



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 15 April 2015**.

The decisions will come into force and may be implemented from Monday 27 April 2015 unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Joint Strategic Needs Assessment 2014 and the refresh of the Joint Health & Wellbeing Strategy 2015-2018

Summary

The Cabinet considered a report of the Corporate Director, Children and Adults Services which presented the key messages from the refresh of the Joint Strategic Needs Assessment (JSNA) 2014 and the refreshed County Durham Joint Health & Wellbeing Strategy (JHWS) 2015-2018

The Health and Social Care Act 2012 places clear duties on local authorities and Clinical Commissioning Groups (CCGs) to prepare a Joint Strategic Needs Assessment and Joint Health & Wellbeing Strategy through Health and Wellbeing Boards. The JSNA is used to inform key strategies and plans, for example, the Sustainable Community Strategy (SCS), Children, Young People and Families Plan, CCG Operational Plans, the Better Care Fund Plan and Durham County Council's Council Plan.

Consultation took place on the JSNA and JHWS between October 2014 and February 2015 with over 400 people from different backgrounds taking part in the process. A number of public consultation events took place including a number of engagement events with children and young people. Online consultation also took place through the Durham County Council website. Adults, Wellbeing and Health and Children and Young People's Overview and Scrutiny Committees and all fourteen Area Action Partnerships were also part of the consultation.

The JSNA key messages were received by the Health and Wellbeing Board on 28th January 2015 and the JHWS was approved by the Health and Wellbeing Board on 11th March 2015.

The JSNA 2014 is the seventh edition produced in County Durham which provides an overview of health and wellbeing needs of the local population. The JSNA identified a number of key messages. A summary of these key messages were detailed in Appendix 2 of the report. The JSNA 2014 has informed the Annual Report of the Director of Public Health (DPH) County Durham, which focuses on tackling social isolation and loneliness in County Durham.

The vision for the JHWS has been re-affirmed as “Improve the health and wellbeing of the people of County Durham and reduce health inequalities”. This vision has also been adopted as the overarching vision for the Better Care Fund in County Durham. The Strategic Objectives and Outcomes Framework for the JHWS are as follows:

- Strategic Objective 1: Children and young people make healthy choices and have the best start in life
- Strategic Objective 2: Reduce health inequalities and early deaths
- Strategic Objective 3: Improve quality of life, independence and care and support for people with long term conditions
- Strategic Objective 4: Improve mental and physical wellbeing of the population
- Strategic Objective 5: Protect vulnerable people from harm
- Strategic Objective 6: Support people to die in the place of their choice with the care and support that they need

The Health and Wellbeing Board Annual Report 2014/5 will be presented to the Health and Wellbeing Board at its meeting on 23rd July 2014 for agreement and will be received by Cabinet on 16th September 2015.

Decision

The Cabinet:

- Noted the summary of key messages in the Joint Strategic Needs Assessment
- Received and endorsed the Joint Health and Wellbeing Strategy
- Agreed to receive the Health and Wellbeing Board Annual Report 2014/15 on 16th September 2015 for information.

Children’s Services Update

The Cabinet considered a report of the Corporate Director, Children and Adults Services which provide an update to Cabinet on the national and local developments in relation to children’s social care services.

A report was presented to Cabinet on 19 November 2014 summarising a range of national policy documents all pointing to a consistent strategic direction, towards early intervention and prevention alongside effective and rigorous protection of children and young people. The report provided an update on the national context including child exploitation, the Single Inspection Framework, the Children’s Social Care Innovation Programme and the Troubled Families Programme.

The Durham Local Safeguarding Children Board (LSCB) has prioritised work on child sexual exploitation since 2011. The LSCB has agreed a new Child Sexual Exploitation Strategy for 2014-2017 together with an Action Plan which outlines the key actions to be progressed to achieve the strategic aims within the Strategy. The Action Plan provides clarity in relation to strengthening leadership and improving the governance of the work to tackle CSE. It will ensure that training of professionals will be effective, co-ordinated and targeted and single and multi-agency processes and procedures are effective. A multi-agency marketing strategy, called ERASE, has been developed to ensure that consistent and accurate messages are communicated to key stakeholders and there will be coordinated protection, support and guidance for CSE victims, and their families, as well as those at risk of CSE. Progress of the strategy is monitored through the Action Plan, underpinned by a performance management framework. The Action Plan is used to provide periodic updates on progress to both the LSCB Missing and Exploited Sub-Group and the Local Safeguarding Children Board.

Durham was successful in two bids to the Children's Social Care Innovation Fund. The first was for £496,000 for a therapeutic support programme at Aycliffe Secure Centre for children that have been sexually exploited. This will offer targeted support in helping young people deal with trauma and in making the transition from the secure setting into more independent living. The second successful bid was for £3.26 million to deliver on a large scale a new approach to social work and to work with families, building on the learning from past initiatives in Durham and elsewhere.

The programme is underpinned by a significant programme of workforce development designed to create a new culture by developing new skills and attitudes, through training, mentoring, clinical consultation and challenge. New team structures, roles and relationships will be implemented, building on the existing strengths of the workforce in County Durham.

The Innovation Funding of £3.26 million will be used to enable rapid roll out of the programme, whilst minimising risk to existing statutory service delivery. Durham will align the whole children's service workforce into five co-terminus areas of the county. Each area will have two Innovation Teams. The ten newly created Innovations teams, led by social workers, will work from the One Point hubs to ensure a seamless and fully integrated service for children and families regardless of their level of need. Underpinning these arrangements is an aligned model of universal services, such as schools, community health services and voluntary and community sector organisations. It is their role to ensure that need is identified at the earliest point, so that early help can be provided. These services are already engaged through five early Help Forums. Three child protection teams will continue working with children subject to child protection plans and children in care proceedings and a Looked After Children's Service will work with children with permanence plans. The innovation teams will support families who have complex needs but who do not require a child protection plan.

With regard to Stronger Families, Durham is meeting its full target of 'turning around' 1,320 families by March 2015. In August 2014, due to the successful implementation and delivery of Phase 1, Durham was invited to be one of the Early Starters for Phase 2 of the Troubled Families Programme.

This new phase includes much broader criteria with locally derived outcome measures. Phase 2 will be delivered over a 5 year time period and Durham will work with 4,330 families to within this period. As part of being an early starter Durham was asked to deliver work to an additional 650 families by March 2015. Durham was also invited to be take part in the design and development of Phase 2 ready for national implementation in April 2015.

The report detailed the next steps which will include:

- The delivery of the Child Sexual Exploitation Strategy 2014-17 and Action Plan with regular updates to be provided to the Local Safeguarding Children Board.
- The first stage of the Children's Social Care Innovation Programme will start in one area of the county in June 2015. The second stage will follow in February 2016 with the final third stage starting in June 2016. All phases will be concluded by November 2016.
- Durham will work with an additional 4,330 families as part of Phase 2 of the Stronger Families Programme.

Decision

The Cabinet:

- Noted the contents of the report.
- Agreed to receive further updates in relation to the transformation of Children's Services on a six monthly basis.

Annual Review of the Constitution

Summary

The Cabinet considered a report of the Head of Legal and Democratic Services which presented proposals for the revision of the Council's Constitution. In accordance with the Local Government Act 2000, the County Council adopted the new Constitution for the Unitary Authority from 1 April 2009. Although legislation has been amended by the Localism Act 2011, a constitution is still required. An annual review of the Constitution is carried out each year by the Monitoring Officer. The Monitoring Officer carried out the annual review of the Constitution which includes the review of the Delegations to the Chief Officers. Amendments to the Constitution approved by full Council since last year's annual review, have been incorporated into the Constitution and amendments made since the last annual review were detailed in the report.

Decision

The Leader and Cabinet:

- Approved the delegating of executive powers as set out in the officer scheme of delegations.
- Recommended that Council agree the proposed revisions to the Constitution, including the delegations to Chief Officers contained, at the meeting of the Council on 20 May 2015.
- Recommended that Council authorise the Head of Legal and Democratic Services, following consultation with the Constitution Working Group, to make future changes to the Constitution to reflect decisions of the Council or a Council body or to comply with legal requirements.
- Recommended that Council authorise the Head of Legal and Democratic Services, in consultation with the Leader, to make any amendments in relation to Housing, as identified in paragraph 14 of the report.

ICT Strategy 2015 - 2018

Summary

The Cabinet considered a report of the Corporate Director, Resources which provided details of the ICT Strategy that will cover the three year period from April 2015. The ICT strategy is aimed at all stakeholders who are interested in the technological direction of the Council, including all residents, partners, politicians, suppliers, visitors and employees. The strategy reflects the Authority's overall strategic objectives and core values and it aims to deliver the following five key outcomes:

- A focus on Durham
- Better technology
- Better engagement
- Better people
- Better processes

Whilst the strategy will cover the three year period from April 2015 to March 2018, it will be refreshed each year on a three year rolling programme basis with actions from the updated annual ICT Service Plan.

Decision

The Cabinet agreed the ICT Strategy 2015 – 2018.

Children & Young People's Overview and Scrutiny Review of Self Harm by Young People

The Cabinet considered a report of the Assistant Chief Executive which presented the findings, conclusions and recommendations of the Children and Young People's Overview and Scrutiny Committee working group review report on Self Harm by Young People which was attached to the report at appendix 2.

Self-harm by Young People was included in the Overview and Scrutiny Committee's work programme in June 2014, following concern about the number of young people in County Durham who self-harm, especially those who do not come into contact with services. The terms of reference for the review were agreed by the Committee at its meeting held on 25th September 2014. The committee set up a working group of fourteen Members and gathered evidence over six meetings from key parties. The review made seven recommendations which were detailed in the report. They relate to:

- internet safety;
- development of information pages for parents/carers;
- update and refresh of school policies on emotional health and wellbeing; and a reminder to governors of services that can be bought in which address emotional health and wellbeing;
- consideration of how to engage with parents and carers to advise on the importance of good mental health and the warning signs;
- consideration to a single multi-agency pathway and registry of self-harm;
- consideration to the role youth workers/leaders can play in providing emotional and wellbeing support to young people in schools; and
- Consideration to providing basic mental health and emotional wellbeing awareness training to all staff who regularly come into contact with young people.

Children and Adult Services and Public Health offered a joint response to this scrutiny and welcomed the emphasis given throughout the report to the voice of children and young people and the voice of parents. Both services recognised the report as an important contribution to improving the emotional health and wellbeing of children and young people in County Durham, and will engage, with other relevant partners, in implementing the actions.

Decision

The Cabinet:

- Noted the recommendations attached to the report at appendix 2 and agreed to formulate a response within the six month period identified in the report for systematic review of the recommendations.
- Agreed that the report is shared with the Health and Wellbeing Board and the Children and Families Partnership.

Annual Enforcement Programme

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services which reviewed enforcement activities under the Children and Young Persons (Protection from Tobacco) Act 1991, the Anti-social Behaviour Act 2003 and the Licensing Act 2003 for the period April 2014 to March 2015 and sought approval of a new enforcement programme for 2015/16.

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

The Council has statutory responsibility for enforcement of the following age restricted products:

- Tobacco (Children and Young Persons (Protection from Tobacco) Act 1991)
- Spray paint containers (Anti-social Behaviour Act 2003)
- Alcohol (Licensing Act 2003)
- Videos and DVD's (Video Recordings Act 2010)
- Cigarette lighter refills (Cigarette Lighter Refill (Safety) Regulations 1999 and Consumer Protection Act 1987)
- Fireworks (The Pyrotechnic Articles (Safety) Regulations 2010 and Fireworks Act 2003)

The Authority has also elected to enforce the age restricted sales of:

- Solvents and glue (Solvents Intoxicating Substances (Supply) Act 1985)
- Knives (The Criminal Justice Act 1988, as amended by the Offensive Weapons Act 1996)
- Access to gaming establishments (Gambling Act 2005)
- Access to sunbed premises (Sunbeds (Regulation) Act 2010)

The availability of illicit alcohol and tobacco has also involved the use of other legislation such as the Trade Marks Act 1994 to tackle counterfeit products as well as the Consumer Protection Act 1987 to tackle incorrectly labelled products. In addition, legislation has been introduced to reduce the marketing and promotion of tobacco. The report reviewed activities undertaken during 2014-2015 and provided details of forthcoming legislation.

The Enforcement Programme for 2015/2016 will consist of the following activities:

- An intelligence led approach to under age sales enforcement and tobacco control based on the National Trading Standards Intelligence Operating Model and will follow the principles outlined in the Age Restricted Products Code of Practice.

- Investigation of all consumer and trader complaints.
- Continuation of our joint working with the Police Alcohol Harm Reduction Unit and other agencies to adopt a holistic approach to solving problems associated with the accessibility and misuse of age related products. To include education, surveillance and test purchasing as well as other alternative enforcement strategies as appropriate.
- Continuation of our 'Do You Pass' retailer training including its use as an alternative to fixed penalty notices and other formal action.
- Continuation of our work in partnership with the police, HMRC and other agencies to tackle the problem of proxy sales and sales from private premises to children, particularly in relation to alcohol and tobacco.
- Continuation with a policy of reviewing licensed premises when appropriate.
- Continuation of our work strategically both corporately and with partner agencies to tackle health inequalities and antisocial behaviour associated with the misuse and illegal supply of age restricted products, in particular alcohol and tobacco.
- Enforcement of any new legislation for which we may be statutorily responsible that may arise from the implementation of the EU Tobacco Directive, The Health Act 2009 or Children and Families Act 2014.

Decision

The Cabinet agreed to adopt the Enforcement Programme for 2015/2016.

Environment, Health & Consumer Protection Service – Enforcement Policy

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services which sought agreement of a service specific enforcement policy that outlined the enforcement principles to be followed by authorised officers within Environment, Health and Consumer Protection Service (EHCP) when dealing with matters of regulatory non-compliance.

The Legislative and Regulatory Reform Act 2006 requires local authorities to have regard to the 'Principles of Good Regulation' when exercising specified regulatory functions, which are defined as those carried out by environmental health, trading standards and licensing services.

Accordingly regulatory activities are expected to be exercised in a way which is:

Proportionate – reflecting the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,

Accountable – open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,

Consistent – advice to those we regulate will be robust and reliable and we will respect advice provided by others.

Transparent – ensuring that those we regulate are able to understand what is expected of them and what they can anticipate in return.

Targeted – focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

In February 2009, Council approved a Corporate Enforcement Policy to help promote efficient and effective approaches to regulatory inspection and enforcement, and improve regulatory outcomes, without imposing unnecessary burdens on individuals and businesses.

The introduction of a Corporate Enforcement Policy set out the standards and guidance that is applied by the Council when acting in its role as regulator and enforcement agency across the range of its relevant legal powers and duties. Those undertaking an enforcement role of behalf of the Council in any capacity, must have regard to the Council's Corporate Enforcement Policy.

A letter from the Better Regulation Delivery Office was sent to all Local Authority Chief Executives in March 2014 outlining the Government's expectations in respect of the introduction of The Regulators' Code. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports, and enables regulators, to design their service, and enforcement policies in a manner that best suits the needs of businesses and other regulated entities. The Code applies to specified local authority regulatory functions including Environmental Health, Trading Standards and Licensing services. From the effective date the Council has a statutory duty to have regard to the Regulator's Code when developing policies, and operational procedures, that guide their regulatory activities. A draft enforcement policy for Environment, Health & Consumer Protection (EHCP), dealing with non-compliance, was attached to the report at Appendix 2.

A public consultation exercise has been undertaken seeking comments and feedback on the final format and content of the policy prior to ratification by Council. Upon consideration of the feedback from the public consultation exercise there were no material changes to the proposed enforcement policy.

Decision

Cabinet agreed the final draft enforcement policy for Environment, Health & Consumer Protection (EHCP) and recommended that the policy be adopted by the Council.

Review of the Council's Hackney Carriage and Private Hire Licensing Policy

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services which requested Cabinet's approval for Licensing Services to begin formal public consultation on proposed revisions to the existing Durham County Council Hackney Carriage and Private Hire Licensing Policy, more commonly referred to as the "taxi policy". The consultation on the existing policy is an integral part of the overall policy review process, leading to the adoption of a revised policy by Council. The existing policy was attached to the report at Appendix 2.

The existing Hackney Carriage and Private Hire Licensing Policy was adopted by the Council in May 2011. The Policy states that the Council will review it every three years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly. Policy related matters have been identified that need to be reviewed. The proposed revisions and other items for consideration concerning both licensed vehicles and drivers associated with the following:

- Possible vehicle age restrictions and engine emission standards
- The use of vehicle top signs and other licensed vehicle identifications
- Conditions relating to limousines
- The suspension of licensed vehicles
- Numeracy and literacy testing for new drivers
- Potential for introduction of new, more stringent safeguarding and child protection measures

Potential changes to the policy document for consideration were shown in the table of changes in Appendix 3 of the report.

Licensing Services propose to consult on the existing Hackney Carriage and Private Hire Licensing Policy for a period of not less than 12 weeks. The amended policy together with the potential changes being proposed would be subject to a broad consultation. At the end of the consultation period, responses will be collated and presented in a report to the General Licensing and Registration Committee.

Decision

The Cabinet:

- Agreed the proposal to undertake a full and proper review and revision to the current 'taxi' policy.
- Agreed to support the review process, leading to the production of a revised draft version of the 'taxi' policy to be reported to the Licensing Committee with a view to its eventual adoption by full Council.

Colette Longbottom
Head of Legal and Democratic Services
17 April 2015