safety Rating System (England) Regulations 2005
- The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (England) Order 2006
- The Management of Houses in Multiple Occupation (England) Regulations 2006
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006

Building Act 1984 Section 72

This power may be used in respect of certain buildings, including HMO's where means of escape from fire are deemed to be insufficient and there is a floor in the building of more than 6 metres from ground level. This is concerned only with means of escape and does not cover other fire precautions. The Local Authority has to consult with the Fire and Rescue Authority before serving a Section 72 notice.

Building Regulations 2000 (As Amended)

New purpose-built HMO's must comply with current Building Regulations and satisfy the relevant guidance (see below). Where dwellings are converted or there are structural alterations or any internal alterations in an existing HMO which affect the means of escape, the Building Regulations, Housing Health and Safety Rating System guidance, and DCLG fire safety guidance must be satisfied. In such cases a Building Regulation application should be submitted and consultation with the BCO, EHO and Fire and Rescue Authority is essential. All means of escape from fire in the house should be compliant with the latest release of Approved Document B of the Building Regulations currently in force.

Foam Filled Furniture

The supply of such furniture as part of a letting is controlled by the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

Fire and Rescue Authority Powers

Regulatory Reform (Fire Safety) Order 2005

The Regulatory Reform (Fire Safety) Order 2005 (the Order) prohibition notice procedures under this section will only be used by the Fire and Rescue Authority if the EHO is unable to use the powers conferred on them by the Housing Act 2004.

- A tenant displaced by a prohibition notice may not necessarily be considered by the Local Authority to be legally homeless. The Homelessness Officer of the Local authority should be forewarned by the EHO that a prohibition notice is being considered so that appropriate arrangements for tenants can be made.
- Enforcement procedures under the Order preclude enforcement in, among others, “domestic premises”. However the definition of “domestic premises” does not extend to those areas such as stairways, entrance foyers and lifts etc that are “used in common by the occupants of more than one private dwelling”.

It is inferred that in addition to HMOs the order will apply to any areas of “like premises” that are used in common by the occupants. As such the common parts of blocks of flats will fall within this category. The introduction to The Fire Safety Guide to Sleeping Accommodation provides a list of premises, or parts of premises, to which the order applies.

General Reminder

This document is intended to offer general guidance, however relevant officers should be consulted if any concern exists relating to the safety of any premises. The guidance offered in this document is restricted to typical houses in multiple occupation; assistance should be sought from the aforementioned authorities in all other cases.

CONSIDERATION OF FIRE SAFETY MEASURES

An Officer from the Durham County Council will carry out an initial assessment of fire precautions in houses and hostels of multiple occupation.

Where issues of concern are found, the matters will be brought to the attention of the person in control of the property. This will be in writing, in one or more of the following ways:

- A letter advising of the minimum works required to bring the property up to the appropriate fire safety standard and details of the time scale considered to be reasonable in the circumstances;
- A letter advising the same, together with a schedule of additional licence conditions and time scales, for those properties that require a licence; or
- A letter advising the same, together with a relevant enforcement notice in line with Durham County Council’s Private Sector Housing Enforcement Policy (June 2010).

The Officer will take into account the type of accommodation, its method on occupation e.g. shared house or bedsit type, any unusual features and general restrictions such as listed building or architectural features. If appropriate, the Durham County Council Officer will consult the Fire and Rescue Authority, and,

if necessary, a joint inspection will be arranged prior to informing the person in control of the property of any findings.

In exceptional cases, where the officer considers that the property presents an imminent risk to the health of the occupants, then emergency action may be taken.

This document sets down the general fire precautions to be applied to **all** 2-storey and 3-storey houses in multiple occupation. Further advice can be sought from the HMO Team for other property types.

Included within this document is

- specifications for elements of the building fabric
- standards for 2 - storey HMO's - **APPENDIX 1**
- standards for 3 - storey HMO's - **APPENDIX 2**
- fire alarm system definitions - **APPENDIX 3**
- typical layout of 3 – storey HMO's- **DIAGRAM 1**

STANDARDS TO BE APPLIED

The basis for these standards is set out in the LACORS (now Local Government Regulation) Housing – Fire Safety Guidance - ISBN – 978-1-84049-638-3 published in August 2008 and revised March 2009.

Durham County Council and County Durham and Darlington Fire and Rescue Service will generally base fire safety decisions for individual HMOs in line with this guidance. However, there may be certain characteristics relating to either the structure / layout of the HMO or its manner of occupation, which result in variations in decisions on fire safety matters.

Means of Escape

The inter-relationship between means of escape and other fire precautions should always be borne in mind and a degree of flexibility should be exercised. Nevertheless, although the presence of effective means of giving early warning in the event of fire may greatly influence the ability of occupants to escape safely, the basic provision of means of escape in case of fire will always be necessary.

Fire Risk Assessment

Prior to a property being occupied, a suitable and sufficient fire risk assessment should be carried out. Whether or not this risk assessment is recorded will be dependent upon the requirements of the Registration Authority. The assessment should be carried out on behalf of the Responsible Person (generally the owner or premises manager – or licence holder in respect of licensed HMOs) by a competent person. The assessment must consider all fire risks within the particular property. **Bedrooms containing numerous electrical appliances should be considered as risk rooms as should kitchens.**

Note

It is important to note that stairway enclosures must not contain any of the following:

1. Portable heaters of any type.
2. Heaters which have unprotected naked flames or radiant bars.
3. Fixed heaters using a gas supply cylinder.
4. Oil-fuelled heaters.
5. Cooking appliances.
6. Upholstered furniture.
7. Wardrobe or other storage furniture.
8. Coat racks.
9. Storage of any kind (unless it is kept in a locked cupboard, which is constructed to the same standard of fire resistance as the enclosure stairway).
10. Lighting involving the use of naked flames.
11. Gas meters other than those installed in accordance with appropriate Gas Safety Regulations. Gas pipes must be made of a material with a high melting point in order to comply with Gas Safety Regulations.

Building Works Specifications

Protected Route

The protected escape route is designed to allow for residents from all parts of the building to reach the outside without passing through a higher fire risk area. The protected route **MUST** be kept clear of obstructions and combustibile materials. The walls and ceilings to all parts of the protected route **MUST** be free of highly flammable materials i.e. polystyrene tiles or heavy flock wallpaper. You must ensure that a protected route to a final exit door is provided. This must incorporate half hour fire resisting walls, ceilings and fire doors. Advice on means of compliance may be obtained from the HMO team.

Any cupboard within the means of escape must not be used for the storage of combustibile materials unless the access door meets the 30 minute standard and is kept locked. Any gas installations with lead pipe work on the escape route will require that the lead pipe-work is replaced.

The mortice deadlocks to the final exit door/s to be of a type capable of being operated without keys from the inside (e.g. thumb turn locks)

Walls

Should be constructed or upgraded to achieve 30 minutes fire resistance. Every wall which forms part of the protected route of escape, (highlighted in red in the diagrams attached in Diagram 1) must be 30 minutes fire resisting.

Existing lath and plaster walls must retain their integrity and be in sound condition and be upgraded to achieve 30 minutes Fire Resistance. Where upgrading is necessary it is important to ensure that walls achieve the necessary fire resistance from both sides and that the sub structure is in sound condition in all cases, 12.5mm plasterboard and skim coat can in most cases be used to upgrade to 30 minutes fire resistance.

Ceilings

A 30 minutes fire resisting ceiling must separate any accommodation in the floor above. Existing ceilings constructed with lath and plaster must be in sound condition and upgraded as necessary (see above).

Floors

For separation between an occupied basement or commercial premises and the floor above, the fire resistance must be increased to 60 minutes. To achieve this, in most cases existing ceilings can be over boarded with two layers of 12.5 mm plasterboard, fixed with staggered joints and skim coated.

Fire Doors

Fire doors must be provided to protect the means of escape, must have 30 minutes fire resistance and be fitted with smoke seals and self-closing devices

(FD30S). Fire doors should never be wedged open, locked or fastened in any way that prevents easy and immediate opening.

Existing doors may be capable of being upgraded to provide appropriate fire resistance. Any upgrading must be in accordance with the appropriate British Standard or European equivalent standard, and evidence provided to verify the conversion.

Fire door(s) must be fitted to all risk rooms. These include all rooms identified in the fire risk assessment.

In shared accommodation door sets must comprise of a 30 minute fire resisting door hung on three high melt point hinges and be complete with intumescent strips and cold smoke seals. All doors must fit correctly into the frame.

Where a room contains no interlinked detection, cold smoke seals are omitted from that room entrance door. A closer must be fitted to the door which is adequate for the size and weight of the door; the closer to be adjusted to ensure the door closes smoothly and quietly into the rebate of the doorframe overcoming any latching device. Any lock or latch must be sleeved in intumescent material.

Existing adequate solid doors may if generally meeting the above description and if correctly fitting, be suitable to be used as fire doors.

Other doors may be capable of being upgraded to provide appropriate fire resistance. Any upgrading must be in accordance with the appropriate British Standard (currently BS476) or European equivalent standard, and evidence provided to verify the conversion.

Where glazing panels (fan lights) are fitted above doors they must be capable of providing at least half hour fire resistance e.g. by fitting Georgian wired glass. Where there are internal doors to an entrance vestibule they should be removed.

Locks on room doors and any other door leading from the unit of accommodation on to the protected route of escape and the final exit door must be accessed without the aid of keys.

Hasp and staple / padlock type of fastening to bedroom doors are not permitted.

Windows

Where an inner room (a room where the exit route is through another room) is a bedroom on the ground or first floor then an escape window with an unobstructed opening that is at least 0.33 m² and at least 450 mm high x 450mm wide and cill between 800-1100 mm from the floor must be provided.

On second floors or higher then escape windows are not acceptable and an alternative route will be required. Further advice can be sought from the HMO team.

Basements

Where habitable accommodation is provided in basements there must be an alternative means of escape via a door or suitable escape window to the external ground level in addition to the access route from within the house.

Fire Precautions

The Landlord must provide adequate fire safety instructions for residents and any employees. They must be brought to the attention of all tenants and must be kept available for inspection at the premises. A copy must be provided to the local authority on demand.

Fire fighting equipment, where required or provided, must conform to the appropriate British Standard or European equivalent standard.

Any proposals to provide alternative means of protection in the event of fire e.g. sprinkler systems will be considered in consultation with the County Durham and Darlington Fire and Rescue Service.

APPENDIX 1

2 Storey Houses in Multiple Occupation

- **Protected Route** - The protected escape route is designed to allow for residents from all parts of the building to reach the outside without passing through a higher fire risk area. The protected route **MUST** be kept clear of obstructions and combustible materials. The walls and ceilings to all parts of the protected route **MUST** be free of highly flammable materials i.e. polystyrene tiles or heavy flock wallpaper.
- **Fire Doors** – FD30S fire doors with self closers should be fitted to all kitchens or rooms containing kitchens. No requirement for FD30S to other rooms on the staircase enclosure, however these doors must be substantial defect free doors with no glazed element.
- **Walls and Ceilings** – should be constructed or upgraded to achieve 30 minutes fire resistance. Every wall which forms part of the protected route of escape, (highlighted in red in the diagrams attached in Diagram 1) must be 30 minutes fire resisting. Existing lath and plaster walls must retain their integrity and be in sound condition and be upgraded to achieve 30 minutes Fire Resistance. Where upgrading is necessary it is important to ensure that walls achieve the necessary fire resistance from both sides and that the sub structure is in sound condition in all cases, 12.5mm plasterboard and skim coat can in most cases be used to upgrade to 30 minutes fire resistance. A 30 minutes fire resisting ceiling must separate any accommodation in the floor above. Existing ceilings constructed with lath and plaster must be in sound condition and upgraded as necessary.
- **Floors** - For separation between an occupied basement or commercial premises and the floor above, the fire resistance must be increased to 60 minutes. To achieve this, in most cases existing ceilings can be over boarded with two layers of 12.5 mm plasterboard, fixed with staggered joints and skim coated.
- **Escape Windows** – where used as a primary or secondary means of escape, must have 0.33m² openable area with the width and height dimension being a minimum of 450mm. The ground below an escape window must be free from any hazard and be readily accessible. Escape windows must be easily openable from within the room in which it is fitted i.e. any window locks must be capable of being disabled by a responsible adult, without the use of a key.
- **Smoke Detectors** – all equipment and systems must conform to the appropriate British Standard or European equivalent standard. A Grade D LD3 system is required comprising:
 1. Interlinked mains wired or wireless smoke alarms with integral battery back up located in the escape route at all floor levels
 2. An additional interlinked mains wired or wireless heat detector with integral battery back up located in the kitchen
 3. An additional interlinked mains wired or wireless smoke detector with integral battery back up located in the lounge

4. An additional interlinked mains wired or wireless smoke detector with integral battery back up located in any cellar

It is recommended that individual battery operated smoke alarms are also installed in each unit of accommodation.

- **Emergency Lights** – Emergency lighting may be required if the protected escape route is not provided with adequate background lighting either natural or borrowed from street lighting to ensure the safe movement to the final exit door(s). Where emergency lighting is provided it must comply with the appropriate British Standard or European equivalent standard.
- **Fire Blankets** - A fire blanket the appropriate British Standard or European equivalent standard must be provided in the kitchen. The blanket must be mounted on the wall 1.5m high adjacent to an exit door away from the cooking facility.
- **Fire Extinguishers** – provision of fire extinguishers is not part of this guidance, but where provided by landlords, all residents must be given proper instruction in their use and they must be checked annually.
- **Periodic Inspection** - A Fire Precautions log book, (example log book can be obtained from www.ddfire.gov.uk) should be used to record the periodic inspection checks, testing and maintenance of the
 - alarm and detection system
 - fire fighting equipment
 - and where applicable emergency lighting

in accordance with the relevant British or European Standard.

The log book should be maintained and kept available for inspection at the premises. If the property is to be left vacant for 4 weeks or longer, the systems and equipment must be checked before tenants take up occupancy and always before re-letting the accommodation. Test certificates should be in the format recommended within the relevant British or European Standard.

- **Risk Assessment** - a written fire risk assessment is recommended for the common areas of all HMO's, and all remaining areas of the dwelling. The risk assessment should be periodically reviewed and always reviewed when changes are made to the property. The risk assessment should be brought to the attention of the occupiers of the property.

APPENDIX 2

3 Storey Houses in Multiple Occupation (whether or not an HMO licence is required)

- **Protected Route** - The protected escape route is designed to allow for residents from all parts of the building to reach the outside without passing through a higher fire risk area. The protected route **MUST** be kept clear of obstructions and combustible materials. The walls and ceilings to all parts of the protected route **MUST** be free of highly flammable materials i.e. polystyrene tiles or heavy flock wallpaper.
- **Fire Doors** – Fire doors must be provided to protect the means of escape, must have 30 minutes fire resistance and be fitted with smoke seals and self-closing devices (FD30S). Fire doors should never be wedged open, locked or fastened in any way that prevents easy and immediate opening. Existing doors may be capable of being upgraded to provide appropriate fire resistance. Any upgrading must be in accordance with the appropriate British Standard or European equivalent standard, and evidence provided to verify the conversion. Fire door(s) must be fitted to the kitchen or any room containing a kitchen.
- **Walls and Ceilings** – should be constructed or upgraded to achieve 30 minutes fire resistance. Every wall which forms part of the protected route of escape, (highlighted in red in the diagrams attached in Diagram 1) must be 30 minutes fire resisting. Existing lath and plaster walls must retain their integrity and be in sound condition and be upgraded to achieve 30 minutes fire resistance. Where upgrading is necessary it is important to ensure that walls achieve the necessary fire resistance from both sides and that the sub structure is in sound condition in all cases, 12.5mm plasterboard and skim coating can in most cases be used to upgrade to 30 minutes fire resistance. A 30 minute fire resisting ceiling must separate any accommodation in the floor above. Existing ceilings constructed with lath and plaster must be in sound condition and upgraded as necessary.
- **Floors** – For separation between an occupied basement and the floor above, the fire resistance must be increased to 60 minutes. To achieve this, in most cases existing ceilings can be over boarded with two layers of 12.5 mm plasterboard, fixed with staggered joints and skim coated.
- **Escape Windows** – where used as a primary or secondary means of escape, should have 0.33msq openable area with at least the width or height dimension being a minimum of 450mm. The ground below an escape window must be free from any hazard. Escape windows must be easily openable from within the room in which it is fitted i.e. any window locks must be capable of being disabled by a responsible adult, without the use of a key. Escape windows are not permitted on second floors and above, except in exceptional circumstances – e.g. to a place of safety via a protected external route.
- **Smoke Detectors** – all equipment and systems must conform to the appropriate British Standard or European equivalent standard. Fire warning and detection conforming to BS 5839 Grade A to be provided in common areas, in individual dwellings / bedsits / study bedrooms, a Grade D LD2 System must be

provided. This includes automatic interlinked smoke detectors in all living rooms and bedrooms, on all landings and within the entrance hall (see example in Diagram 1). A Grade D LD2 System only may be used throughout the HMO where a written fire risk assessment clearly indicates that the protection reaches an equivalent standard to that set down above.

- **Heat Detector** –an interlinked heat detector must be installed within the kitchen or any habitable room containing cooking facilities.
- **Emergency Lights** – suitable emergency lights be installed in accordance with the appropriate British Standard or European equivalent standard to all escape routes and windowless accommodation. Location of fittings to be decided by a competent installing engineer (see example in Diagram 1).
- **Fire Blankets** - A fire blanket to BS 6575 (or equivalent) is to be provided in the kitchen. The blanket must be mounted on the wall 1.5m high adjacent to an exit door away from the cooking facility.
- **Fire Extinguishers** – provision of fire extinguishers is not part of this guidance, but where provided by landlords, all residents must be given proper instruction in their use and they must be checked annually by a competent person.
- **Periodic Inspection** - A Fire Precautions log book, (example log book can be obtained from www.ddfire.gov.uk) should be used to record the periodic inspection checks, testing and maintenance of the
 - alarm and detection system
 - fire fighting equipment
 - and where applicable emergency lighting

in accordance with the relevant British or European Standard.

The log book should be maintained and kept available for inspection at the premises. If the property is to be left vacant for 4 weeks or longer, the systems and equipment must be checked before tenants take up occupancy and always before re-letting the accommodation. Test certificates should be in the format recommended within the relevant British or European Standard.

- **Risk Assessment** - a written fire risk assessment **is required** for the common areas of all licensed HMO's, and is recommended for all remaining areas of the dwelling. The risk assessment should be periodically reviewed and always reviewed when changes are made to the property. The risk assessment must be brought to the attention of the occupiers of the property.

APPENDIX 3

Definition relating to Fire Alarm Systems and grading

BS 5839 – 6 : 2004

Fire detection and fire alarm systems for dwellings -
Part 6: Code of practice for the design, installation and maintenance of
fire detection and fire alarm systems in dwellings.

System Category:

Category LD – Protection of life

- LD1** a system installed throughout the dwelling, incorporating detectors in all circulation spaces that form part of the escape routes from the dwelling, and in all rooms and areas in which fire might start, other than toilets, bathrooms and shower rooms.
- LD2** a system incorporating detectors in all circulation spaces that form part of the escape routes from the dwelling, and in all rooms or areas that present a high fire risk to occupants (following risk assessment). The specification for a type LD2 system should always include details of the areas or rooms of the dwelling that are to be protected.
- LD3** a system incorporating detectors in circulation spaces that form part of the escape routes from the dwelling only.

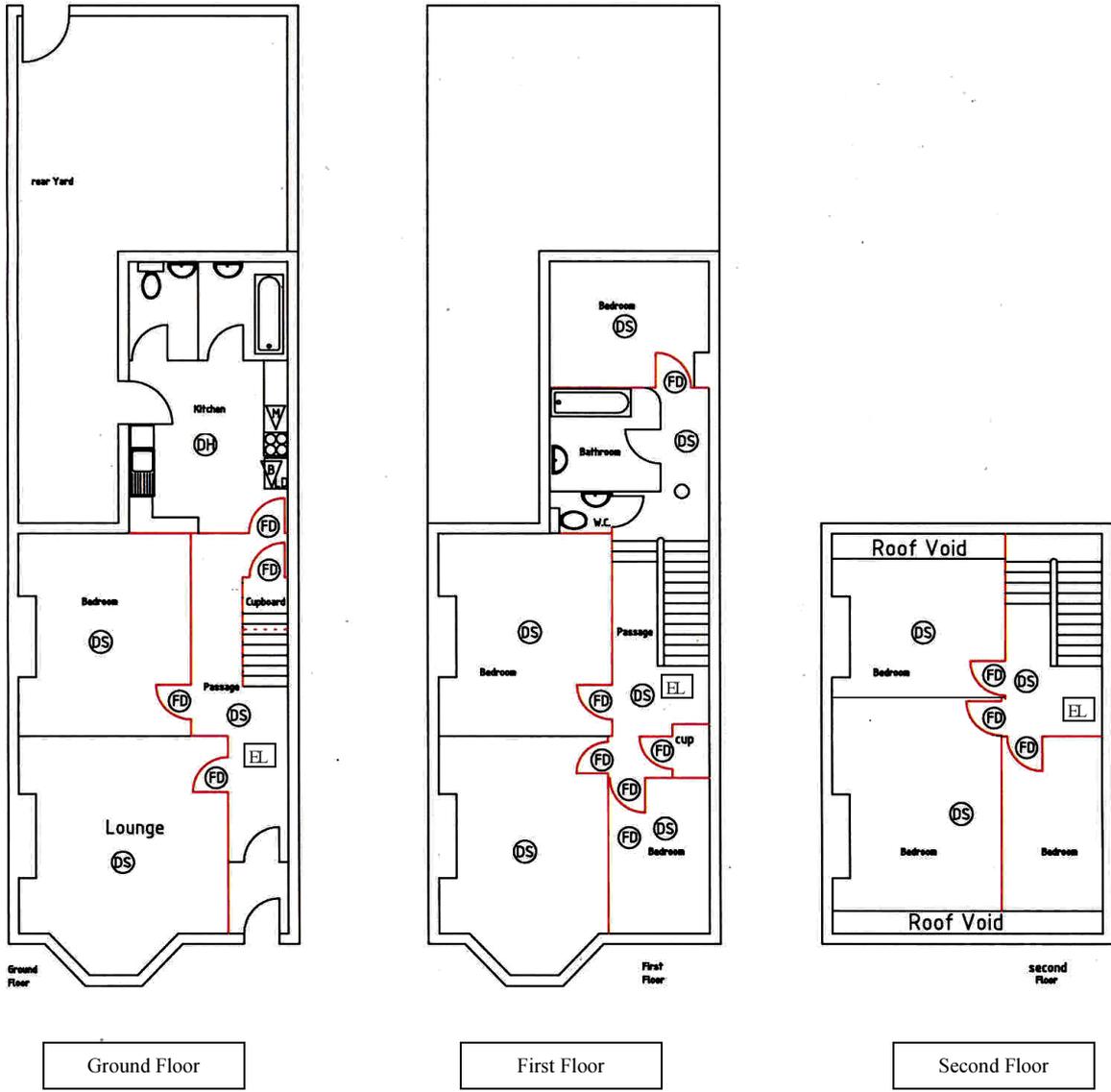
System Grade:

Grades B and C are included for completeness and to help general understanding

- A** A fire detection and alarm system which incorporates control and indicating equipment conforming to BS EN 54-2 and which is designed, installed and serviced in accordance with all the recommendations of BS 5839 pt 1 (with certain substituted clauses, see BS5839: pt 6: 2004).
- B** A fire detection and alarm system comprising fire detectors, fire alarm sounders, and control and indicating equipment which either conforms with BS EN 54-2 or BS5839-6: 2004 Annex C.
- C** A system of fire detectors and alarm sounders (which may be combined in one unit) connected to a common power supply, comprising the normal mains and a stand by supply, with an element of central control.
- D** A system of one or more mains-powered smoke alarms, each with an integral power supply (the system may include heat alarms).

Diagram 1

Example of Typical Layout of 3 Storey Houses in Multiple Occupation



DS = SMOKE DETECTOR DH = HEAT DETECTOR FD = FIRE DOOR EL = EMERGENCY LIGHTS

NOTE The drawing does not show fire separation between all occupancies

APPENDIX 5

Housing Act 2004 - Licensing of Houses in Multiple Occupation

Licence Reference Number; ^ND,REFVAL.LICASE;

Licence Conditions

Part A - General Conditions – applicable to all licensed Houses in Multiple Occupation (HMO's)

1. A copy of the licence shall be displayed within the common parts of the dwelling.
2. The licence holder must supply to the occupiers of the house a written statement of the terms on which they occupy it.
3. The licence holder shall submit a copy of the tenancy agreement to Durham County Council within 14 days of the property becoming occupied.
4. The dwelling shall be occupied by no more than xxxx persons.
5. The dwelling is categorised as a [shared house] [bedsit] HMO. Any change in the style or nature of occupation shall be notified to Durham County Council in writing, including a copy of any revised tenancy agreement.
6. The dwelling shall comply with the prescribed standards and management practices for deciding the suitability for occupation of a house in multiple occupation, as set down in Schedule 3 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 SI No. 373, and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) Regulations 2007 SI No. 1903.
7. The dwelling shall comply with the Durham County Council's adopted standards for [shared house] [bedsit] HMO's.
8. The licence holder must display, within the common parts of the house, his or her contact details together with those of any manager or agent appointed in connection with the running of the house. This must include their: -
 - Name
 - Address
 - Contact Telephone Number (and alternative contact number(s) if the licence holder and / or manager cannot be contacted within a 24 hour period by a tenant or relevant Durham County Council Officer).

9. The Licence holder shall provide a copy of the current gas safety certificate to Durham County Council within 14 days of its renewal. The certificate must be issued by a gas safe registered engineer confirming that all appliances, flues and installation pipe work provided for use by the tenants are in a safe condition.
10. The Licence holder shall provide a copy of a Periodic Inspection Report (PIR) for the electrical installation to Durham County Council, confirming that the installation is safe for use, as specified in BS7671: 2008. The electrical certificate must be issued by a 'competent person' and be valid for a period of not less than 5 years from the date of inspection. The following installations, where applicable, shall be inspected and tested:
 - General electrical installation
 - Fire alarm system
 - Smoke / heat detection system
 - Emergency lighting system

A 'competent person' means an approved electrical contractor who is a member of one of the following organisations, or registered with them as an authorised competent person: - NICEIC, BRE Certification Ltd, British Standard Institution, ELECSA Ltd, or NAPIT Certification Ltd. Similar schemes / organisations as approved by the Department of Communities and Local Government will also be acceptable. In exceptional circumstances, the Council may accept a PIR from an electrician who is not registered by one of the aforementioned organisations, upon consideration of the person's proof of qualifications.

11. The Licence holder shall provide a copy of the current annual Portable Electrical Appliances Test (PAT) Report for all such appliances provided by the landlord. The Report must be issued by a 'competent person' in accordance with the Institute of Electrical Engineers Code of Practice for In-Service Inspection of Testing of Electrical Equipment. A 'competent person' has the same meaning as that for clause 10.
12. The Licence holder must notify Durham County Council in writing prior to any transfer of ownership or management of the dwelling.
13. The Licence holder must seek and obtain written permission from Durham County Council before making any material changes to the layout, amenity provision, fire precautions or mode of occupation.
14. The Licence holder must notify the tenants and Durham County Council in writing immediately of any change of their circumstances in connection with the running of the dwelling. Such changes include home address and contact details or those of any manager or appointed agent.
15. The Licence holder shall ensure that at all times gardens, yards, and other areas within the curtilage of the dwelling are kept in a clean and tidy condition and free from infestations.
16. The Licence holder shall take all reasonable and practical steps to prevent, or where appropriate reduce, anti-social behaviour by persons

occupying or visiting the dwelling. If requested, written notification of any such steps shall be given to Durham County Council within 10 working days from the date of the request.

17. The Licence holder shall provide a written Fire Risk Assessment (FRA) for the dwelling in accordance with the requirements of the Regulatory Reform (Fire Safety) Order 2005. The FRA shall contain, as a minimum, such information and instructions so as to record:

- Any significant findings identified from carrying out the FRA
- Identification of any fire hazards, including details of sources of ignition and sources of fuel
- Persons at risk from any fire hazards
- Measures required to evaluate, remove, reduce and protect from risk
- Details of the person carrying out the FRA, the date the FRA was carried out and the date of the next review.

A copy of the FRA shall be displayed at the premises and a further copy provided to Durham County Council. This assessment must be reviewed at least annually and updated to reflect any changes that may occur.

18. The Licence holder shall ensure that appropriate fire precautions are provided within the dwelling in accordance with statutory and/or local guidance and maintained in proper working order. The licence holder shall, on demand, submit a written declaration to Durham County Council as to the condition and positioning of all equipment, within 10 working days from the date of the request.

19. The Licence holder shall ensure that appropriate instruction and or training is given to each tenant at the beginning of their occupancy, regarding all fire precautions and equipment provided in the dwelling. This must include, but not limited to, understanding the alarm systems, the importance of the fire doors, and protecting the escape route, keeping the escape route free of obstructions and the use of fire fighting equipment.

20. The Licence holder and or his/her manager must not unreasonably cause or permit the gas or electrical supply that is used by any occupier at the dwelling to be interrupted.

21. The Licence holder and or his/her manager must not unreasonably cause or permit the water supply or drainage system that is used by any occupier at the dwelling to be interrupted.

22. The Licence holder must ensure that suitable refuse / recycling receptacles are provided for the storage of household refuse within the accommodation, and also, that there are adequate receptacles for the storage of rubbish within the boundary of the dwelling. These receptacles must be made readily accessible to the refuse / recycling collection service on the day of collection and the empty containers returned within the boundary of the property as soon as practicable.

23. The Licence holder shall ensure that all 'relevant furniture' provided by the landlord meets the Furniture and Furnishings (Fire) (Safety)

Regulations 1988 and shall, on demand, submit a written declaration to Durham County Council as to the condition of all 'relevant furniture', within 10 working days from the date of the request.

'Relevant furniture' means most items of furniture provided by the landlord including sofas, beds, mattresses, pillows and cushions. It does not include carpets, curtains or duvets. The Regulations apply to all furnishings within lettings commencing after 1st January 1997, but do not apply to furniture made before 1950 or to re-upholstered furniture made before that date.

If confirmation cannot be ascertained that all relevant furniture meets the requirements of the Regulations, the Licence holder shall take all appropriate steps without delay to remove, or otherwise make safe, all non-compliant items.

24. The Licence holder shall ensure that deadlocks on final exit doors and any exit windows must be capable of being operated without the use of a key.

Advisory: Final exit door(s) should be fitted with a five lever mortise deadlock conforming to BS EN 12209 Security Grade 3 (minimum) and cylinder conforming to BS EN 0130 Security Grade 3 (minimum), allowing escape from the building without use of a key e.g. thumb turn release.

25. The Licence holder shall ensure compliance with any requirement set down within Part B – Specific Conditions - as they may relate to the dwelling to which this licence is for the time being in force.

26. The Licence holder must, if required by the Council, attend training or otherwise demonstrate competence in relation to any Code of Practice appropriate under section 233 of the Housing Act 2004.

27. The licence holder must be resident in the UK.

28. The licence holder must inform Durham County Council in writing within 14 days of any 'relevant criminal convictions', including impending cases and those subject to appeal proceedings.

'Relevant criminal conviction' means

- Any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003.
- Practising of unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business.
- A contravention of any provision of the law relating to housing, public health, environmental health, or of landlord and tenant law.

- Being refused a licence or had a licence revoked for any property in relation to HMO, additional or selective licensing under the Housing Act 2004.
- Being the owner or manager of any property that has been the subject of an interim or final management order or a special management order under the Housing Act 2004.
- Demonstrating any conduct or business practices which are considered by Durham County Council to indicate unsuitability to be a licence holder or manager of a licensed property.

Footnote to Conditions:

The above conditions do not over-ride other legislative responsibilities incumbent on persons in control of private rented properties. It follows that proceedings may be considered by a number of appropriate enforcing authorities for offences relating to housing conditions, tenancy conditions, fraud and other criminal matters.

Licence Reference Number; ^ND,REFVAL.LICASE;

Part B - Specific Conditions

As per officer instructions

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Equalities and Diversity Impact Assessment

Local Standards for Houses in Multiple Occupation within County Durham



Durham County Council – Altogether Better equality impact assessment form

NB: Equality impact assessment is a legal requirement for all strategies plans, functions, policies, procedures and services. We are also legally required to publish our assessments.

You can find help and prompts on completing the assessment in the guidance from page 7 onwards.

Section one: Description and initial screening

Section overview: this section provides an audit trail.	
Service/team or section: Environment Protection ,– Environment Health and Consumer Protection , Neighbourhood Services	
Lead Officer: Public Health & Housing Manager, Environmental Protection, Neighbourhood Services	Start date: 7 October 2010
Subject of the Impact Assessment: (please also include a brief description of the aims, outcomes, operational issues as appropriate) Local Standards within Houses in Multiple Occupation It is widely recognised that good quality homes are important pre-cursors to the good health and well-being of communities. The Council is committed to improving the health and well being of its communities, and recognises the need to tackle the worst housing conditions and to find ways to meet the demand for more - good standard - affordable homes. The Council has responsibility for all aspects of private sector housing enforcement through the application of the principal Housing Acts and related legislation. The enforcement work is carried out by a small team of specialist Environmental Health and Housing Practitioners who can offer advice, inspection and enforcement services mainly, but not exclusively, in relation to privately rented housing. These services include housing conditions, housing standards, houses in multiple occupation (HMOs), selective licensing, management, empty homes, landlord liaison and housing advice. In carrying out our Private Sector Housing regulatory activities the Council has adopted an enforcement strategy designed to ensure that our activities are even-handed, proportionate, consistent, transparent and open and are designed to recognise the requirements of the Regulators' Compliance Code of 2007. Our staff must have regard to the enforcement strategy which enables them to be helpful to local residents and landlords. There are no national standards for room sizes and provision of amenities within HMO's. Adoption of local standards will provide detailed information for all stakeholders on what is required of them to comply with the law and to ensure the accommodation is properly managed and safe, and that it provides well maintained and adequate facilities and sufficient living space for the occupiers.	
Who are the main stakeholders: General public / Employees / Elected Members / Partners/ Specific audiences/Other (please specify) – Private sector tenants	

Landlords
Managing Agents
Owner Occupiers
Residents Associations
Landlords Organisations
Elected Members and MP's
Central Government – principally Department for Communities and Local Government
HMO licence Holders
HMO Owners / Landlords / Agents
Durham Students Union
County Durham and Darlington Fire and Rescue Service
Internal Departments within Durham County Council

Is a copy of the subject attached? Yes / No

Initial screening

In simple terms the definition of house in multiple occupation is “a house which is occupied by three or more unrelated persons, who do not form a single household”. Not all HMO's require a licence. Mandatory licensing of certain high risk HMO's was introduced in April 2006 by provisions set down in the Housing Act 2004. The criteria for licensing the HMO requires that it is

- part of a building of 3 or more storeys and
- Occupied by 5 or more tenants and
- Who form 2 or more households

Where approved, licences are issued with any relevant conditions for a 5 year period. Additional licensing is an option available to local authorities to address issues arising from the management, condition and general environmental impact of HMO's within defined areas of the authority. Regardless of whether a particular HMO requires a licence, it is important to ensure that all HMO accommodation is maintained at or above the minimum national standards where appropriate. Enforcement is through the provisions of the Housing Act 2004, related Regulations, any prescribed National and Local Standards and the application of licence conditions. There may be occasions where use of the wider Environmental Health powers and legislation may complement or enhance the service to bring about improvements in housing standards and conditions.

Application of Local Standards

In applying the relevant local standards, several key principles underpin our approach:

Openness

- We will provide information and advice in plain language and, as far as possible avoid jargon.
- We will be open about how we do our work.

- We will always discuss relevant issues, specific deficiencies or problems, with anyone who is made subject to statutory enforcement action.
- We will seek to ensure that people understand what is expected of them as well as knowing what they can expect from us.

Helpfulness

- We will always aim to provide a courteous and efficient service. Officers who visit peoples’ homes will identify themselves by name and carry identification cards.
- We will always provide a contact point and telephone number for further dealings with our officers.

Proportionality

- Where we can, we will endeavour to minimise the cost of compliance with notices by ensuring the action we take is proportionate to the risk(s) identified.

Consistency and Fairness

- Officers will carry out their duties in a fair and consistent manner.
- We will ensure that our officers are properly trained and suitably qualified.
- Officers must exercise their judgment in individual cases, but consistency in approach will ensure that people are treated equitably.
- Unless immediate action is required, officers will be prepared to discuss the case and if possible agree a way forward that avoids the need for formal enforcement action.
- We will have due regard to the Human Rights Act 1998 in the discharge of our duties.

Prompts to help you:
 Who is affected by it? Who is intended to benefit and how? Could there be a different impact or outcome for some groups? Is it likely to affect relations between different communities or groups, for example if it is thought to favour one particular group or deny opportunities for others? Is there any specific targeted action to promote equality?

Is there an actual/potential negative or positive impact on specific groups within these headings?

Indicate :Y = Yes, N = No, ?=Unsure

Gender	Y	Disability	Y	Age	Y	Race/ethnicity	Y	Religion or belief	Y	Sexual orientation	Y
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How will this support our commitment to promote equality and meet our legal responsibilities?

Reminder of our legal duties:

- Eliminating unlawful discrimination & harassment
- Promoting equality of opportunity
- Promoting good relations between people from different groups
- Promoting positive attitudes towards disabled people and taking account of someone's disability, even where that involves treating them more favourably than other people
- Involving people, particularly disabled people, in public life and decision making

What evidence do you have to support your findings?

All Strands

Gender }
Disability } The application of the local standards are primarily based on the physical condition and management of HMO accommodation as against minimum legislative requirements.

The workload (response to customers) is dictated by applications from owners / agents of houses in multiple occupation that require a licence, planning applications for changes to existing or formation of HMO's or through incoming requests for service or assistance from relevant parties, eg tenants of the HMO.

Age }
Race/ethnicity }
Religion or belief }
Sexual orientation } Environmental Health Practitioners are trained in equalities and diversity issues. As most contact with the public is made by visiting the customer in their home there are no physical barriers to accessing the service.

Where required translation services can be engaged.

Decision: Proceed to full impact assessment – Yes/No Date: 9 February 2011

If you have answered 'No' you need to pass the completed form for approval & sign off.

Section two: Identifying impacts and evidence- Equality and Diversity

Section overview: this section identifies whether there are any impacts on equality/diversity/cohesion, what evidence is available to support the conclusion and what further action is needed.			
	Identify the impact : does this increase differences or does it aim to reduce gaps for particular groups?	Explain your conclusion, including relevant evidence and consultation you have considered.	What further action is required? (Include in Sect. 3 action plan)
Gender Age Disability Race/Ethnicity Religion or belief Sexual Orientation	Impact of consolidating and adopting the HMO standards will be neutral		

How will this promote positive relationships between different communities? N/A

Section three: Review and Conclusion

Summary: please provide a brief overview, including impact, changes, improvements and any gaps in evidence.			
Action to be taken	Officer responsible	Target Date	In which plan will this action appear
When will this assessment be reviewed?	Date: February 2014		
Are there any additional assessments that need to be undertaken in relation to this assessment?	No		
Lead officer - sign off:	Head of Environment, Health and Consumer Protection		Date: 14 February 2011
Service equality representative –	Policy Performance and Communications Manager		Date: 14 February 2011

Please ask us if you would like this document summarised in another language or format.

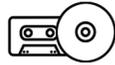
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polski (Polish) ਪੰਜਾਬੀ (Punjabi) Español (Spanish)
বাংলা (Bengali) हिन्दी (Hindi) Deutsch (German)
Français (French) Türkçe (Turkish) Melayu (Malay)

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County Council

23 March 2011



Members Allowances

Report of Head of Legal and Democratic Services

Purpose of the Report

1. The attached report sets out the Independent Remuneration Panel's recommendations in relation to basic and special responsibility allowances for 2010.

Background

2. The Acts and Regulations provide the statutory backdrop for the provision of allowances for Elected Members.
3. 2003 regulations require each authority to decide its scheme and the amount to be paid under the scheme. Councils are required to establish and maintain an Independent Remuneration Panel to provide advice on the scheme and the amounts to be paid amongst other things but local authorities must have regard to this advice.

The Remuneration Panel

4. Panel members are:

Lady Ann Calman
John Cuthbert
John Hitchman
Professor Ray Hudson
Gill Stephenson
Andrew Sugden
Kate Welsh

The Work of the Panel

5. The Panel in reaching its conclusions and recommendations researched the comparator allowances in a number of authorities.

Recommendations

6. The Panel recommends:
 - No change to current Member allowances.
 - No allowances for Cabinet Support Members.
 - No further Regulatory Committee allowances.

7. Members are asked to approved these allowances with effect from April 2010. The Panel will be requested to meet again in Spring 2011 in order to consider allowances from 2011. It is then hoped that in future years, this work will be carried out in advance of the financial year concerned.

Contact: Colette Longbottom

Tel: (0191) 383 5643

**Allowances for Members' of
Durham County Council**

Report of the Independent Remuneration Panel

Purpose of the Report

1. The purpose of the report is to confirm the outcome of the review of County Council allowances which took place from June to September of 2010.
2. The meetings in 2010 addressed the following issues:
 - Whether the allowances recommended by the Panel and agreed by the Members 2009 should be reviewed for 2010.
 - Whether there should be an allowance for Cabinet Support Members.
 - Whether there should be an allowance for Regulatory Committees.
 - Whether mileage allowances should be revisited.

Basic Allowances

3. The Panel was of the view that there should be no change in basic allowances. This recommendation was reached having considered the current economic climate, the comparator authorities and the pay freeze in the public sector at a time of widespread possible redundancies. The Panel was of the view that there was no evidence that Durham County Council was out of line with other authorities. This was evidenced by a significant base review carried out in the previous year.

Cabinet Support Members' Allowances

4. The Panel considered role descriptions that had been supplied and had formed the view that Support Members' Post was a development opportunity rather than a post with added stakeholder value and in the absence of a business case for extra allowances, the Panel did not think it was appropriate to recommend extra allowances in the current climate.

Planning and Licensing

5. The Panel considered the information on the number of active meetings for the area Licensing and Planning Committees and also information on activities and allowances from other authorities including unitary authorities such as Northumberland, Cornwall and Shropshire and also a

wide range of other authorities. The Panel concluded that they would not recommend a change in the allowances for Chair and Vice Chairs of Planning and recommended that the Council consider merging the Statutory and General Licensing Committee.

Mileage Allowances

6. The Panel decided that there should be no change in mileage Allowances having regard to the current economic climate and pressure on Council to make substantial savings.
7. The Panel therefore concluded that it does not recommend any revisions to the Members Allowance Scheme recommended after Local Government Reorganisation.
8. The Panel considered making recommendations in relation to Parish Councils but it was considered that a blanket recommendation could lead to a proliferation of allowances where they had previously been none. The Panel therefore decided to await the receipt of business cases from the parish councils before making any recommendations.

**Lady M Calman
John Cuthbert
John M Hitchman
Professor Ray Hudson
Gill Stephenson
Andrew Sugden
Kate Welch**

County Council

23 March 2011

Local Code of Corporate Governance



Report of Don McLure, Corporate Director Resources

Purpose of the Report

1. The purpose of this report is to recommend to Council the inclusion of the updated Code of Corporate Governance in the revised Council Constitution.

Background

2. The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in a way which functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
3. Good corporate governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality and inclusivity. Corporate governance is also the structure through which strategic objectives are set and performance monitored. Best practice principles in that regard flow from the three core components of the Turnbull report, namely the assessment of corporate risk; effective management systems and the enabling of the organisational culture.
4. In discharging this overall responsibility the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risks.
5. The Council has approved and adopted a code of corporate governance which is consistent with the principles of the CIPFA/SOLACE Framework – ‘Delivering Good Governance in Local Government’. This Code is a public statement that sets out the way the Council will meet its commitment to demonstrating that it has the necessary Corporate Governance arrangements in place to perform effectively. It represents a key component of the Council’s governance arrangements. The Code applies to all Council Members, Officers, Partners and stakeholders in their dealings with the Council. The current Code can be found in Part 5, Codes and Protocols, of the Council’s Constitution.
6. In line with agreed practice, the Code has been revised following the completion of our annual review of the effectiveness of the Council’s corporate governance arrangements. This revised version has been approved by the

Audit Committee, and now needs to be included in the revised Council. The revised Code is attached at Appendix 2 of this report.

Recommendations and reasons

7. The content of this report was discussed and agreed at a meeting of the Constitution Working Group on 9 March 2011 and Council are asked to approve the revised Code of Corporate Governance to replace the existing version in the constitution.

Contact: David Marshall Tel: 0191 3834311

Appendix 1: Implications

Finance - Financial planning and management is a key component of effective corporate governance.

Staffing - Ensuring the adequate capability of staff meets a core principle of the CIPFA/ SOLACE guidance.

Equality and Diversity - Engaging local communities including hard to reach groups meets a core principle of the CIPFA/ SOLACE guidance.

Accommodation - Asset management is a key component of effective corporate governance

Crime and Disorder – None.

Human Rights - None.

Consultation - Engaging local communities meets a core principle of the CIPFA/ SOLACE guidance.

Procurement – None.

Disability Discrimination Act – Ensuring access to services meets a core principle of the CIPFA/ SOLACE guidance.

Legal Implications – None.

DURHAM COUNTY COUNCIL

LOCAL CODE OF CORPORATE GOVERNANCE

INTRODUCTION

Corporate governance is a term used to describe how organisations direct and control what they do. As well as systems and processes this includes cultures and values. For local authorities this also includes how a council relates to the communities that it serves. Good corporate governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality and inclusivity. Corporate governance is also the structure through which strategic objectives are set and performance monitored. Best practice principles in that regard flow from the three core components of the Turnbull report, namely; the assessment of corporate risk; effective management systems and the enabling of the organisational culture.

Durham County Council is committed to demonstrating that it has the necessary corporate governance arrangements in place to perform effectively.

This Code is a public statement that sets out the way the Council will meet that commitment. As such it represents a key component of the Council's governance arrangements. The Code has been developed in accordance with and is consistent with the CiPFA / SOLACE Delivering Good Governance in Local Government Framework and is based upon the following 6 core principles:

- **Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area**
- **Members and officers working together to achieve a common purpose with clearly defined functions and roles**
- **Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**
- **Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**
- **Developing the capacity and capability of members and officers to be effective**
- **Engaging with local people and other stakeholders to ensure robust public accountability**

In the following tables, the Code details how the Council meets these core principles and the supporting principles that underpin them. To complement this, the Code also highlights the key documents and functions which contribute to the Council's good governance arrangements.

The mechanisms for monitoring and reviewing the Council's corporate governance arrangements are set out in the Code.

THE COUNCIL'S CORPORATE GOVERNANCE PRINCIPLES

1. Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

Supporting Principle	To achieve this:
1.1 Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users.	<p>The Sustainable Community Strategy 2010-2030 (SCS) produced by the Council in conjunction with its partners on the County Durham Partnership (CDP) demonstrates its shared long-term vision for the future of County Durham, namely 'Altogether Better Durham'.</p> <p>The Local Area Agreement 2008-2011 (LAA) between local partners and the Government, which ends on 31 March 2011, sets out for a three year period agreed targets for the 35 performance indicators which we believe are key to County Durham together with targets for 16 statutory education and early years indicators.</p>
1.2 Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning	<p>Timely, objective and understandable information about the Council's activities, achievements, performance and financial position is provided by annually publishing:</p>
1.3 Ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money	<ul style="list-style-type: none"> • The Council Plan, which contains the Council's corporate priorities and the key actions to take in support of delivering the longer term goals in the SCS and the Council's own improvement agenda; • Service Improvement Plans at a Service Grouping level which detail the planned actions to deliver the Council's vision; • Externally audited Annual Statement of Accounts; • Independently verified performance information. <p>The Council aims to deliver high quality services by:</p> <ul style="list-style-type: none"> • Developing effective relationships and partnerships with other public sector agencies and the private and voluntary sectors; • Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions;

Supporting Principle	To achieve this:
	<ul style="list-style-type: none"> • Ensuring procurement practices are effective and securing external funding where available; • Identifying performance improvements through the development and monitoring of Council and Service improvement plans, and continuous improvement through the Corporate Improvement Plan; • Linking other governance processes and procedures, such as the Asset Management Plan and Partnership Governance Framework, to the Council priorities. <p>The Council has appropriate performance frameworks for specific areas of service and for partnership arrangements:</p> <ul style="list-style-type: none"> • The Council Plan, the SCS, Area Action Partnerships, and the Medium Term Financial Plan (MTFP), contribute into the corporate performance management arrangements, and the Council has a framework of quarterly reporting to Cabinet and Overview and Scrutiny on corporate performance; • The Improvement and Planning Group (IPG) oversee Council performance management issues; • The Development Improvement Group oversee the performance management arrangements of the County Durham Partnership; • The performance and quality of service delivery of the Community and Voluntary sectors is measured against a standard Service Level Agreement that they all work to.

2. Members and officers working together to achieve a common purpose with clearly defined functions and roles

Supporting Principle	To achieve this:
2.1 Ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function	<p>The Council ensures that the necessary roles and responsibilities for the governance of the Council are identified and allocated so that it is clear who is accountable for decisions that are made. The Council does this by:</p> <ul style="list-style-type: none"> • Electing a Leader of the Council and nominating a Cabinet made up of Cabinet Members with defined executive responsibilities; • Clearly describing, in the Council's Constitution, the role of the Leader and Deputy Leader of the Council, Executive Members, Executive Support Members, the Chairman and Vice- Chairman of a Committee, Opposition Group Leader, Frontline Councillors, Corporate Parenting Panel Members, Non- Elected Members, the Chief Executive and other Statutory senior management appointments; • Detailing the collective role and management arrangements for the Corporate Management Team and Extended Management Team in the Corporate Management Framework; • Agreeing a scheme of delegated responsibilities to Directors; • Annually appointing Committees to discharge the Council's Regulatory and Scrutiny responsibilities; • Maintaining effective and comprehensive arrangements for the scrutiny of services and for holding the Cabinet to account; • The Chief Executive being responsible and accountable for all aspects of operational management (Head of Paid Service); • A nominated Senior Officer being responsible for the proper administration of its financial affairs (S151 Officer); • A nominated Senior Officer being responsible for actions taken in accordance with Statute and Regulation (Monitoring Officer); • Developing protocols that ensure effective communications between Members and Officers; • Developing a Councillor Compact outlining the mutual expectations of the Officers and Members; • The Leader of the Council regularly reviewing the Cabinet member portfolios.
2.2 Ensuring that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers are carried out to a high standard	
2.3 Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other	

Supporting Principle	To achieve this:
	<p>The Council enhances constructive working relationships between authority Members and Officers by:</p> <ul style="list-style-type: none"> • The Leader of the Council and Chief Executive meeting on a daily basis to discuss emerging issues, management and policy items; • Members and Officers working together on the workload of the Cabinet which is managed through a system of Cabinet pre-agenda meetings; • Corporate Directors holding regular briefing sessions with Cabinet Portfolio Members and support Members; • Clear principles of how media relations work with elected Members. <p>When working in partnership, the Council ensures that:</p> <ul style="list-style-type: none"> • Members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority; • There is clarity about the legal status of the partnership; • Representatives of the organisations both understand and make clear to all other parties the extent of their authority to bind their organisation to partner decisions; • Formal guidance is provided for Members when representing the Council on outside bodies and partnerships.

3. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

Supporting Principle	To achieve this:
<p>3.1 Ensuring authority members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance</p>	<p>The Council fosters a culture of behaviour based on shared values, high ethical principles and good conduct. The Council does this by establishing and keeping under review:</p> <ul style="list-style-type: none"> • The Council’s own values on Leadership as enshrined in the Council Plan and evidenced in Codes of Conduct that sets a standard for behaviour; • The Code of Conduct for Elected Members, Voting Co-opted Members and Independent Members of the Standards Committee; • The Code of Conduct for Employees; • The Code of Practice for Members and Officers dealing with planning matters; • The Statutory Declaration of Acceptance of Office, which all Members are required to sign. Similar arrangements exist for independent members of the Standards Committee and Voting Co-opted members of the Scrutiny Committee; • A Protocol governing Member/Officer relations; • Key protocols, such as the Contract Procedure Rules and the Financial Procedure Rules; • The roles of Members and Officers in decision-making; • Appropriate and timely advice and guidance to both Members and Officers; • Systems for reporting and dealing with any incidents of fraud and corruption; • A Register of Interests and declaration of Gifts and Hospitality accepted; • Equality and Diversity arrangements; • The Councillor Compact. <p>The Confidential Reporting Code (Whistle blowing policy) and the Council’s complaints procedures provide mechanisms for the public to raise concerns about potential breaches of conduct. They are accessible on the Council’s website, are communicated to all Officers and Members, and have been brought to the attention of School Governing Bodies. These procedures form part of the Council’s approach to counter-fraud and are linked to the Councils’ Counter Fraud and Corruption Strategy.</p>
<p>3.2 Ensuring that organizational values are put into practice and are effective</p>	

Supporting Principle	To achieve this:
	<p>The Council's Standards Committee has an independent Chair and has been given a deliberately broad remit, with responsibilities for:</p> <ul style="list-style-type: none"> • All complaints handling and oversight of other relevant codes and protocols; • The local assessment of Member conduct complaints in accordance with the Standards Committee (England) Regulations 2008; • Promoting and monitoring the application and delivery of these codes and protocols and promoting positive and trusting relationships within the Council; • Monitoring complaints handling by Services, including dip-sampling of completed investigations; • Reporting annually to the Council on its business which includes details of Member conduct complaints and Local Government Ombudsman investigations; • Communicating openly to a wider public through its Annual Report publicised as part of the Full Council papers; • Dealing with any breach of the Member Code under Standards Committee Procedures. <p>All Standards Board investigations into Member conduct are maintained and monitored by the Monitoring Officer and her staff.</p> <p>Quarterly statistics and annual returns containing information about the effectiveness of local standards arrangements are submitted online to the Standards Board for England by the Council's Monitoring Officer.</p> <p>The Council uses the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority.</p> <p>Any breach of the Employee Code of Conduct is investigated in accordance with the Council's disciplinary procedure.</p> <p>Under the Member Code of Conduct, Members (including Co-Opted Members with voting rights):</p> <ul style="list-style-type: none"> • are required to register details of their personal interests in the Authority's Register of Gifts,

Supporting Principle	To achieve this:
	<p data-bbox="707 256 1429 292">Interests and Hospitality, which is available on-line;</p> <ul data-bbox="658 296 2072 408" style="list-style-type: none"> <li data-bbox="658 296 2072 368">• who become aware of any changes to his/her interests to provide details of that change to the Monitoring Officer within 28 days; <li data-bbox="658 373 1850 408">• are required to review their declarations of standing interests on an annual basis. <p data-bbox="609 448 2072 555">Gifts and hospitality and conflicts of interest are registered as and when required throughout the year, and details are available online. Member declarations and registrations are maintained and monitored by the Monitoring Officer and her staff.</p> <p data-bbox="609 595 2072 702">The Monitoring Officer issues advice and guidance (usually on an annual basis) reminding Corporate Directors of their responsibilities under the Code of Conduct in relation to gifts and hospitality. Staff declarations are maintained and monitored by their Head of Service.</p> <p data-bbox="609 742 2072 815">The Council's partnership governance framework makes clear reference to Codes of Conduct applying to any partnership working.</p> <p data-bbox="609 855 2072 962">In pursuing the vision of a partnership, the Council agrees a set of behavioural values with our key partners, against which decision making actions can be judged. Such values are demonstrated by partners' behaviour both individually and collectively.</p>

4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

Supporting Principle	To achieve this:
4.1 Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny	<p>The Council is transparent about how decisions are taken and recorded. The Council does this by:</p> <ul style="list-style-type: none"> • Ensuring that all decisions are made in public and recording those decisions and relevant information and making them available publicly (except where that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council); • Rules and procedures which govern how decisions are made.
4.2 Having good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs	<p>The Council ensures that effective, transparent and accessible arrangements are in place for dealing with complaints.</p> <p>The Council ensures that appropriate legal, financial and other professional advice is always considered as part of the decision-making process and the Council will always observe both specific requirements of legislation and general responsibility by law.</p>
4.3 Ensuring that an effective risk management system is in place	
4.4 Using their legal powers to the full benefit of the citizens and communities in their area	<p>The Council actively recognises the limits of lawful activity placed on the authority by, for example, the ultra vires doctrine, but also strives to utilise its powers to the full benefit of the community.</p> <p>The Council recognises the limits of lawful action and observes both the specific requirements of legislation and the general responsibilities placed on the authority by public law.</p> <p>The Council observes all specific legislative requirements placed upon the authority, as well as the requirements of general law, in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into its procedures and decision making processes.</p> <p>Key CIPFA codes, such as the Code on a Prudential Framework for Local Authority Capital Finance, and the Treasury Management Code, are complied with.</p> <p>The Council operates a risk management approach that aids the achievement of its strategic</p>

Supporting Principle	To achieve this:
	<p>objectives, supports its decision making processes, protects the Council's reputation and other assets and is compliant with statutory and regulatory obligations. The Council annually reviews its risk management strategy and policy, which outlines the formal approach to identifying and managing risk.</p> <p>The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are effective, transparent and accountable to local people and is reviewed and amended on an annual basis as required.</p> <p>The Constitution is reviewed annually by the Constitution Working Group (CWG), which consists of the lead Members from each political party and is chaired by the Leader of the Council.</p> <p>The Officer Scheme of Delegation is reviewed annually in line with the review of the Council's Constitution.</p> <p>Information is provided for senior officers to understand what they can or cannot do under the Scheme of Delegation.</p> <p>The Council has appointed the Corporate Director of Resources as Chief Financial Officer (CFO) and Section 151 Officer. The CFO is involved in all Corporate Management Team discussions, and reviews all reports to Cabinet which have financial implications. The CFO also provides an opinion under section 25 of the Local Government Act 2003 on the reserves for the County Council, which Members consider when setting the budget.</p> <p>The Council ensures the services it delivers are effective and meet the community's needs by:</p> <ul style="list-style-type: none"> • Comprehensive consultation to develop the SCS and the accompanying three year action plan; • Delivering services to meet local needs through the SCS, and putting in place policies and processes to ensure that they operate effectively in practice; • Recording and reviewing the number and type of complaints, average time to respond and the number of satisfied customers who have used this process. These reports can be found on the

Supporting Principle	To achieve this:
	<p>Council's intranet and website;</p> <ul style="list-style-type: none"> • Comparing information about our services with services provided by similar organisations, assessing why levels of efficiency, effectiveness and quality are different elsewhere and considering other alternative means of service provision to maximise opportunities and improve value for money where appropriate; • Holding various public consultation events; • Multi-agency Area Action Partnerships (AAP) who are fully engaged with identifying and resolving local priorities, and utilise locality budgets allocated to each AAP to drive improvements to service quality. Progress on achieving these improvements is monitored by the AAP Boards; • Producing a Performance Statement quarterly that includes a summary of achievements and identifies areas with significant performance challenges where a more in depth analysis of performance and improvement work should be carried out; • Regularly presenting to Cabinet and Corporate Management Team reports on the budgetary control statement and quarterly outturn reports. <p>The Council has an Audit Committee with responsibility for monitoring and reviewing the risk, control and governance processes and associated assurance processes to ensure internal control systems are effective and that policies and practices are in compliance with statutory and other regulations and guidance.</p>

5. Developing the capacity and capability of members and officers to be effective

Supporting Principle	To achieve this:
5.1 Making sure that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles	<p>The Council ensures that those charged with the governance of the Council have the skills, knowledge and experience they need to perform well. The Council does this by:</p> <ul style="list-style-type: none"> • Operating robust recruitment and selection processes; • Implementing a Member Development Strategy; • Maintaining the Investor in People Standard; • Cascading regular information to Members and Staff; • Investing in Member and Officer Leadership Training; • Providing resources that support Member and Officer Development; • Promoting schemes and supporting ongoing professional development; • Personal Development Plans; • Providing training to help Members understand their role on committees; • Assessing personal development needs as part of the induction process for both Members and Officers. • A Member Training and Development Strategy and Member Learning and Development Programme; • Evaluating the effectiveness of Member development planning and evaluation via the Member Development Group which is chaired by a Member; • A training programme, “Building Resilient Organisations Programme”, for Corporate Management Team (CMT) and extended management team members; • Individual personal development of senior officers as part of the Council’s employee performance appraisal arrangements.
5.2 Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group	
5.3 Encouraging new talent for membership of the authority so that best use can be made of individuals’ skills and resources in balancing continuity and renewal	

6. Engaging with local people and other stakeholders to ensure robust public accountability

Supporting Principle	To achieve this:
6.1 Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	<p>The Council seeks and responds to the views of stakeholders and the community. The Council does this by:</p> <ul style="list-style-type: none"> • Forming and maintaining relationships with the leaders of other organisations; • Ensuring Partnership arrangements demonstrate clear, appropriate governance accountabilities; • Producing plans for service delivery within the community; • A County Durham Partnership Community Engagement and Empowerment framework developed by the CDP to shape and support a common vision and approach for community engagement by partners in County Durham, so that people feel able to influence decision making; • Using an approach that recognises that people are different and gives everyone the same or an equal opportunity to information, advice and support in ways that are suited to the needs or circumstances of the individual; • Encouraging a climate of openness by holding regular Cabinet meetings at various locations throughout County Durham including former district council offices; • Encouraging and supporting the public in submitting requests for aspects of the Council's Service to be scrutinised; • Providing and supporting ways for citizens to present community concerns to the Council; • Providing for the public the opportunity to ask questions or make representations at full Council, Cabinet and Regulatory Committees; • Publishing annually a Council Plan providing information in relation to the Council; • Continually developing clear channels of communication; • Providing a modernised ICT Service that meets the needs and aspirations of the organisation and the communities we serve; • Issuing the Council's newsletter, Durham County News, to every household in the County; • Developing AAPs in fourteen areas of the County to help determine the local priorities for their area which will be fed into the community planning process; • Consulting AAPs on the development of our MTFP to identify local priorities for action, test strategic priorities at a local level and seek innovative ideas from local people on how to realise
6.2 Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning	
6.3 Making best use of human resources by taking an active and planned approach to meet responsibility to staff	

Supporting Principle	To achieve this:
	<p>efficiencies by working more closely with our partners;</p> <ul style="list-style-type: none"> • Consulting with partners when developing the council's own three year MTFP, working with key agencies to develop complementary proposals and consulting on a joint basis with the Police and NHS County Durham; • Drawing upon the locality arrangements of other public service providers such as the Police and PCT through its partnership arrangements; • The Community Development Team promoting and supporting the Council's approach to community engagement and ensuring Members are effectively supported in their community leadership role; • Providing Member support both at County Hall and offices across the County; • Community Development Officers working closely with the Council and communities in building partnerships that strengthen the voice of local people and help the Council improve the way it listens and responds to the people of County Durham; • Undertaking a Countywide Residents Survey on a regular basis; • Consulting effectively with children and young people, service users and carers and key client groups to help plan and be involved in the design, delivery and evaluation of local services; • Staff surveys and consultations with staff and Trade Unions. <p>The Council has developed a partnership governance framework (PGF) to enable partnerships to be identified, recorded and reported upon corporately and to provide a mechanism for their effectiveness to be assessed.</p> <p>To strengthen community governance, the AAP boards comprise seven Members of the public selected through open recruitment; seven Members chosen from partner agencies working in the area and seven selected from local elected Members - including town and parish councillors - on a politically balanced basis for that area. They have a rotating chair, so that they are not indefinitely controlled by the Unitary administration.</p> <p>The Durham Local Councils Charter outlines the relationship between the County Council and Town and Parish Councils.</p>

MONITORING AND REVIEW

13. The Council has two Committees that are responsible for monitoring and reviewing the various aspects of the Council's Corporate Governance arrangements.
14. The Audit Committee is responsible for the Council's arrangements relating to;
 - Monitoring and reviewing the risk, control and governance processes and associated assurance processes to ensure internal control systems are effective and that policies and practices are in compliance with statutory and other regulations and guidance;
 - Reviewing the Council's Accounts prior to approval by the County Council;
 - External audit;
 - Internal audit;
 - Risk Management;
 - Making recommendations concerning relevant governance aspects of the Constitution;
 - Reviewing the effectiveness of Internal Audit.
15. The Standards Committee has responsibility for promoting high ethical standards across the Council, overview of the Member and Officer codes and other relevant protocols together with the Council's complaints handling regime.
16. These two Committees will ensure that the Council's governance arrangements are kept under continual review through;
 - Reports prepared by officers with responsibility for aspects of this Code;
 - The work of Internal Audit;
 - External Audit opinion;
 - Other review agencies and Inspectorates;
 - Opinion from the Council's Statutory Officers.

Within Durham County Council there is one Overview and Scrutiny Management Board and six Overview and Scrutiny Committees who support the work of the Executive and the Council as a whole. They allow a greater involvement in Council business by involving non-councillors from the wider public sector, and voluntary and community groups to help them in their work, and also work with Partners, including the County Durham Partnership. They may also be consulted by the Executive or the Council on forthcoming decisions or the development of policy.

The main Overview and Scrutiny Management Board has the following remit:

- To oversee and co-ordinate the work of Overview and Scrutiny and its Committees;
- To ensure effective liaison across the work of the committees re: cross cutting issues;
- To be the strategic driver of the Overview and Scrutiny function;
- To consider as appropriate scrutiny member involvement in regional scrutiny;

- Arrangements within the context of the Sub National Review/Single Integrated Regional Strategy and associated issues;
- The establishment of appropriate liaison with the Executive in the interests of achieving common aims and continuous improvement for the Council;
- To encourage appropriate community involvement in the Overview and Scrutiny role.

In general, the Overview and Scrutiny Management Board and its Committees will:

- Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- Make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- Consider any matter affecting the area or its inhabitants;
- Exercise the right to ask the Cabinet to reconsider any decisions they have made (call-in).

The Annual Governance Statement

17. Each year the Council will publish a Governance Statement. This process is managed by the Improvement and Planning Group and will provide an overall assessment of the Council's corporate governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks, together with proposed improvements that will be made. The Statement will also provide details of where improvements need to be made in accordance with the Accounts and Audit (Amendment) (England) Regulations 2006.
18. The Annual Governance Statement will be published as part of the Council's Annual Statement of Accounts and will be audited by our External Auditors.

CORPORATE GOVERNANCE FRAMEWORK

Corporate Governance comprises the systems and processes, cultures and values, by which the Council is directed and controlled and through which we account to, engage with and where appropriate, lead the community

1. Focus on purpose of the authority, vision for local area and outcomes for the community	2. Members and officers working together to achieve a common purpose	3. Promoting values and upholding high standards of conduct and behaviour
4. Taking informed and transparent decisions, scrutinised and risk managed	5. Developing capacity of Members and Officers to be effective	6. Engaging with local people to ensure public accountability



Key Documents which support the achievement of the core principles

<ul style="list-style-type: none"> • Annual Governance Statement • Annual Statement of Accounts • Anti-Fraud and Corruption Policy • Anti Money Laundering Policy • Asset Management Plan • Asset Register • Cabinet and Committee Reports • Benefits Fraud Policy and Booklets • Benefits Sanctions Policy • Budgetary Control Statement • Business Contingency Plans • Buzz Magazine (employee) • Code of Conduct - Members • Code of Conduct – Employees • Code of Conduct – Benefit Officers • Complaints Policy and Procedures • Council Consultation and Engagement Strategy • Confidential Reporting Policy and Procedures • Constitution • Contract Procedure Rules • Contracts Register • Corporate Improvement Programme • Corporate Management Framework • Councillor Compact • Council Plan • County Durham Compact • County Durham Trade Union Partnership Agreement • Countywide Resident Survey • Data Quality Policy • Disciplinary Policy and toolkit • Durham County News (countywide magazine) • Employee Appraisal Records • External Audit Reports • Financial Procedures • Forward Plan of Decisions • Freedom of Information Policy and Procedures 	<ul style="list-style-type: none"> • Health and Safety Policy, Procedures and Handbook • Induction Pack • Information Security Policy and Manual • Inspection Reports • Internal Audit Plan • Internal Audit Reports • Job Description • Key Performance Indicators • Local Code of Corporate Governance • Local Member Consultative charter • Media Relations Strategy/Protocol • Medium Term Financial Plan • Members Allowance Scheme and Procedures • Member Handbook • Member Personal Development Plans • Minutes of meetings • Officer & Member Declaration of Interest Register and Policies • Officer and Member Gifts & Hospitality Register and Procedures • Officer Subsistence and Travel Procedures • Partnership Governance Framework • Partnership Register • Performance Management Reports • Procurement Strategy • Records Management Policy • Risk Management Strategy and Policy • Strategic Risk Registers • Scheme of Delegation • Service Improvement Plans • Sustainable Community Strategy • Town and Parish Council Charter • Treasury Management Strategy
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Contributory Processes/Regulatory Monitoring

<ul style="list-style-type: none"> • Access to Information • Budget Process • Communication Framework • Consultation Framework • Democratic Engagement • Member Briefings • Internal Audit • External Audit • Improvement and Planning Group • Development Improvement Group • Cabinet • Corporate Management Team • Service Management Teams • Audit Committee • Overview and Scrutiny Committee • External Inspection and Review Agencies • Partnerships • Constitution Working Group • Monitoring Officer • Planning and Performance Group • Standards Committee • Strategic Procurement Network • Corporate Risk Management Group • Information Governance Group • Equality and Diversity Steering Group • Corporate Consultation Group

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County Council

23 March 2011

**Review of Scheme of Delegation
Relating to Housing Matters**



Report of Head of Legal and Democratic Services

Purpose of Report

- 1 To propose amendments to the scheme of delegation to officers with a view to providing a clear and transparent set of delegations which can be relied upon in the context of a much more proactive enforcement approach.

Background

- 2 The current Constitution has a set of general delegations to the Corporate Director of Regeneration and Economic Development and the Head of Housing. The current delegations lack the degree of detail the functions of other services enjoy. The attached draft amendments will provide a framework for the exercise of delegated decisions under the housing function in a similar style to the other services in Regeneration and Neighbourhoods.

Recommendation

- 3 The content of this report was discussed and agreed at a meeting of the Constitution Working Group on 9 March 2011 and Council are asked to agree the attached set of delegations be adopted in substitution for paragraphs 22 of Table 5.

Contact: David Taylor Tel: (0191) 383 3509

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**Proposed Amendments to the Delegations of the
Corporate Director of Regeneration and Economic Development**

22. To exercise the Council's function in relation to housing including:-

- (a) determining the conditions to be included in tenancy agreements;
- (b) making any decisions necessary to comply with the Council's obligations to secure tenants in compliance with the legislation referred to in the Appendix to Table 5;
- (c) the determination of any applications for grant assistance pursuant to the legislation listed in the Appendix at Table 5;
- (d) the allocation of tenancies in accordance with policies approved by the Council;
- (e) to determine all requests for consents required by the terms of tenancy agreements;
- (f) to authorise action to enforce a breach of condition in tenancy agreements, including in consultation with the Head of Legal and Democratic Services where necessary, the institution of legal proceedings;
- (g) the exercise of the Council's enforcement powers under the legislation listed in the Appendix to Table 5 in relation to private sector housing;
- (h) to authorise the implementation of any action necessary to recover monies due to the Council as a result of its exercise of the powers contained in legislation listed in the Appendix at Table 5;
- (i) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness in the legislation described in the Appendix at Table 5;
- (j) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.
- (k) To amend agreements entered with Arms length Management organisations;
- (l) To respond on the Council's behalf to requests for consent to alterations to the Articles of Association of Large Scale Voluntary Transfer companies.

Statutes to be Added to Table 5

Town Police Clauses Act 1847
Inclosure Act 1857
Commons Act 1876
Public Health Act 1936
Prevention of Damage by Pests Act 1949
Commons Registration Act 1965
Local Government Act 1972

Local Government (Miscellaneous Provisions) Act 1976
Protection from Eviction Act 1977
Highways Act 1980
Wildlife and Countryside Act 1981
Acquisition of Land Act 1981
Local Government (Miscellaneous Provisions) Act 1982
Building Act 1984
Road Traffic Regulation Act 1984
Housing Act 1985
Landlord and Tenant Act 1985
Railway Clauses Consolidation Act 1985
Transport Act 1985
Housing Act 1988
Local Government and Housing Act 1989
Electricity at Work Act 1989
Environmental Protection Act 1990
Town and Country Planning Act 1990
New Roads and Street Works Act 1991
Rights of Way Act 1991
Leasehold Reform Housing and Urban Development Act 1993
Housing Act 1996
Housing Grants Construction and Regeneration Act 1996
Home Energy Conservation Act 1997
Gas Safety(Installation and use) Regulations 1998
Countryside and Rights of Way Act 2000
Transport Act 2000
Homelessness Act 2002
Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Local Government Act 2003
Warm Homes and Energy Conservation Act 2003
Housing Act 2004
Commons Act 2006
Housing and Regeneration Act 2008
Local Transport Act 2008
Local Democracy, Economic Development and Construction Act 2009

County Council

23 March 2011



Contract Procedure Rules Annual Review

Don McLure, Corporate Director of Resources

Councillor Alan Napier, Deputy Leader

Purpose of the Report

1. The purpose of this report is to advise members of proposed changes to Contract Procedure Rules following the annual review.

Background

2. Contract Procedure Rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good procurement practice and public accountability, and to deter corruption. Compliance with the rules is the best defence against potential allegations that a contract has been let, or a purchase made, incorrectly or fraudulently.
3. Contract Procedure Rules are the link between the Corporate Strategy for Commissioning and Procurement and the Procurement Code of Practice. They are instrumental in ensuring a standardised approach to Commissioning and Procurement across the Council.
4. Contract Procedure Rules are also a key element of the Council's corporate governance arrangements and it is important that these are reviewed and updated annually as part of the review of the Constitution.
5. The proposed changes have been presented to Constitution Working Group and Audit Committee, where they were approved for presentation to full Council.
6. A copy of the report made to the Constitution Working Group outlining the proposed changes to the Contract Procedure Rules is attached at Appendix 2.

Recommendations and reasons

7. Members are asked to consider the proposed changes to Contract Procedure Rules, as set out in Appendix 3, and approve these for inclusion as part of the revision to the Constitution.

Contact: Darren R Knowd Tel: 0191 383 4187

Appendix 1: Implications

Finance – The Contract Procedure Rules complement the Financial Procedure Rules and help to ensure that third-party spend is procured appropriately.

Staffing - None

Risk – Updating the Contract Procedure Rules mitigates risk by ensuring that the latest procurement legislation and guidance is being followed.

Equality and Diversity – Corporate Procurement are engaging with the Equality & Diversity team to ensure our procurement procedures are in line with the requirements of the Equality Act 2010 which come into force in April 2011. However none of the proposed changes in this year's Contract Procedure Rules have any direct equalities implications.

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation – Consultation has been conducted via the Strategic Procurement Network as described in the report.

Procurement – The Contract Procedure Rules support an effective procurement process across the Council.

Disability Discrimination Act - None

Legal Implications – Legal and Democratic Services have been fully consulted, and have approved the proposed changes to the Contract Procedure Rules.

Constitution Working Group

9 March 2011



Contract Procedure Rules - Annual Review

Don McLure, Corporate Director Resources

Purpose of the Report

- 1 The purpose of this report is to approve the proposed amendments to the County Council's Contract Procedure Rules which will be incorporated within the Council's updated Constitution.

Background

- 2 Contract Procedure Rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good procurement practice and public accountability, and to deter corruption. Compliance with the rules is the best defence against potential allegations that a contract has been let, or a purchase made, incorrectly or fraudulently.
- 3 Contract Procedure Rules are the link between the Corporate Strategy for Commissioning and Procurement and the Procurement Code of Practice. They are instrumental in ensuring a standardised approach to Commissioning and Procurement across the Council.
- 4 The Contract Procedure Rules are reviewed and updated annually as part of the review of the Constitution.

Consultation

- 5 To inform this year's review, feedback has been sought from the Council's Strategic Procurement Network (SPN), members of which raised a number of suggestions. Variations to the Contract Procedure Rules were studied to highlight areas where additions or amendments may be required.
- 6 Corporate Procurement reported to the SPN on 2nd February 2010 which endorsed the proposed changes. An update was also given to Resources Management Team on 1st February.
- 7 Following consultation with the SPN, the proposed changes were reviewed by Legal & Democratic Services, and have been approved as consistent with current procurement law and practice.
- 8 Details of the proposed changes to the Contract Procedure Rules are highlighted in Appendix 2.

Recommendations

- 9 It is recommended that Constitutional Working Group approve the changes made to the Contract Procedure Rules and incorporate these in the 2011 Constitution.

Contact: Darren R. Knowd Tel: 0191 383 4187

Appendix 1: Implications

Finance – The Contract Procedure Rules complement the Financial Procedure Rules and help to ensure that third-party spend is procured appropriately.

Staffing - None

Risk – Updating the Contract Procedure Rules mitigates risk by ensuring that the latest procurement legislation and guidance is being followed.

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Human Rights - None

Consultation – Consultation has been conducted via the Strategic Procurement Network as described in the report.

Procurement – The Contract Procedure Rules support an effective procurement process across the Council.

Disability Discrimination Act - None

Legal Implications – Legal and Democratic Services have been fully consulted, and have approved the proposed changes to the Contract Procedure Rules.

Appendix 2: Summary of Changes

1. BASIC PRINCIPLES

Brief mentions of EU treaty principles and the Medium Term Financial Plan have been added.

2. OFFICER RESPONSIBILITIES

Changes have been made to the rules in 2.1.2 instructing the Procurement Officer to check existing contracts before proceeding. These changes are intended to ensure there is no duplication of effort and avoid the commencement of a procurement process where existing arrangements can meet the requirement already.

Additional wording has been added to 2.1.3 to reflect the disciplinary role of Heads of Service.

The requirement for Chief Officers to keep a register of exemptions has been deleted. These records are kept centrally by Corporate Procurement and it is not necessary to insist on Chief Officers keeping a duplicate record.

The reference to stakeholder / member engagement under the duties of Chief Officers has been removed as this issue lies outside the remit of the Rules.

3. VARIATIONS AND EXEMPTIONS

Changes have been made to the wording of clause 3.2 (a) to remove confusion over patented products. This clause can now apply to non-patented products which are nonetheless of unique character.

Changes have been made to the wording of clause 3.2 (e) to allow the extension of a contract where the usual extension clause in our standard Terms and Conditions cannot for whatever reason be enacted.

Changes have been made to the wording of clause 3.2 (h) to allow for a wider range of arts and culture-related procurements to be covered.

An additional clause, 3.2 (j) has been added to cover situations which occasionally arise where specific EU or UK legislation prevents the normal rules being followed in particular cases.

A new requirement has been inserted for any Variations being sought by Corporate Procurement to be reviewed by Internal Audit. This is to ensure the robustness of the procedure as Corporate Procurement is otherwise being left to scrutinise itself with no other checks or balances in place.

4. RELEVANT CONTRACTS

A mention of grants has been added – these are outside the CPRs, but it was felt they should be mentioned.

5. STEPS PRIOR TO PURCHASE

This has been removed as it says nothing of note.

6. RISK ASSESSMENT

This section has been moved from Section 21 of the document to reflect the fact that a risk assessment should take place before issuing an ITT or RFQ.

This section has been completely re-worded to reflect the fact that a new risk assessment process for commissioning and procurement has been developed.

7. ADVERTISING

This section has been considerably reduced in length following legal advice. Legal and Democratic Services had concerns that the existing wording was ambiguous and could lead to difficulties. On their advice this has been reduced to a simple Rule requiring the Procurement Officer to comply with the minimum advertising requirements.

8. APPROVED LISTS AND FRAMEWORK AGREEMENTS

The section on Approved Lists has been considerably reduced in length following consultation with Legal and Democratic Services. We will be seeking further legal advice on the use of approved lists – once this is obtained, clear guidance will be placed in the Procurement Code of Practice.

The section on Framework Agreements has been reworded to improve clarity and make the process more robust, following advice from Legal and Democratic Services.

10. PRE-TENDER MARKET TESTING AND CONSULTATION

Now refers to “Market Testing” not “Market Research” to bring our wording in line with current terminology used across the public sector.

11. EVALUATION CRITERIA AND STANDARDS

This section has been re-worded and expanded slightly for clarity and to reflect the guidance contained in the Public Contract Regulations 2006 regarding the assessment of the economic advantage of a bid.

12. INVITATION TO TENDER / REQUEST FOR QUOTATION

This section has been significantly updated. The key change is that the Rules now mandate the electronic issuing of Requests for Quotations (RFQs). Previously we have advertised all tenders electronically, but for lower-value RFQs, the electronic method was only preferred, not mandatory. The updated rules make this mandatory.

14. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS

This section has been reworded and re-ordered. Significant rewording to 14.2 (Quotations) is necessary to reflect the fact that quotations must now be obtained electronically, as noted in Rule 12 (above).

15. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION

The Clarifications section has been slightly expanded to draw on guidance from the Office of Government Commerce. A separate section on Post-Tender Negotiation has been added as it was felt this was lacking.

16. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS

This section has been re-ordered to include separate rules on Evaluation and Debriefing, which were previously dealt with in one paragraph. Some additional wording has been added for clarity, and a specific rule requiring that evaluation criteria are applied as detailed in the procurement documents has been added as this is a legal requirement.

17. CONTRACT DOCUMENTS

This section has been extended to distinguish between deeds and agreements. An additional sub-clause has been added to 17.2.1 to allow for low-value contracts to be awarded by the issuing of an award letter and purchase order. This is already standard practice for small RFQs, but is not reflected in the existing rules.

18. BONDS AND PARENT COMPANY GUARANTEES

This section is to be deleted in its entirety, on the advice of Legal and Democratic Services.

20. CONTRACT MANAGEMENT / MONITORING

Section 22 has been merged with this section.

21. RISK ASSESSMENT

This has been moved to Section 6 and re-worded significantly - see Section 6 (above) for details.

22. CONTRACT MONITORING, EVALUATION AND REVIEW

This section has been deleted and the content merged into Section 20.

22. REVIEW AND AMENDMENT OF CPRs

This section has been moved to become the final section as it appears to fit better in that position.

There has also been considerable re-wording throughout the document, other than that mentioned above, for purposes of clarity. These changes have not been specifically highlighted above where they do not affect the meaning or purpose of the rules.

Contract Procedure Rules

1. BASIC PRINCIPLES

1.1 All procurement procedures must:

- realise value for money by achieving the optimum combination of whole life costs, and quality of outcome,
- be consistent with the highest standards of integrity,
- operate in a transparent manner,
- ensure fairness in allocating public contracts,
- comply with all legal requirements including European Union (EU) treaty principles,
- support all relevant Council priorities and policies, including the Medium Term Financial Plan, and:
- comply with the Council's Corporate Strategy for Commissioning and Procurement, and the Sustainable Commissioning and Procurement Policy, and Procurement Code of Practice.

NB These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise.

2. OFFICER RESPONSIBILITIES

2.1 Officers

2.1.1 Officers will comply with these Contract Procedure Rules (CPRs), the Council's Constitution and with all UK and EU legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

2.1.2 Officers will:

- have regard to the guidance in the Procurement Code of Practice (PCoP),
- keep the records required by Rule 5 of these CPRs,
- take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs,
- prior to letting a contract on behalf of the Council, check whether:

Appendix 3

- the Council already has an appropriate contract in place in the Corporate Contracts Register, or:
- an appropriate national, regional or other collaborative contract is already in place.

Where the Council already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with Corporate Procurement.

Where an appropriate national, regional or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

- ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

2.1.3 Failure to comply with any of the provisions of these CPRs the Council's Constitution or UK or EU legal requirements may be brought to the attention of the Monitoring Officer, Head of Internal Audit, or relevant Corporate Director as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

2.2 Chief Officers

2.2.1 Chief Officers will:

- ensure their Service Grouping complies fully with the requirements of these CPRs,
- ensure contracts are recorded in the Corporate Contracts Register as held and maintained by Corporate Procurement,
- ensure that their Service Grouping provides the requisite information to allow the Council to maintain the Procurement Work Programme.

3. VARIATIONS AND EXEMPTIONS

3.1 Except where the Public Contracts Regulations 2006 apply, the Executive has the power to waive any requirements within these CPRs for specific projects.

3.2 Additionally, these Rules may be waived or varied where the circumstances are certified by the Corporate Director, Resources (advised as appropriate by the Corporate Procurement Manager) as meeting any of the following criteria:

Appendix 3

- (a) for works, supplies or services which are either patented or of such special character that it is not possible to obtain competitive prices;
 - (b) for supplies purchased or sold in a public market or auction;
 - (c) for the execution of works or services or the purchase of supplies involving specialist or unique knowledge or skills;
 - (d) with an organisation which has won a contract for an earlier phase of work via a competitive process and where the work forms part of a serial programme and has previously been identified as such;
 - (e) with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Council to unacceptable risk;
 - (f) for works, supplies or services which are only available from one organisation;
 - (g) involving such urgency that it is not possible to comply with the CPRs;
 - (h) for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement;
 - (i) in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this; or
 - (j) where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.
- 3.3 The appropriate Officer will complete and submit a Variation form, as contained within the PCoP, for approval by the Corporate Director, Resources.
- 3.4 Every Variation form will be recorded on a master register to be maintained by Corporate Procurement.
- 3.5 Where a Variation is being applied for by Corporate Procurement, it must also be scrutinised by Internal Audit, to ensure the robustness of the procedure.
- 3.6 These CPRs do not apply to contracts:
- for the execution of mandatory works by statutory undertakers;
 - with Ofsted for the inspection of a school;
 - which have been procured on the Council's behalf:

Appendix 3

- through collaboration with other local authorities or other public bodies, where a competitive process which complies with the CPRs of the leading organisation has been carried out;
 - by a National or Regional contracting authority where the process followed is in line with the Public Contracts Regulations 2006 (e.g. the North Eastern Purchasing Organisation, Yorkshire Purchasing Organisation or Buying Solutions); or:
 - under the terms of a Strategic Partnership arrangement approved by the Executive.
- to cover urgent special educational needs, urgent social care contracts or urgent operational needs, if in the opinion of the relevant Corporate Director it is considered to be in the Council's interests or necessary to meet the authority's obligations under relevant legislation. Use of this exemption by the relevant Corporate Director must be followed up with a written report under Rule 3.2 using the Variation form, setting out the reason for such urgency, how it complies with relevant legislation and represents value for money.
- 3.7 The use of e-procurement does not negate the requirement to comply with all elements of these CPRs. The circumstances under which an exemption to the use of e-procurement can be requested are detailed in Rule 11.

4. RELEVANT CONTRACTS

- 4.1 All Relevant Contracts must comply with these CPRs. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works, supplies or services. These include arrangements for:
- the supply or disposal of goods,
 - the hire, rental or lease of goods or equipment,
 - the delivery of services, including (but not limited to) those related to:
 - the recruitment of staff
 - land and property transactions
 - financial and consultancy services.
- 4.2 Relevant Contracts do not include:
- contracts of employment which make an individual a direct employee of the authority,
 - agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply), or:
 - the payment of grants to third parties.

NB While grants are not covered by these CPRs, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat a procurement as a grant in order to avoid conducting a competitive process. Officers should follow any guidance contained in the PCoP.

5. RECORDS

5.1 The Public Contracts Regulations 2006 require contracting authorities to maintain the following comprehensive records of procurement activities:

- contract details including value
- selection decision
- justification for use of the selected procedure
- names of bidding organisations, both successful and unsuccessful
- reasons for selection
- reasons for abandoning a procedure

The outcome of any competitive procurement process must be recorded in a Procurement Acceptance Report and submitted to Corporate Procurement. Corporate Procurement will maintain a register of all Procurement Acceptance Reports. Information from Procurement Acceptance Reports will also be used for the tracking of procurement savings, sustainability benefits, and other data.

Additional records management advice is contained in the PCoP.

6. RISK ASSESSMENT

6.1 All procurements via Invitation to Tender, and Requests for Quotation where appropriate, must be supported by a risk assessment. This risk assessment must be carried out at the start of the procurement process.

6.2 The risk assessment process will identify where further specialist advice should be sought.

6.3 Full details of the process to be followed, including the approved risk log and matrix, are available in the PCoP.

7. ADVERTISING

The Procurement Officer will ensure that the minimum advertising requirements, in line with EU treaty principles and as outlined in the PCoP, are met.

8. APPROVED LISTS AND FRAMEWORK AGREEMENTS

8.1 Approved Lists

Appendix 3

8.1.1 Approved lists must not be used where they are prohibited under the Public Contracts Regulations 2006.

8.1.2 Approved lists should only be used in accordance with the guidance contained in the PCoP.

8.2 Framework Agreements

8.2.1 Framework Agreements are agreements between the Council and one, or three or more suppliers for the provision of goods, works or services on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contract period.

8.2.2 The term of a Framework Agreement must not exceed four years and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three in number.

8.2.3 Where Frameworks are awarded to several organisations, contracts based on Framework Agreements may be awarded in one of two ways, as follows:

- where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition, or
- where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure:
 - inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids electronically via the Further Competition step on the e-tendering system, with an appropriate time limit for responses, taking into account factors such as the complexity of the subject of the contract,
 - awarding each contract to the bidding organisation who has submitted the best bid on the basis of the relevant Award Criteria set out in the Framework Agreement.

9. COMPETITION REQUIREMENTS / ASSETS FOR DISPOSAL

9.1 Competition Requirements

9.1.1 The Procurement Officer must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded.

9.1.2 Based on this value, quotations or tenders must then be invited in line with the financial thresholds detailed in the PCoP.

9.1.3 Where the Public Contracts Regulations 2006 apply, the Procurement Officer shall consult Corporate Procurement to determine the procedure for conducting the procurement exercise.

9.2 Assets for Disposal

9.2.1 Assets for disposal must be dealt with in accordance with the Council's Financial Procedure Rules.

10. PRE-TENDER MARKET TESTING AND CONSULTATION

10.1 The Council may consult potential suppliers, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation,

10.2 When engaging with potential suppliers, the Council must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, and where this may prejudice the equal treatment of all potential bidding organisations or distort competition,

10.3 In undertaking any market testing activities, the Officer responsible should refer to any guidance contained in the PCoP.

11. EVALUATION CRITERIA AND STANDARDS

11.1 Evaluation Criteria

11.1.1 In any procurement exercise the successful bid should be the one which either:

- offers the lowest price, or:
- offers the most economically advantageous balance between quality and price.

In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example: price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date, delivery period and period of completion.

11.1.2 Issues that are important to the Council in terms of meeting its corporate objectives can be used to evaluate bids. The criteria can include, for example sustainability considerations, support for the local economy, or the use of sub-contractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the

contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.

- 11.1.3 The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.

11.2 Standards

- 11.2.1 Relevant British, EU and International standards which apply to the subject matter of the contract and which are necessary to properly describe the required quality must be included with the contract.

Officers should refer to any further guidance outlined in the PCoP.

12. INVITATION TO TENDER / REQUEST FOR QUOTATION

- 12.1 Invitations to Tender / Requests for Quotation must be issued in accordance with the requirements of these CPRs, with particular attention to Rule 7, Rule 9 and Rule 17.
- 12.2 Above the single quotation threshold outlined in the PCoP, all Invitations to Tender and Requests for Quotation must be issued via the Council's e-tendering system. Procurement documents must be issued via the e-tendering system.
- 12.3 In exceptional cases, where specific circumstances mean that a procurement process cannot be carried out electronically or, for example, where there is a failure of the electronic system, permission to conduct a procurement process by alternative means must be obtained from the Corporate Procurement Manager using the relevant exemption form. This can be found in the PCoP.

13. SHORTLISTING

Any shortlisting (i.e. supplier selection or pre-qualification) must have regard to the economic, financial and technical standards relevant to the contract and the Evaluation Criteria. Special rules apply to contracts covered by the Public Contracts Regulations 2006. Officers should refer to any further guidance contained in the PCoP.

14. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS

14.1 Tenders

- 14.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements. Where the Public Contract Regulations 2006 apply, Part 3 of the Regulations lays down specific minimum time periods for tenders.

14.1.2 As in Rule 12 (above) tenders, except those which have been approved as exempt from electronic tendering, must be submitted electronically via the e-tendering system. Tenders submitted by any other means must not be accepted.

14.2 Quotations

14.2.1 As in Rule 12 (above), competitive quotations must be submitted electronically via the e-tendering system, except where specifically exempt under Rule 12.3. Quotations submitted by any other means must not be accepted.

14.3 Electronic Arrangements

14.3.1 Quotations, Further Competition bids and Pre-Qualification Questionnaires which are received electronically via the e-tendering system will be opened by the Procurement Officer. The system will not allow any quotations to be opened until the allocated return date / time has passed.

14.3.2 Tenders which are received electronically via the e-tendering system will be opened by a representative from Legal & Democratic Services.

14.4 Hard Copy Arrangements

14.4.1 In the event that 'hard copy' tenders are to be accepted (see Rule 12 and Rule 14.1.2 of these CPRs for guidance) these must be submitted, sealed, in the envelope provided with the procurement documents and addressed to the Head of Legal & Democratic Services without any mark revealing the bidding organisation's identity.

14.4.2 All hard copy tenders will be held by the Head of Legal & Democratic Services until the tender opening date/time has been reached.

14.4.3 All hard copy tenders for the same contract will be opened at the same time by a representative of the Chief Officer who invited the tenders and a representative from Legal & Democratic Services. A register of tenders received will be kept by Legal & Democratic Services and will be initialled on each occasion by the officers who are present at the opening of the tenders.

14.4.4 In the event that hard copy quotations are to be accepted (see Rule 12 and Rule 14.2.1 of these CPRs for guidance) these must be submitted in a plain envelope marked 'Quotation for....' followed by a description of the goods, works or services being procured.

14.4.5 Hard copy quotations will be received directly by Service staff. All quotations must be opened together once the official return date / time has been passed.

15. CLARIFICATION PROCEDURES

Appendix 3

15.1 The Council can ask bidding organisations for clarification of any details submitted as part of their bid. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission.

15.2 When requesting clarification, the Procurement Officer must follow any guidance contained in the PCoP.

16. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS

16.1 Evaluation

16.1.2 The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations, and in line with any guidance detailed in the PCoP.

16.2 Award of Contract

16.2.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.

16.2.2 Where procurement has been subject to the Public Contract Regulations 2006, the Alcatel Standstill (a 10 day standstill period before a contract can be awarded to allow an unsuccessful bidding organisation an opportunity to challenge the proposed contract award) will need to be included in the procurement timetable before the contract can be awarded. Full information regarding the Alcatel Standstill is contained within the PCoP.

16.2.3 Decisions on award of contract must be made in accordance with the scheme of delegations in Part 3 of the Constitution.

16.3 Debriefing

16.3.1 The debriefing of organisations must be carried out in line with any guidance detailed in the PCoP.

17. CONTRACT DOCUMENTS

17.1 Format of Contract Documents

17.1.1 The Council's harmonised procurement documents or conditions issued by a relevant professional body will be used. Where there is any deviation from these, the documents to be used must be reviewed by Legal Services before being issued. These are available from Corporate Procurement or Service Area procurement staff detailed in the PCoP.

17.2 Contract Signature

17.2.1 Contract agreement must:

- (a) Where the contract is in the form of a deed, be made under the Council's seal and attested as required by the Constitution, or:
- (b) Where the contract is in the form of an agreement, either:
 - I. be signed by at least two officers of the Council authorised as required by the Constitution, or:
 - II. be formalised by the sending of an award letter **and** the subsequent issuing of a purchase order.

The Procurement Officer should also follow any guidance on the use of deeds and agreements to form contracts found in the PCoP.

17.3 Legal Services Review of Tenders and Contracts

17.3.1 To ensure the integrity of the procurement process:

- All proposed Invitations to Tender, where they are not in compliance with the County Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by Legal Services.
- Any proposed Invitations to Tender which are subject to the Public Contracts Regulations 2006, or which are deemed to be of high risk, must be reviewed by Legal Services.
- Any proposed contract where there is any deviation from the contract terms included in the invitation to tender must be reviewed by Legal Services.

18. PREVENTION OF CORRUPTION

Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.

19. DECLARATION OF INTERESTS

Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

20. CONTRACT MANAGEMENT / MONITORING

20.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Head of Service must ensure a Contract Manager is designated prior to award.

20.2 Contract management, monitoring, evaluation and review must be conducted in line with any guidance detailed in the PCoP.

21. INTERNAL PROVIDERS

Where an in-house Service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider Service and external bidding organisations.

22. EXTERNAL BODY GRANT FUNDING

Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Procurement Officer must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs.

Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

23. REVIEW AND AMENDMENT OF CPRS

These Contract Procedure Rules shall be reviewed and updated on an annual basis as part of the annual review of the Constitution.

County Council

23 March 2011


**Committee provisions applicable to
Licensing and Highways**

Report of Head of Legal and Democratic Services

Purpose of the Report

- 1 To change the current provision in the Constitution with respect to the Committee structure for licensing and highways to enable a more efficient and economic provision of the service.

Background

- 2 The licensing function of the authority covers many aspects ranging from zoos, pet shops, tattoo parlours, taxis, alcohol and entertainment. With the exception of alcohol and entertainment that function was usually carried out by a General Licensing and Registration Committee. The Licensing Act 2003 ("the LA") brought in changes which empowered Councils to administer licenses for alcohol and changes to how licences or permits for entertainment were granted. It did not apply to the then County Council but only to District Councils.
- 3 Section 6 of the LA provides *"Each licensing authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority."*
- 4 On the formation of the current County Council on the 1st April 2009 the Council provided for two separate Committees, a Statutory Committee and a General Licensing and Registration Committee as shown in Appendix 2.
- 5 The division of licensing between General and Statutory has resulted in two separate committees that cannot cover each other's work and can result in separate hearings on separate days as the work cannot be combined.
- 6 With the present structure there have been problems in having the General Committee meetings quorate.
- 7 The LA does not say that the Statutory Committee must be a separate free-standing committee but only that the Council has one. It can therefore be a sub committee with sub committees beneath it. A number of other authorities have continued to do that drawing their statutory members from their general committee.
- 8 The current set up has lead to only Statutory Members (other than the Chairs) handling statutory work and General Members handle the remainder – this is mainly taxi and private hire work but also involves other aspects of licensing.

- 9 The Council has resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and this brings in the need to licence sex shops, sexual entertainment venues and other similar establishments.
- 10 The proposals in this Report are intended to enable a more efficient and economic provision of the Council's licensing function. It will enable the Statutory Committee to handle General Licensing when occasions warrant it and provide the understanding of all aspects of the law when handling the "new" functions under the 1982 Act.
- 11 Finally Common Land and Town and Village Green applications currently come under the General Licensing and Registration Committee that aspect having been "inherited" under the LGR process. They are not licensing issues but claims with respect to the use of land and as such ought to be transferred to the Highways Committee under whose remit they more naturally fall.
- 12 This draft Report was considered at a combined meeting of the current General Licensing & Registration Committee and the Statutory Committee on the 31st January 2011 and was supported unanimously by those attending. The combined meeting raised two points:
- 12.1 There may be existing Village Green matters being considered, Members have had training on such and the wish is that in the interim until members of the Highways Committee have undergone training those who have already had such are utilised.
- 12.2 That a recommendation be added to the effect that there should be no requirement to maintain a political balance on the new General Committee to be formed under the proposal nor sub-committees thereof.
- 13 The Constitution Working Group considered this Report on the 9th March 2011 and supported it with a variation that the recommendation not to maintain a political balance should apply to all the sub-committees of the General Committee and not the General Committee itself.

Recommendations and reasons

- 13 The Council resolves that:
- 13.1 The provisions set out in Appendix 3 replace those in Appendix 2. *This is to enable sufficient persons to cover the work required, and ensure that the Statutory Committee is not just limited to doing Licensing Act 2003 work.*
- 13.2 It is in order, where it is expedient to do so, for hearings required to be held for the business of the General Licensing and Registration Committee to be combined with hearings of the Statutory Committee and its members enabled to conduct the same - *this is to reduce cost, have one meeting instead of two but only when appropriate.*
- 13.3 All members of the General Licensing and Registration Committee receive the same training - *this is to ensure that each person understands the parameters within which all have to operate.*

- 13.4 The current provision for Common Land and Town and Village Greens be removed from the business of the General Licensing and Registration Committee and be dealt with by the Highways Committee adding to the Highways Committee's the function relating to the registration of common land and town and village greens; - *to remove a function that is not a licensing one and locate it under a more appropriate Committee.*
- 13.5 That it is not necessary to maintain a political balance on the sub-committees of the General Licensing and Registration Committee – *the sub committees sit in a quasi judicial capacity where politics should not have a bearing on the decisions to be made.*

Background papers

None

Contact: Richard Langdon Tel: 0191 3834671

Appendix 1: Implications

Finance - there are no additional costs to be incurred by the Council consequent upon the recommendation but on the contrary financial savings.

Staffing – None, but it will help meet with the administrative changes coming about within the licensing section as a result of reducing the licensing areas to two from three,

Equality and Diversity – None.

Accommodation – Where meetings can be combined it will free up the use of meeting rooms for other purposes.

Crime and Disorder – None as such but it will lead to greater understanding by the Committee as a whole as to how this aspect needs to be addressed in all licensing matters.

Human Rights – None.

Consultation – None, other than discussions with the current chair and vice chairs involved with licensing.

Procurement – None.

Disability Discrimination Act – None.

Legal Implications – None. So long as the Statutory Committee is formally set up as a minim of 10 and a maximum of 15 even though it will be a sub committee of General Licensing.

CONSTITUTION PART 3

A. RESPONSIBILITY FOR NON-EXECUTIVE OR COUNCIL FUNCTIONS

Existing Provision – Licensing

Council Body	Membership	Functions
Statutory Licensing Committee	15 Members of the Council	<ol style="list-style-type: none"> 1. To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the Statement of Licensing Policy. 2. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy. 3. To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the Statement of Principles. 4. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy. 5. To arrange for the discharge of any of the Licensing functions exercisable by the Committee by an Officer of the Licensing Authority subject to the limitations set out in section 10(4) of the Licensing Act 2003 and section 154 of the Gambling Act 2005. 6. To discharge any other function of the Council which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not such a licensing function after consideration of a report from the committee within whose remit that other function falls.
Statutory Licensing Sub-Committee	<p>3 Members (plus Chair or Vice-Chair) of the Statutory Licensing Committee appointed by the Head of Legal and Democratic Services* on a rota basis. The quorum for meetings of this Sub-Committee shall be 3.</p> <p>*In appointing the Members of the Statutory Licensing Sub-Committee,</p>	To discharge all of the functions of the Statutory Licensing Committee except policy development and matters delegated to officers.

	<p>the Head of Legal and Democratic Services will identify a panel of 3 Members plus a Chair or Vice-Chair for each scheduled meeting at the start of the municipal year.</p>	
<p>General Licensing and Registration Committee</p>	<p>24 Members of the Council</p>	<ol style="list-style-type: none"> 1. To review and make recommendations to the Council where appropriate on policies in relation to the licensing and registration functions set out below. 2. Except where the matter is delegated to the Statutory Licensing Committee or the Highways Committee or to an officer: <ol style="list-style-type: none"> (a) To discharge the Council's licensing, registration and regulatory functions as set out in Section B of Schedule 1 to the 2000 Regulations, in relation to: <ul style="list-style-type: none"> • hackney carriages and private hire vehicles; • common land and town and village greens; • sex shops and sex cinemas; • market and street trading; (b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. 3. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.
<p>General Licensing Sub-Committees</p>	<p>3 Sub-Committees of 7 Members to sit with the Chair or Vice-Chair as a Panel of 8 Members</p>	<p>To discharge all of the functions of the General Licensing Committees except policy development and matters delegated to officers.</p>
<p>Area General Licensing and Registration Sub-Committee (North Durham) (comprising the former District Council areas of Derwentside and Chester-le-Street)</p>	<p>Each Sub-Committee shall comprise 8 Members of the General Licensing and Registration Committee. Where practicable, the majority of (but not all) Members on each Area Sub-</p>	<p>To discharge within their area those functions of the General Licensing and Registration Committee set out in paragraph 2 of the Committee's list of functions.</p> <p>The Sub-Committees may, in case of urgency, or at the request of the applicant deal with matters outside their geographical area.</p>

<p>Area General Licensing and Registration Sub-Committee (Central and East Durham) (comprising the former District Council areas of Durham City and Easington)</p> <p>Area General Licensing and Registration Sub-Committee (South and West Durham) (comprising the former District Council areas of Sedgefield, Teesdale and Wear Valley)</p>	<p>Committee shall be Members representing Electoral Divisions within the area concerned. The Head of Legal and Democratic Services will determine membership of the Sub-Committees to achieve this objective, where the agreement of the relevant political groups cannot be obtained. The quorum for meetings of these Sub-Committees shall be 5.</p>	
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CONSTITUTION PART 3

A. RESPONSIBILITY FOR NON-EXECUTIVE OR COUNCIL FUNCTIONS

Proposed Provision – Licensing

Council Body	Membership	Functions
General Licensing and Registration Committee	27 Members of the Council	<ol style="list-style-type: none"> 1. To review and make recommendations to the Council where appropriate on policies in relation to the licensing functions set out below. 2. Except where the matter is delegated to a sub Committee or to an officer: <ol style="list-style-type: none"> (a) To discharge the Council's licensing and regulatory functions as set out in Section B of Schedule 1 to the 2000 Regulations, in relation to: <ul style="list-style-type: none"> • hackney carriages and private hire vehicles; • sex shops and sex cinemas and sexual entertainment venues and licensing matters provided for in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; • market and street trading; (b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. 3. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.
General Licensing and Registration Sub-Committees	<p>3 Sub-Committees of 4 Members to sit with the Chair or a Vice-Chair as a Panel of 5 Members appointed by the Head of Legal and Democratic Services* on a rota basis. The Chair to be a person also serving as a Chair of the Statutory Licensing Committee or a sub committee thereof.</p> <p>The quorum for meetings of these</p>	To discharge all of the functions of the General Licensing Committees except policy development and matters delegated to officers.

	<p>Sub-Committees shall be 3.</p> <p>*In appointing the Members of the Sub-Committees, the Head of Legal and Democratic Services will identify a panel of 4 Members plus a Chair or Vice-Chair (5 in total) for each scheduled meeting at the start of the municipal year.</p>	
<p>Statutory Licensing Committee [a Sub – Committee of the General Licensing and Registration Committee and to be called the “Statutory Licensing Committee”]</p>	<p>15 Members of the Council drawn from the 27 members of the General Licensing and Registration Committee who, whilst predominantly will serve on the Statutory Licensing Committee and its sub committees, can when occasion demands also serve on other sub committees of the General Licensing and Registration Committee.</p>	<ol style="list-style-type: none"> 1. To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the Statement of Licensing Policy. 2. To discharge the Council’s functions as a Licensing Authority under the Licensing Act 2003, within agreed policy. 3. To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the Statement of Principles. 4. To discharge the Council’s functions as a Licensing Authority under the Gambling Act 2005, within agreed policy. 5. To arrange for the discharge of any of the Licensing functions exercisable by the Committee by an Officer of the Licensing Authority subject to the limitations set out in section 10(4) of the Licensing Act 2003 and section 154 of the Gambling Act 2005. 6. To discharge any other function of the Council which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not such a licensing function after consideration of a report from the committee within whose remit that other function falls.
<p>Statutory Licensing Sub-Committees [Sub Committees of the Statutory Licensing Committee]</p>	<p>3 Sub-Committees of 4 Members to sit with the Chair or a Vice-Chair as a Panel of 5 Members appointed by the Head of Legal and Democratic Services* on a rota</p>	<p>To discharge all of the functions of the Statutory Licensing Committee except policy development and matters delegated to officers.</p>

	<p>basis. The quorum for meetings of these Sub Committee shall be 3.</p> <p>*In appointing the Members of the Statutory Licensing Sub-Committees, the Head of Legal and Democratic Services will identify a panel of 4 Members plus a Chair or Vice-Chair (5 in total) for each scheduled meeting at the start of the municipal year and as under the Licensing Act 2003 a sub committee can be only 3 of the 5 who are asked to attend 3 will make up the actual sub committee the remaining 2 to be substitutes if need arises.</p>	
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CONSTITUTION PART 3

A. RESPONSIBILITY FOR NON-EXECUTIVE OR COUNCIL FUNCTIONS

Council Body	Membership	Functions
Highways Committee	21 Members of the Council.	<ol style="list-style-type: none"> <li data-bbox="762 439 1453 562">1. Functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the 2000 Regulations in cases where objections have been made and not withdrawn. <li data-bbox="762 584 1453 763">2. Providing guidance to the Corporate Director, Neighbourhood Services and the Corporate Director, Regeneration and Economic Development as appropriate, in relation to the exercise of delegated functions under the Road Traffic Regulation Act 1984, where objections have been made and not withdrawn. <li data-bbox="762 786 1453 999">3. Providing guidance to the Corporate Director Regeneration and Economic Development as appropriate, in relation to the exercise of delegated functions under sections 4, 5, 6 and 7 of the Local Government (Miscellaneous Provisions) Act 1953 where objections or representations are made and not withdrawn. <li data-bbox="762 1021 1453 1167">4. Any other non-executive functions specified in the 2000 Regulations relating to highways or public rights of way which require a statutory notice or consultation and where objections have been made and not withdrawn. <li data-bbox="762 1223 1453 1312">5. To discharge the Council's licensing, registration and regulatory functions in relation to common land and town and village greens.

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County Council

23 March 2011



Access to Information Procedure Rules

Report of Head of Legal and Democratic Services

Purpose of the Report

- 1 This report proposes changes to the Access to Information Procedure Rules which are incorporated within the Council's Constitution.

Background

- 2 Constitution Working Group reviewed the Access to Information Procedure Rules on 26 November 2010 and have been further reviewed at its meeting on 9 March 2011. Some amendments are proposed with a view to clarifying the position in relation to some of the paragraphs contained in the current Rules.

- 3 Paragraph 2 – Additional Rights to Information

It is proposed to add the following sentence “nor do these rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.”

- 4 Paragraph 18 – Record of Decisions

The current paragraph reads:

“After any meeting of the Executive or any of its Committees, whether held in public or private, the Head of Legal and Democratic Services or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.”

It is proposed to update this paragraph to reflect the current working practice that it is only for those decisions recorded in public that a record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. The proposed amendment is

“After any meeting of the Executive or any of its Committees held in public the Head of Legal and Democratic Services or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of

the reasons for each decision and any alternative options considered and rejected at that meeting.”

Recommendations

5. The content of this report was discussed and agreed at meetings of the Constitution Working Group on 26 November 2010 and 9 March 2011 and County Council are asked to agree the update the Access to Information Procedure Rules as proposed in paragraphs 3 and 4 of this report.

Contact: Clare Burrows Tel: 0191- 383 4905
