

# DURHAM COUNTY COUNCIL

At a Meeting of **Cabinet** held in Council Chamber, County Hall, Durham on **Wednesday 13 March 2024 at 9.30 am**

**Present:**

**Councillor R Bell in the Chair**

**Cabinet Members:**

Councillors R Bell (Deputy Leader of the Council), T Henderson, C Hood, E Scott, A Shield and M Wilkes

**Apologies:**

Apologies for absence were received from Councillor A Hopgood, Councillor S McDonnell, Councillor J Rowlandson and Councillor J Shuttleworth

**Also Present:**

Councillor Sam Zair

## **1 Public Questions**

There were no public questions.

## **2 Minutes**

The minutes of the meeting held on 14 February 2024 were agreed as a correct record and signed by the Chair.

## **3 Declarations of Interest**

There were no declarations of interest in relation to any items of business on the agenda.

## **4 Spennymoor - Long Term Plan for Towns [Key Decision: REG/2024/002]**

The Cabinet considered a report of the Corporate Director of Regeneration, Economy and Growth which provided an update on the Government's Long-Term Plan for Towns programme which seeks to target funding to 55 towns across England including Spennymoor. The report included details of the further guidance received in December 2023, together with the proposals for developing a Town Board and the development of a town plan (for copy of report see file of minutes).

Councillor E Scott, Cabinet Portfolio Holder for Economy and Partnerships commented that the Government's identification of funding for Spennymoor as one of fifty five initial towns provided a welcome additional allocation of £20m to further enhance and embed the ongoing regeneration efforts in Spennymoor. The new funding would provide for significant and long lasting improvements and ensure that Spennymoor remained a vibrant town centre.

Councillor A Shield, Cabinet Portfolio Holder for Equality and Inclusion commented that the long term plan for Spennymoor would address town centre issues, but would also focus on connectivity, accessibility and safety. The Council would be working with and listening to local people and looking to make investment to better people's lives, both now and in the future. The Board would include elected officials, residents, businesses and other stakeholders and provide an inclusive route through the development of a vision and investment plan to galvanise current efforts across the town and provide new opportunities for improvement and investment.

**Resolved:**

That the recommendations in the report be approved.

## **5 Corporate Enforcement Policy [Key Decision: NCC/2024/001]**

The Cabinet considered a report of the Corporate Director of Neighbourhoods and Climate Change which sought approval to adopt the revised Corporate Enforcement Policy from 1 April 2024 following internal review and wider public and partner consultation. The report also sought approval to grant delegated authority to relevant Corporate Directors in consultation with the Head of Legal and Democratic Services to review and amend the Corporate Enforcement Policy as appropriate as and when required in the future (for copy of report see file of minutes).

Councillor M Wilkes, Cabinet Portfolio Holder for Neighbourhoods and Climate Change explained that the corporate enforcement policy was very important. The policy supported:

- wardens to confiscate and crush vehicles of fly tippers;
- the prosecution of a record number of fly tipping cases, issuing fixed penalty notices for antisocial behaviour such as littering and dog fouling;
- planning teams to take action against inappropriate development;
- housing teams to take action against rogue landlords to protect vulnerable tenants; and
- enabled action against retailers selling age restricted products to young people and food takeaways that did not meet hygiene standards.

Enforcement was an important part of the responsibilities of a local authority to protect the public and the environment. Councillor Wilkes was grateful to officers in

the Community Protection Team who had again led on the important update and revised policy which put the Council on a firm footing to continue this important work.

In Seconding the report, Councillor A Shield, Cabinet Portfolio Holder for Equality and Inclusion explained that there was always a desire to seek positive solutions, however, there were times when enforcement was the only course of action, or the most appropriate course of action available. It was vital that Officers had the appropriate policy and legislative backing to allow them to do this effectively. The revision of the Corporate Enforcement Policy brought an important document up to date, incorporated the latest, national guidance and regulation. It had been subject to extensive public consultation and feedback, albeit, modest, which was contained within the final version presented to the Cabinet.

**Resolved:**

That the recommendations in the report be approved.

## **6 Quarter Three, 2023/24 Performance Management Report - Report of Chief Executive**

The Cabinet considered a report of the Chief Executive which presented a review of progress towards delivery of the key priorities within the Council Plan 2023-27 in line with the Council's Corporate Performance Framework. The report covered performance in and to the end of quarter three 2023/24, October to December 2023 (for copy of report see file of minutes).

Councillor R Bell highlighted some of the areas where performance had been good.

- Employment levels were within the highest levels for 20 years and unemployment remained low;
- the amount of investment secured for companies and the number of inward investments attracted to the County were on track to achieve their annual targets;
- Processing times for major planning applications were better than target and compared favourably with peers;
- increased attendances at all cultural events had strengthened the Council's position as a culture county and contributed significantly to the local economy;
- Domestic waste diverted from landfill continued to be better than the target and performance was improving with kilogrammes of waste collected per household;

- reduced contamination of recycled collections continued to fall following targeted education and enforcement activity;
- demand for early help and statutory support for children and families remained consistent with previous trends, whilst improved practice had led to a consistently low referral to statutory and social care;
- in adult social care, timeliness of completion of assessments had increased by more than 10% since quarter two, from 54.2% to 65.2% and was the highest for over two years. This remained a key area of focus for the service;
- the time to repair highways maintenance defects across almost all categories were better than target and the Council continued to see lower levels of fly tipping following a proactive approach towards perpetrators;
- almost 54,000 residents had received support towards council tax bills and more than £63 million through the council tax reduction scheme. A further £1.6 million had been spent supporting those who did not qualify for 100% reduction; and
- £9.3 million had been allocated through the household support fund (HSF), including support for families claiming free school meals and it had been pleasing to note that the Chancellor had announced a six month extension to the HSF fund.

There were areas requiring attention where, for a range of issues, performance had not been what Cabinet would have liked it to be.

Although overall statutory demand for children's social care remained consistent, the number of children and young people receiving intensive support on a child protection plan taken into our care was relatively high. The service continued to review trends and learning would feed into strategic placement, sufficiency work and preparation for the implementation of care review proposals.

Requests for new education, health and care plans (EHCP's) increased substantially between 2019 and 2022 and had continued at a very high level in 2023. This impacted on capacity within the service to achieve timely assessments. A comprehensive action plan was in place to address these challenges.

In relation to homelessness prevention, the proportion of cases where statutory homelessness duty has been accepted had increased in the quarter due to the work of the housing team significantly reducing the number of lost contact cases. Government funding had been secured to acquire support

and additional temporary accommodation and bed spaces to support those in need.

In town centres, 16% of retail units in the county were vacant compared to 14% nationally. Vacancy rates were significantly higher in Bishop, Auckland, Newton, Aycliffe and Peterlee. Support continued through council led initiatives such the Towns and Villages Programme, the Targeted Business Improvement Scheme and Town Centre Master Plans.

Councillor Wilkes, Cabinet Portfolio Holder for Neighbourhoods and Climate Change thanked officers for another excellent quarterly report. Councillor Wilkes highlighted that the Council had beaten their own targets for fly tipping, but also had a rate that was less than half the national average and as much as five times lower than some other North East Councils. There had been over a 30% fall since the Joint Administration took control of the Council. This proactive approach extended to a big increase in fixed penalty notices for waste carrier offences, which so far this year was at ten times the average number under Labour. Nearly seven times more spot checks were taking place on waste carriers than the previous administration and more than double the number of fly tippers had been prosecuted than under the previous Labour administration.

The default yard clearance team had been firmly embedded into the Warden service. This team was clearing up hundreds of filthy yards and gardens and billing those responsible, something that never happened under the previous Labour administration. Excellent progress had been made, with more to follow.

Councillor Shield, Cabinet Portfolio Holder for Equality and Inclusion referred to the issue of homelessness. The proportion of households prevented from homelessness and help to remain in their current homes was on par with quarter two. Further positive outcomes were expected to continue following the appointment of two full time visiting officers to assist with preventative work into existing accommodation. The team had significantly reduced the number of lost contact cases since quarter two, which had resulted in a higher number of cases requiring a main duty decision in quarter three which was expected to impact positively on the statistics. On a positive note, the Council had been successful in securing additional funding of £4.42 million from the Department of Levelling up Housing and Communities to deliver the single homeless accommodation programme (SHAP) to secure suitable accommodation for the most vulnerable clients and funding would be used to purchase thirty two bed spaces for rough sleepers or people at risk of rough sleeping. £675,000 had been awarded from Homes England to secure fifteen temporary properties for clients. Thirteen of these properties had already been purchased and a further bid of £1.5 million had been submitted in January 2024 to secure funding further twenty five properties. This demonstrated Durham County Council's commitment to continue to address

the variety of complex cases which presented themselves to the Homelessness Team. However, on a word of caution, there was an element of concern regarding the issue of Houses of Multiple Occupation (HMO), particularly in East Durham, which may impact on the homeless situation.

Councillor Hood, Cabinet Portfolio Holder for Adult and Health Services highlighted some of the successes within Adult and Health Services. Care act assessments completed within 28 days had risen from 54.2% to 65.2% the highest for over 2 years. The percentage of older people still at home 91 days after discharge from hospital into reablement rehabilitation services was the highest since the same period last year at 91.9% and within one percentage point of the three year average. Latest performance was better than our Better Care Fund target of 84% and regional and national benchmarking.

Referrals into adult social care had been stable over the last year with an average of 5,768 per quarter. 68.3% of service users had received an annual assessment or review in the last 12 months demonstrating the effectiveness of the new review team set up in 2023. This marked the highest recorded performance in more than two years. DCC was to be one the first Councils to be assessed under the new CQC assessment framework and the Council looked forward in welcoming the commission to Durham County Council.

Councillor T Henderson, Cabinet Portfolio Holder for Children and Young People's Services explained that the number of Children receiving intensive support was high and the service were reviewing trends. EHCPs had increased substantially and continued at a high rate in 2023. This impacted on achieving timely assessments due to a shortage of educational psychologists, which was a national problem and would continue to be the case until more could be engaged.

Areas of positivity included the OFSTED inspection of care leavers. Family hubs had been awarded national trailblazer status. The Adult and Community Learning Service had been rated as a good provider of education by OFSTED.

**Resolved:**

That the contents of the report be noted.

**7 Forecast of Revenue and Capital Outturn 2023/24 - Period to 31 December 2023 and Update on Progress towards achieving MTFP (13) savings - Report of Corporate Director of Resources**

The Cabinet considered a report of the Corporate Director of Resources which provided the following information:

- a. an updated forecast revenue and capital outturn at 31 March 2024, based on the position to 31 December 2023.
- b. an update on the dedicated schools grants and forecast schools' outturn as at 31 March 2024, based upon the position to 31 December 2023;
- c. the updated forecast for the council tax and business rates collection fund outturn at 31 March 2024, based on the position to 31 December 2023; and
- d. details of the updated forecast use of and contributions to earmarked, cash limit and general reserves in 2023/24 and the estimated balances that will be held at 31 March 2024.

The report also provided an update on the 2023/24 capital programme, other budget adjustments and proposed sums treated as outside of the cash limit in year and an update on progress towards achieving MTFP (13) savings in 2023/24 (for copy of report see file of minutes).

Councillor R Bell, Deputy Leader of the Council and Cabinet Portfolio Holder for Finance explained that the unavoidable cost pressures being experienced at this time were enormous. The ever escalating demand for children's social care and the complexity of the needs of some of those children were resulting in significant overspends once again. This was placing huge pressure on budget and MTFP planning going forward.

Councillor C Hood, Cabinet Portfolio Holder for Adult and Health Services added his thanks to the Corporate Director and all budget managers across the Council for their continued hard work. It was pleasing to note that the Council had been recognised for its robust financial management and value for money assessment from its External Auditors and in the CIPFA peer review reported to the Audit Committee. Many of the inflationary and demand pressures would continue into next year, however, the Council remained in a strong position and were well placed to meet the challenges ahead.

**Resolved:**

That the recommendations in the report be approved.

## **8 Tree Management Policy and Inspections Review**

The Cabinet considered a report of the Corporate Director of Neighbourhoods and Climate Change which informed Cabinet of the proposed revisions to the corporate Tree Management Policy and the tree inspection procedures and sought endorsement of the resulting revised policy and procedures (for copy of report see file of minutes).

Councillor M Wilkes, Cabinet Portfolio for Neighbourhoods and Climate Changes highlighted that the tree management policy had proven to be useful and valuable document which set out the approach to managing trees that were the Council's responsibility, as well as dealing with trees in private ownership that posed a safety risk to the public.

The original policy was approved in 2014 following detailed public consultation and had been updated occasionally since. The current update was both timely and necessary. The issue of tree risk management had been brought into focus recently. The increasing number of storms and severe weather events posed a risk of trees being damaged or falling in strong winds and heavy rain.

Despite financial pressures faced, the Council had increased investment into staffing, increasing tree team capacity. The revised inspection regime set out in the report adopted an internationally recognised system for tree risk management. The proposed policy would help make statutory and other legal duties, manage the risks arising from trees in a proportionate way and deliver a high standard of tree care. It was a significant improvement on existing documents, learning from experience and customer feedback and bringing into consideration current tree health issues, whilst also giving members of the public more useful information on tree management issues in a clear and consistent way.

Councillor T Henderson, Cabinet Member for Children and Young People's Services commented that all landowners had responsibilities to manage trees on their estate, and the Council was no exception. The revised policy was clear, concise and referenced new and emerging issues such as ash dieback. Councillor Henderson welcomed the new inspection regime and how the Council would assess the risks of its tree stock.

**Resolved:**

That the recommendations in the report be approved.

## **9 Public Space Protection Order - Durham City**

The Cabinet considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an overview of the powers, benefits and risks available under a Public Space Protection Order (PSPO) and sought agreement to undertake a public consultation on the introduction of a Public Space Protection Order (PSPO) to help control begging, urinating or defecating and the use of intoxicating substances (for copy of report see file of minutes).

Councillor E Scott, Cabinet Portfolio Holder for Economy and Partnerships explained that this had been an area of concern for residents, businesses, and



visitors to the city. The work of the Safe Durham Partnership, Durham City Safety Group and many other operational groups demonstrated the strength of joint working. By collaborating and sharing information and engaging in joint operations, all partners had worked together with stakeholders to keep the County safe. The results of the public consultation held in 2023 were inconclusive, however, the Cabinet had promised not to leave the issue unaddressed and work had continued to work with the Police and with partners across the City to establish whether there was enough concern and importantly, enough evidence to introduce a PSPO for the city of Durham. Statute required that the Council go back out to consultation to seek the view and evidence of those most affected and is important that we do so until we make a final decision.

Councillor M Wilkes, Cabinet Portfolio Holder for Neighbourhoods and Climate Change explained that it was vital to listen to consultation and feedback and work within the guidance. The views expressed by those in the city affected by anti social behaviour had been listened to and the report set out a positive and proactive way forward, whilst, taking on board the views of businesses, residents, and other stakeholders. Councillor Wilkes emphasised that work continued daily with the police, businesses, the City of Durham Parish Council and others to tackle anti-social behaviour effectively.

**Resolved:**

That the recommendations in the report be approved.

**10 New Business Units South Church Enterprise Park Bishop Auckland - Report of Corporate Director of Regeneration, Economy and Growth**

The Cabinet considered a report of the Corporate Director of Regeneration, Economy and Growth which sought approval to progress the development of speculative business units seek on land owned by the council at South Church Enterprise Park, Bishop Auckland, as part of the Stronger Towns Programme (for copy of report see file of minutes).

Councillor E Scott, Cabinet Portfolio Holder for Economy and Partnerships said that the development of high quality premises on Council employment sites was one of the main priorities in the Council's inclusive economic strategy as the shortage of industrial units within the County was restricting the growth of both new and existing companies, with demand constantly outstripping supply. The shortage was particularly acute in the Bishop Auckland area. The project was a key part of the Bishop Auckland Stronger Towns Programme and the units would support more than twenty businesses and over 110 jobs.

Cllr R Bell, Deputy Leader of the Council and Cabinet Portfolio Holder for Finance commented that it was important that the Cabinet made good use of government funding and external funding to create more and better jobs.

Rental income from the completed units would pay the council's upfront funding meaning that the proposal was a prudent financial investment.

Councillor M Wilkes, Cabinet Portfolio Holder for Neighbourhoods and Climate Change commended the work the Council was doing to grow the County and the work of the Joint Administration in investing in every part of the County to boost employment. Councillor Wilkes praised the work done by the Portfolio Holder and Council staff for all their work in this regard.

**Resolved:**

That the recommendations in the report be approved.

## **11 County Durham Partnership Update**

The Cabinet considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an update on issues being addressed by the County Durham Partnership (CDP), which included the CDP Board, Forum, Thematic Partnerships and Area Action Partnerships (AAPs) across the county (for copy of report see file of minutes).

Councillor E Scott, Cabinet Portfolio Holder for Economy and Partnerships was delighted to see the work of a multitude of partnerships being pulled together in one place.

Councillor Scott referred to recent events which celebrated ten years of public health and health and wellbeing boards and the successes made in terms of health and wellbeing across communities. Councillor Scott also referenced the relaunch of the County Durham Community Champions which had been repositioned as a key lever in the County Durham Together approach. Other highlights of partnership working related to the return of Lumiere to the City of Durham and also Bishop Auckland which boosted culture, health and the economy. Lumiere still brought about anticipation and inspiration and Councillor Scott would look forward to the economic impact of Lumiere being presented to Cabinet later in the year. Councillor Scott also provided a summary of the excellent examples of the work carried out by AAPs and the County Durham Pound initiative.

Councillor A Shield, Cabinet Portfolio Holder for Equality and Inclusion, referred to the widely received Welcome Spaces initiative, which had addressed social exclusion and was promoting social and cohesive inclusion. The important and ongoing work of the Poverty Action Steering Group was also referenced along with the work undertaken by the Humanitarian Partnership Team. Councillor Shield highlighted that much good work was taking place across the County and that all of the initiatives he had referred to, along with many others, clearly demonstrated the Council's commitment on meeting three strategic objectives and long may that continue.

Councillor Wilkes referred to his recent attendance at the Environment Awards and highlighted that all of the partnerships with the Council and the individuals involved was essential.

**Resolved:**

That the contents of the report be noted.