

Seizing the Future – briefing

1. Background

County Durham and Darlington Acute Hospitals Trust was established in 2002 to bring about closer working between local hospitals, and to implement a series of changes to services to ensure they remained sustainable, following changes in medical practice.

These changes were proposed by Professor Ara Darzi, professor of surgery at Imperial College, and were subject to public consultation before being agreed by the Department of Health and health ministers.

The Trust includes:

- Bishop Auckland General Hospital
- Darlington Memorial Hospital
- University Hospital of North Durham
- Shotley Bridge Community Hospital
- Chester-le-Street Community Hospital

2. What is “Seizing the Future”?

Seizing the Future is a programme of change aimed at developing the Trust’s strategic direction for the next five years.

It will be supported by a major clinical service review which will include:

- An examination of current services
- An assessment of how these services adhere to best practice in clinical outcomes
- A review of achievement of national standards across all services
- The development of future service options

3. What will the review deliver?

At the end of the review, we will have:

- A five-year strategic plan
- A compelling clinical vision
- Agreed high quality clinical standards and outcomes for the future
- A decision on the way forward for our hospitals over the next five years

4. Why are we doing this?

It is five years since the service review carried out by Professor Darzi. We now need to look forward to the next five years and consider where the Trust needs to be in 2012, considering:

- What will services look like?
- How do we get there?

There are a number of key national policies which impact on our hospitals

- Patient choice - patients now have a choice of where they have their treatment. This can be their local hospital, or it could be another trust outside County Durham and Darlington, or in the independent sector
- Payment by Results - hospitals are now only paid for the patients they see. So if patients choose to go elsewhere, then hospitals in County Durham and Darlington do not receive income
- Increased competition from private hospitals - under choice, a patient must have the option of using an independent sector hospital, as well as options in the NHS
- Practice Based Commissioning - GPs now have a much stronger role in deciding where patients are treated. Many GPs are keen to develop services in their own practices, or across a number of practices.
- Shift of some of Trust's activity to Primary Care settings – in the future, more services will be delivered in primary care and community settings, and where possible, in a patient's own home – avoiding admission to hospital altogether
- 18 week patient journey - by the end of 2008, all patients must have their outpatient appointment, and tests, and have been admitted, or begun their treatment within 18 weeks of referral by their GP.
- Reduction in time spent in hospital by patients - primary care trusts have targets to reduce the number of days that patients stay in hospital. National data shows that patients have a longer length of stay in County Durham and Darlington, compared with similar hospitals.

We expect that these policies will mean a fall the numbers of patients needing treatment in district general hospitals and therefore a reduction in the Trust's income.

5. How are we doing this?

Seizing the Future will be in three main phases, with a challenging timescale:

1. Scoping study (November 2007-January 2008)
This phase will include:
 - Defining the scope of the review
 - Discussions with key stakeholders

- Initial analysis of the impact of providing more care as close to homes as possible
2. Development of future service options (January-May 2008)
This phase will include:
 - Defining the scope of the review
 - Continued stakeholder involvement through workshops, and a Seizing the Future website
 - Development of evidence base
 - Testing options
 - Decision on preferred options for consultation
 3. Formal consultation on service options (Summer 2008)

The review will be aligned to key emerging drivers for change:

- Service Line Management, which is currently being piloted in the Trust, and which is about creating a better understanding of the relationship between clinical and financial performance and effectiveness
- The PCT commissioning strategy, underpinned by the public engagement programme, “The Big Conversation”
- The national review, “Our NHS our future”, led by Lord Darzi

6. The role of Matrix

The Trust has engaged Matrix Insight to support the review.

Matrix Insight is the consulting arm of Matrix Knowledge Group. Matrix offers consulting, research and informatics to international organisations, governments, public service providers including health and social care, businesses and the charitable sector. They have undertaken similar acute service review work in other NHS organisations.

Matrix’s role will be to:

- Facilitate dialogue between clinical teams, users and stakeholders
- Develop a rigorous evidence base
- Support development of options
- Test options with a range of internal and external stakeholders
- Support our approach to public consultation
- Provide objectivity to the process

7. End of year scoping study

The review timescale demands for the initial scoping study phase to be completed by January 2008.

There will be four elements to this phase:

1. Defining the scope of the review

- Assessing the key issues involved

- Gaining an understanding of views and opinions of all staff
- Deciding on lead roles for the review process
- Developing a review project plan – tasks, timescales and deliverables

2. Stakeholder mapping exercise

- Carried out to ensure maximum stakeholder coverage and determine ways in which they can be engaged
- Creating opportunities to engage with
 - Clinical staff
 - Other internal Trust staff
 - Governors and members
 - Other major external stakeholders

3. Developing a stakeholder engagement website

- Creating a secure website which
 - Allows ongoing review and dissemination of key data and information for all staff
 - Assists discussion and decision making
- And which provides information for stakeholders including:
 - Background to Seizing the Future
 - Progress updates
 - Information on workshops and related activities
 - Analyses and evidence base

4. An initial analysis of Our NHS our Future

The national review led by Lord Darzi will set a framework for the NHS in the future. As part of the scoping study Matrix will work with the Trust to carry out an initial assessment of its implications for the Trust.

8. Next steps

The Trust is beginning work on the scoping study and will be seeking to engage with its internal and external stakeholders.

Once we have established the stakeholder engagement website, we will contact you to give details of how it can be accessed.

For more information on Seizing the Future, please contact:

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Agenda Item 5(a)

STATUS PUBLIC

Portfolio Member/Director/Head of Service Cllr Nigel Van Zwanenberg Head of Planning Services	Portfolio Strategic Planning & Regeneration
Subject Charter Mark for Building Control	Date 16 April 2008
	Forward Plan No
Contact Officer Stuart Bell, Building Control Manager	Previous Minutes None
Purpose of Report The purpose of the report is to publicise the successful outcome of the 2008 Charter Mark inspection by Charter Mark Assessment	
Executive Summary Maintaining the Charter Mark for Building Control is an important element of the Business Plan for the service since it fosters high standards of performance and quality working relationships with stakeholders and the public in an increasingly competitive environment for Local Authority Building Control. Charter Mark Assessment Services considers that Building Control and its partnership with JBC has continued to deliver excellent service to the community over the past 12 months. The Service has maintained a high level of service delivery in a competitive business environment notwithstanding staff recruitment/retention difficulties in Local Authority Building Control. Four areas originally identified for improvement have been re-assessed resulting in a general acknowledgement of continued improvement, but the Assessor seeks further improvement to address these areas. The 4 areas identified for improvement, can be summarised as follow:- <ol style="list-style-type: none"> 1. Better communication to customers of dips in performance and highlight methods of addressing performance issues. 2. Better communication of results of consultation and publicity of planned action. 3. Provide evidence on the impact of the service and on how it reaches out to the wider community. 4. Demonstrate what has been learnt from involvement in the community and how this has led to service improvement. 	
Portfolio Member Recommendations or Items Requiring a Cabinet Decision It is recommended that: <ol style="list-style-type: none"> 1. the outcome of the inspection by Charter Mark Assessment Services be noted 2. the staff of Building Control section be commended on their efforts to retain Charter Mark accreditation 3. the Building Control Manager make the necessary amendments to his Service Improvement Plan to reflect the inspector's recommendations 	

Reasons for Recommendations

To highlight the annual commitment made through the Business Plan to the achievement of Quality Public Services and to recognise the team motivation and commitment of the Building Control section

Alternative Options To Be Considered

None

Consultation

Key stakeholders who participated in the Inspection and awareness event on 18 February 2008 will be specifically thanked for their contribution to the process. Renewal will be publicised as part of the promotion of quality assurance accreditation (eg letters, documentation, website).

LGR Implications

This report does not fall within the direction issued by the Secretary of State for Communities and Local Government on 29th February 2008 and accordingly does not require the consent of any other body prior to a decision being made by Cabinet.

Financial, Legal and Risk Implications

The successful outcome will enable the Council to promote the Local Authority Building Control service amidst competition from the private sector.

Resource Implications

There are no major budgetary implications. Renewal will enable the service to campaign/promote with greater confidence for fee earning income.

Timescale for Action

With immediate effect.

Associated Policies and Plans

Business Plan - Building Control

Supporting Documents

None

Background Papers

Local Performance Indicators.
Corporate Performance Plan 2007-2010
Procedural and operational documents.

Agenda Item 5(b)

STATUS PUBLIC

Portfolio Member/Director/Head of Service Councillor Fraser Reynolds/Head of Community Services	Portfolio Leader
Subject Durham Villages Regeneration Funding – New Build Multi Purpose Parish Hall	Date 16 th April 2008
	Forward Plan No
Contact Officer Julie Anson Ext 8829	Previous Minutes Minute No 299 – 17 October 2007
Purpose of Report The purpose of the report is to consider proposals to build a multi purpose parish hall offering worship facilities for the whole community of Bowburn and surrounding villages, and note / approve the release of Durham Villages Regeneration Company Limited (DVRC) Funding of £100,000 towards this project.	
Executive Summary	
<p>Members will be aware of the Bowburn and Parkhill Masterplan, developed by Halsall Lloyd Partnership who were appointed by the City of Durham through DVRC.</p> <p>This reports sets out details of proposals to build a multi purpose parish hall offering worship facilities for the whole community of Bowburn and surrounding villages. These proposals have been developed in Partnership with the Parish of Cassop cum Quarrington with Bowburn, Bowburn and Parkhill Community Partnership, and the City of Durham.</p> <p>This is a key community and environmental project for the village which forms part of a much bigger masterplan to regenerate Bowburn and increase the community facilities and visual appearance of the village. The masterplan identifies a series of potential projects ranging from small scale through to major strategic proposals for transforming the local environment. The masterplan highlights the need to protect and enhance the facilities of the village, ensuring long term sustainability of services and groups. A series of themed workshops held in 2004/2005 identified the need to rebuild the multi-purpose parish hall (Sec 9:1 Bowburn and Parkhill Masterplan Final Report), and this scheme has been developed through partnership meetings, group events and officer discussions.</p> <p>Extensive consultation with the local community identified the need for a multi purpose parish hall and worship centre as part of the Masterplan. Further consultation was carried out during the months of September, October and November 2007, which identified and supported the draft plans of the new build.</p> <p>The new build is therefore consistent with the needs of the local community identified through the Bowburn Masterplan and associated consultation events.</p> <p>The proposed project will enhance the appearance of the village.</p> <p>In terms of the consultation the following proposals have been agreed:-</p> <ul style="list-style-type: none"> ▪ Provide a parish hall to extend community/group activities and offering worship facilities for use by all denominations ▪ Lay tarmac to provide off road parking for user groups ▪ Lift and remove existing lawned areas around the site and re-establish lawn ▪ Provide path around perimeter of site providing access for all 	

- Supply and install ramps at front and rear doors for disabled access
- Supply and install security lighting at rear of hall and car park
- Supply and install passive security lighting at front of hall
- Provide toilets including disabled and baby changing facilities
- Provide new kitchen facilities to meet Health & Safety standards
- Provide storage space for the equipment of user groups

The Bowburn and Parkhill Community Partnership has agreed the contribution of £100,000 from the Regeneration Fund towards this project. The proposal was approved at the DVRC Board on 6th March 2008 and the project now requires City of Durham Council Cabinet approval.

Portfolio Member Recommendations or Items Requiring a Cabinet Decision

That Cabinet approves the regeneration project and the release of the £100,000.00 funding from DVRC, subject to the balance of the funding being secured, and notes that the scheme will not form part of the Councils 2008/09 Budget Framework

Reasons for Recommendations

This is a key environmental and social project for the village, to provide a much needed community facility, which forms a key strand of the Bowburn Masterplan.

The project will contribute to the Community Plan and improve the quality of life for local people.

The project will contribute to the Corporate Plan – Flourishing Communities – key strategic aim

Alternative Options To Be Considered

Do nothing. However this is not considered an option. The Council has previously committed to the regeneration of this area and both resident and local member expectations have been raised. Significantly, if the project is not delivered this will severely limit the ability to improve the quality of life and regeneration of this area.

Reduce or amend the proposals in terms of facilities to be provided – as shown above. The full extent of the scheme has been agreed with The Bowburn Multi Purpose Parish Hall Group, the Bowburn and Parkhill Community Partnership and following extensive community consultation. However, this has always been on the understanding that facilities provided would be amended accordingly should full funding not be available.

Consultation

Consultation events held are listed below:-

- This project was identified through a series of themed workshops carried out with consultants, local residents and Council officers throughout the period of 2004/5. The project is highlighted within the Masterplan document and consultation has continued within the monthly Community Partnership meetings and Parish Hall Working Group meetings. The Masterplan was adopted in October 2007.
- 16 November 2007 Questionnaires/Boxes placed in 7 community accessible buildings
- 16 November 2007 Questionnaires posted on The Bowburn Website
- 24 November 2007 Bowburn Community Centre Consultation Event
- December 2007 Mail Shot to 100 properties in the proximity of the proposed New Build
- 30 November to 1 December 2007 Open Days at the Vicarage with Plans on display
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LGR Implications

The proposals set out in this report do not seek to amend the Councils approved 2008/09

capital programme or Budget Framework and therefore do not fall under the provisions of the Business as Usual Decision Making protocols approved by the Implementation Executive.

Financial, Legal and Risk Implications

The total cost of the project will be in the region of £238,000 and works will be carried out by a tendered contractor. The work is being managed via the Bowburn Parish Hall Working Group and falls outside of the Council's Budget Framework. However, funding is confirmed to the value of £70,000 from various fundraising activities (Building Fund). The group have submitted further funding applications to the value of £71,000 - sourced from the following agencies :-

- All Churches Trust
- The CHK Charity Ltd
- Garfield Weston
- CC Gibson Charitable Trust
- The Diocese
- The Vardy Foundation

The Bowburn and Parkhill Community Partnership has agreed the contribution of £100,000 from the Regeneration Fund towards this project. The proposal was approved at the DVRC Board on 6th March 2008 and the project now requires City of Durham Council Cabinet approval.

Ownership and responsibility for the facility will lie with the Parochial Church Council of Cassop cum Quarrington with Bowburn. The City Council will not have any ongoing maintenance or other liability.

The major risk identified is a reputational one, should the Council fail to deliver on its long-standing regeneration commitments in this area. This project has been in the design and consultation phase for a number of years and expectations are high. In terms of financial risks, the scheme falls outside of the Council's Budget Framework and liability extends only to the DVRC commitments / awards given towards the costs of construction. Risks in terms of the securing the remaining funding will be closely monitored, and would result in an overall revision of the scheme should the full amount of funding not be forthcoming.

Resource Implications

The project has been developed by the Bowburn Parish Hall Working Group with ongoing support and guidance from the City Council's Community Development Team. The Working Group is responsible for the delivery of the scheme and has arranged external Project Management. Any ongoing support from the City Council will be accommodated from within existing staff resources.

Timescale for Action

The project has received planning permission. If approved, the project will commence construction in 2008/09, subject to funding and contractors' timescales.

Associated Policies and Plans

- 2008/09 Revenue and Capital Budgets
- Transition Plan 2008/09
- Bowburn and Parkhill Masterplan

Supporting Documents

None

Background Papers

- DVRC Board Meeting on 6th March 2008 approved £100,000.00 to the Bowburn Park Project (minutes not yet available)
- Letter of support and approval from the Bowburn and Parkhill Community Partnership
- Local Government Review – Government Directions : Control of Disposals, Contracts and Reserves - “Business as Usual” Decision Making – Report to Cabinet 19.03.08
- Transitional Plan 2008/09 - – Report to Cabinet 19.03.08

Agenda Item 5(c)

STATUS PUBLIC

Portfolio Member/Director/Head of Service Councillor Fraser Reynolds/Head of Community Services	Portfolio Leader
Subject Durham Villages Regeneration Funding – Parkhill Play Area	Date 16 th April 2008
	Forward Plan No
Contact Officer Pam Sinclair Ext 8849	Previous Minutes Minute 299 – 17 October 2007
Purpose of Report The purpose of the report is to consider proposals for the regeneration of Parkhill Play Area and approve amendments to the 2008/09 Capital Programme, funded via the release of Durham Villages Regeneration Company (DVRC) Funding of £208,777.00 towards this project.	
Executive Summary	
<p>Members will be aware of the Bowburn and Parkhill Masterplan, developed by Halsall Lloyd Partnership who were appointed by the City of Durham through DVRC.</p> <p>This report sets out proposals developed in partnership with Parkhill Residents Group and Bowburn and Parkhill Community Partnership to regenerate the recreation area in Parkhill and provide the area with a much needed community facility.</p> <p>These works are integral to the achievement of the aims of the Bowburn and Parkhill Masterplan. It represents much needed investment in the environmental and social infrastructure within Parkhill, a key strand of the masterplan to regenerate Bowburn and Parkhill.</p> <p>Extensive consultation with the local community identified the need for a new recreation facility in Parkhill and a new community building, which will provide a range of facilities not currently provided within the local area. Subsequent to the Resident Group's initial consultations with the community, the City of Durham appointed Halsall Lloyd Partnership to develop a masterplan for Bowburn and Parkhill and set up a delivery team to help deliver community aspirations for Parkhill. The masterplan identifies a series of potential projects ranging from small scale through to major strategic proposals for transforming the local environment. The masterplan highlights the need to protect and enhance the facilities of the village, ensuring long term sustainability of services and groups. A series of themed workshops held in 2004/05 identified an "opportunity for creating community facilities for residents of Parkhill" and the idea of the "creation of a children's play area". (Sec 9:2 Bowburn and Parkhill Masterplan Final Report). This scheme has continued to be discussed and developed through the monthly Community Partnership meetings and the Parkhill Residents Group meetings.</p> <p>The projects are entirely consistent with the needs of the local community identified through the masterplan and associated consultation events.</p> <p>The proposed play projects will significantly increase utilisation of the Parkhill play areas which are currently underused and badly in need of investment, and it is envisaged that the projects will help to bring the whole community together and will significantly contribute to the well being of residents.</p>	

In terms of the overall consultations the following proposals have been agreed to increase participation in sport and fitness activities for all ages and increase community cohesion and facilities:-

- Install equipment to Skate Park area plus 3 bike stands
- Lay tarmac to skate area
- Install MUGA
- Lay tarmac to MUGA
- Install an arena Meeting Point 4 cell seating area including tarmac base
- Install 2 bay swing to replace the existing swings
- Lift and remove the existing rubber tiles and equipment and dispose from site
- Replace the existing slide/climber with NEXUS Core unit
- Install "Climbing Rocks" including safety surfacing
- Supply 4 seats to "Pride in Durham" standard
- Supply 4 litter bins to "Pride in Durham" standard
- Supply equipment to "Island" area
- Install tarmac to "Island" area
- Install new signage to park and play area
- Construct new Community Pavilion building
- Resurface existing footpath adjacent to new Community Centre location.

The proposed project will be fully financed from external capital resources. The project was approved at the DVRC board on 6th March 2008 and the project now requires City of Durham Council Cabinet approval and budget consent from the County Treasurer, in accordance with the Business As Usual "Decision Making" Protocols – as reported to Cabinet in March.

Portfolio Member Recommendations or Items Requiring a Cabinet Decision

That Cabinet, subject to appropriate written consent from the County Treasurer: -

- 1) Approves the amendment to the 2008/09 Capital Programme in relation to the inclusion of the Parkhill Play Area and Community Facilities – fully funded from external capital resources
- 2) Notes the release of the £208,777.00 from DVRC to provide the gap funding shortfall to the proposed project.
- 3) That in the event that full funding is not received from external resources, the scheme is amended accordingly.

Reasons for Recommendations

This is a key environmental and social project for the village, to increase utilisation of the recreation area, which forms part of the Bowburn and Parkhill Masterplan. Parkhill has limited play provision currently and this development would provide an active play area for the young people of the village.

The provision of the play area will also greatly assist in the achievement of the Government's five desirable outcomes from the 'Every Child Matters' agenda of:

- Being healthy
- Staying safe
- Enjoying and achieving
- Making a positive contribution
- Achieving economic well being

The project will contribute to the Community Plan and improve the quality of life for local people.

The project will contribute to the Corporate Plan – Flourishing Communities – key strategic aim.

Alternative Options To Be Considered

Do nothing. However this is not considered an option. The Council has previously committed to the regeneration of this area and both resident and local member expectations have been raised. Significantly, if the project is not delivered then this will severely limit the ability to improve the quality of life and regeneration of this area.

Reduce or amend the proposals in terms of facilities to be provided – as shown above. The proposed scheme has been agreed in consultation with local members, the Residents Group and follows extensive community consultation. However, this has always been on the understanding that elements of the play equipment provision will not be delivered should full funding not be available.

Consultation

These projects are fully supported by both Cassop cum Quarrington Parish Council and Durham County Council, and a letter of support has been received from the Bowburn and Parkhill Community Partnership.

Details of the specific community consultation events held in relation to this project are listed below:-

- 14th February 2004 Improvements to play areas identified in the Bowburn and Parkhill Masterplan at an exhibition and public meeting
- 11th November 2006 Plans displayed and questionnaires circulated at Consultation Event
- 15th December 2006 Plans displayed and questionnaires circulated at Children's Christmas Party
- Ongoing consultation and development of the project has continued through the monthly Community Partnership meetings and Parkhill Residents Group meetings. Overall approval of the masterplan took place at Cabinet in October 2007.

LGR Implications

The proposals set out in this report seek to amend the Councils approved 2008/09 capital programme. The proposals set out above are fully funded and do not result in a call on the Councils Capital Resources in 2008/09. In addition, ongoing safety inspection and routine maintenance requirements from 2009/10 onwards can be accommodated from within existing revenue budgets.

The estimated useful life of this facility is 20 years. Any future upgrade, replacement or major repair / renovation of this facility would need to be considered by the new authority at the appropriate time, balanced against the priorities of the new authority and community needs. This is not considered to be an issue that should prevent the scheme from being implemented or gaining appropriate consent from Durham County Council.

In accordance with the protocols approved by the Implementation Executive, in response to the 'Directions' issued by the Secretary of State for Communities and Local Government (CLG) with regards to the control of disposals, contracts and reserves within authorities that are to be abolished, consent to the amendment / inclusion in the 2008/09 Capital Programme is required from the County Treasurer.

As reported to Cabinet in March, all such proposals need to be identified by the Director of Financial Services and fully discussed with the County Treasurer. The proposals set out in this report were discussed with the County Treasurer on 3 April 2008 and the above report reflects any comments and amendments suggested. General consent, subject to approval

by the Implementation Executive has been issued verbally by the County Treasurer.

Financial, Legal and Risk Implications

The total cost of the project is estimated to be in the region of £317,496. It was initially envisaged that this project would be delivered via DVRC or through the Residents Group and therefore the scheme fell outside of the 2008/09-budget framework.

However, the opportunity exists for the project to benefit from being project managed and delivered by the City Council rather than via DVRC or the Residents Group. This would require an amendment to the 2008/09 Capital Programme. The contract is subject to the City of Durham's formal tender procedures.

Funding has been sourced by the Residents Group, working with the City Councils Funding Officer in Community Development, and is now almost fully secured and the table below details the funding secured and applications in hand:-

Funding Partner	Contribution	Funding Secured
Sport England	43,219	No – Outline Only
Big Lottery Fund Children's Play	50,000	Yes
Awards for All	5,000	Yes
Parish Council	6,500	Yes
Durham City Council Councillors' Allowance	4,000	Yes
DVRC Capital Contribution	208,777	Yes – Subject to Cabinet Approval
Total Scheme Gross Costs	317,496	

The consequence of delivery of this project will be an improved community facility which replaces the facility currently provided and maintained by the Council. Once the project is complete, the Council will have the same rights and responsibilities in respect of the play areas as existed prior to the project.

The estimated usual life of the MUGA etc. is 20 years, provided the facilities are routinely inspected and adequately maintained. There is currently no specific provision for the replacement of this equipment should it become obsolete or beyond reasonable repair in the future. However, the City Councils annual capital programme traditionally included sums for provision of general play / leisure equipment, allocated on a priority needs basis. Such sums, if retained within the capital programmes of the new authority, could be available to replace equipment in the future if required.

The major risk identified is a reputational one, in the event that the Council fails to deliver on its long-standing regeneration commitments in this area. This project has been in the design and consultation phase for a number of years and expectations are high. In terms of financial risks, the scheme is fully funded and will not impact on the Councils available capital resources within the 2008/09 budget framework.

Whilst there are negligible cash flow implications in terms of the scheme costs and timings of receipt of the external grant funding, these can be accommodated from within existing budgets. Ongoing revenue costs (inspection and routine maintenance) can be accommodated from within existing revenue budgets.

Risks in terms of the securing of the contributions from Sport England are being closely monitored, and feedback on the likelihood of a successful award is positive. Failure to secure the Sport England Funding will require a reduction in the overall scheme and this is something that all parties involved are fully aware of. Whilst disappointing, this reduction in grant would not result in the need to cancel the scheme, just reduce the overall coverage in terms of play facilities provided.

Resource Implications

The scheme will be project managed by Property Services. The costs of this have been included in the funding application and therefore will be fully recoverable. In addition the Parkhill Residents Group will continue to receive support from the City Council's Community Development Section as part of the existing staffing resource.

Timescale for Action

Planning permission was granted on 20th September 2007 and, subject to Cabinet approval and appropriate consents in terms, work is scheduled to commence on site in May 2008.

Associated Policies and Plans

- 2008/09 Revenue and Capital Budgets
- Transition Plan 2008/09
- Bowburn and Parkhill Masterplan

Supporting Documents

None

Background Papers

- DVRC Board Meeting on 6th March 2008 approved £208,777.00 to the Parkhill Play Area Project (minutes not yet available)
- Letter of support and approval from Bowburn and Parkhill Community Partnership
- Local Government Review – Government Directions : Control of Disposals, Contracts and Reserves - “Business as Usual” Decision Making – Report to Cabinet 19.03.08
- Transitional Plan 2008/09 - – Report to Cabinet 19.03.08

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Agenda Item 5(d)

STATUS PUBLIC

Portfolio Member/Director/Head of Service Councillor N Van Zwanenberg/Councillor L Thomson/Head of Community Services	Portfolio Strategic Planning & Regeneration/Communities
Subject Masterplan/Regeneration Scheme at Esh Winning – Interim Report – Allocations Policy : Phase 1 Properties	Date 16 April 2008
	Forward Plan No
Contact Officer M Thompson - 0191 3018429	Previous Minutes Minute 299 – 17 October 2007
Purpose of Report To formalise arrangements for the rehousing elements associated with the Masterplan Phase 1 Schemes at Esh Winning.	
Executive Summary Members may recall a report to Cabinet on 17 October 2007, when the Masterplans for Bowburn, Brandon and Esh Winning were adopted. Following adoption of the documents further discussion has taken place with the local ward members for Esh Winning and with Durham Villages Regeneration Company Limited (DVRC) regarding developing initial plans and proposals for the areas identified in Phase 1 of the delivery plan within the Masterplan. Whilst full details of the regeneration scheme are not yet fully developed, the first phase areas for redevelopment have been identified as The Oaks, Rowan Court and Pine Tree, and it is therefore appropriate for members to consider the potential implications for residents of these areas. Whilst the actual outputs from the regeneration works are not yet known, however, it is felt that the issue of rehousing is something that needs to be considered at this point and that the Council needs to consider the potential impact of continuing to let properties (in accordance with the approved Allocations Policy) in these areas. Within the first phase area the City Council has a total of 67 households occupying Council properties in The Oaks, Rowan Court and Pine Tree. Should the scheme progress to estate remodelling (as in Bowburn) then the City Council will be required to offer the existing tenants suitable alternative accommodation. To date only initial consultation has taken place with residents to advise of the proposals for redevelopment in the area. Further one-to-one consultation will be required to establish the type, size and location of accommodation that they will require. Discussions will also need to take place with owner-occupiers in these streets (currently 7 RTB properties) regarding their circumstances, the implications of the development work and the options available. The Allocations Policy introduced in 2007 contains a category to cover those applicants who face losing their home through demolition and places them in Band A (Applicants living in properties subject to a Compulsory Purchase Order or where the City of Durham Council requires the property to be demolished or vacated for other special reason (e.g. for modernisation). There may be a need to consider prioritisation of applicants based on the	

phasing requirements associated with the development works, and it is suggested that this be administered in consultation with the Portfolio Holder for communities.

The outcomes of discussions with residents will inform the negotiations with DVRC and the preparation of the redevelopment programme. Further reports will need to be brought to Cabinet in due course outlining the programme and the financial implications. Clearly any such proposals would need careful consideration and would be subject to discussions with Durham County Council.

Portfolio Member Recommendations or items Requiring a Cabinet Decision

1. That with immediate effect no further letting takes place of properties at The Oaks, Rowan Court and Pine Tree Esh Winning. Vacant properties to be made secure pending further consultations and development of detailed proposals.
2. That appropriate arrangements be established for further consultation with affected residents, and subsequent rehousing be administered through the Council's Allocations Policy and in consultation with the Portfolio Holder for Communities.
3. That further reports be brought forward in due course once the redevelopment programme has been prepared and that these proposals be fully discussed with Durham County Council (in accordance with the Business As Usual Protocols established by the Implementation Executive).

Reasons for Recommendations

To formalise arrangements to halt the letting of properties in the affected streets. To commence consultation with affected residents regarding their rehousing options. To start the process of providing capacity within the housing stock for regeneration activity to commence.

Alternative Options to be Considered

Do nothing. This is not considered a viable option as there is clearly an identified need for regeneration of the Esh Winning area to improve the quality of life for local people, and a failure to formally identify the Phase 1 locations will lead to ongoing uncertainty about the proposals.

Consultation

Community consultation played a key role in the development of the Esh Winning Masterplan. An extensive programme of consultation was undertaken, involving a series of public open consultation events for the wider public, discussion groups with local members and community representatives, and active engagement with key stakeholders.

LGR Implications

The proposals set out in this report do not seek to amend the Councils approved 2008/09 capital programme or Budget Framework at this stage and therefore do not fall under the provisions of the Business as Usual Decision Making protocols approved by the Implementation Executive in terms of needing to seek consent from the County Council.

However, once consultation has been completed and detailed proposals developed the scheme will be subject to the protocols agreed by the Implementation Executive. Further discussions will be required with the County Treasurer once full details are available and consent will be required before the proposals can be implemented.

Financial, Legal and Risk Implications

There is a potential reputation risk if action is not taken at this point to formalise the regeneration Phase 1 area and the rehousing aspects. From a financial point of view, continuing to let properties in the potentially affected area will needlessly increase the cost of the regeneration scheme in the event that it does progress, as more people will be entitled to rehousing and the compensation that that entails. Financially and legally there are no implications at this stage, however, further reports will need to consider the risks associated with the land assembly process, rehousing costs etc, once the redevelopment programme is fully defined. This will include negotiations between DVRC and the owner occupiers regarding the implications of any development work and the options available.

Resource Implications

The consultancy GVA Grimley was appointed to carry out the masterplan development work for the Esh Winning area, with the aim of identifying a series of potential regeneration projects and prioritising them in order of importance. Ongoing work with regard to this report will involve Housing and Community Development staff as part of their core activities.

Timescale for Action

Consultation with affected residents will commence following acceptance of this report, with redevelopment works being subject to further discussions with DVRC, planning requirements etc, and further reports to Cabinet.

Associated Policies and Plans

The regeneration work will contribute to the Community Plan by way of improving the quality of life for local people, and to the City Council's key aim of Flourishing Communities.

Supporting Documents

None

Background Papers

Esh Winning Masterplan

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Agenda Item 5(e)

STATUS PUBLIC

Portfolio Member/Director/Head of Service Cllr Reynolds / Head of Legal & Strategic Services	Portfolio Leader
Subject Creation of a working party to undertake a Community Governance Review	Date 16 th April 2008
	Forward Plan Yes
Contact Officer Clare Greenlay, Head of Legal & Strategic Services Tel 301 8878, email: cgreenlay@durhamcity.gov.uk	Previous Minutes N/a
Purpose of Report To inform Cabinet of the procedure by which a community governance review is to be undertaken, and to seek confirmation for the creation of a working party to conduct preliminary work in anticipation of a community governance review being commissioned.	
Executive Summary Cabinet will recall that Part IV, Chapter 3 of the Local Government and Public Involvement in Health Act 2007 (the Act) made provision for principal authorities to undertake community governance reviews in respect of the areas for which it is responsible. The Council is a principal authority in respect of this matter and is therefore entitled to conduct a community governance review, provided that it notifies the County Council of its intention to carry out the review, and the terms of reference of the review. The Council has indicated its desire to undertake a community governance review, to which end this report has been prepared. The relevant sections were brought into force by virtue of SI 2008/337 on 13 th February 2008.	
Report A community governance review is a review of the whole or part of the principal council's area, for the purpose of making recommendations as to the future governance of that area. As a consequence of a community governance review being undertaken, recommendations as to the future of community governance in the areas concerned may be made:- <ul style="list-style-type: none"> • The creation of a new parish or parishes by <ul style="list-style-type: none"> ○ establishing an unparished area as a parish; ○ aggregating one or more unparished areas with one or more parished areas; ○ aggregating parts of parishes; ○ amalgamating two or more parishes; ○ separating part of a parish; (the aggregation of one or more unparished areas with a single parish is not the constitution of a new parish) 	

- In respect of a review of existing parishes:
 - that the parish should not be abolished and that its area should not be altered;
 - that the area of the parish should be altered;
 - that the parish should be abolished.

In undertaking a community governance review the Council must comply with the duties imposed on it by virtue of section 93 of the Act, but otherwise is free to determine how to undertake the review. The Secretary of State for Communities and Local Government is entitled to issue guidance in respect of the conduct of community governance reviews, but has not to date issued such guidance.

In the absence of guidance, the Council must:-

- consult the local government electors for the area under review and any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.
- take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement in respect of the area under review.
- take into account any representations received in connection with the review.
- As soon as practicable after making any recommendations, the council must publish the recommendations and take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
- conclude the review within the period of 12 months starting with the day on which the council begins the review.

In the event that Council is minded to commence a community governance review of any area, having regard to the above obligations, its recommended that a multi-disciplinary working party be formed to carry out a preliminary exercise to determine in which areas it may wish to undertake a community governance review. The working party could consist of:-

- district council ward members – suggest one member for each ward which is the subject of consideration by the working party
- relevant portfolio holders

and could receive appropriate officer advice. Once the working party had met and considered the potential scope of its remit, consideration could be given to utilising the knowledge of:

- parish council members
- county council / new unitary authority members
- voluntary groups
- community development officers
- democratic services officers
- legal officers
- county council officers

The findings of the working group would enable the council to determine whether a community governance review should be undertaken, and if so, in which areas. It would also assist those undertaking the community governance review to identify the terms of reference of the review quickly, and the skills that will be needed to conduct the review in the most efficient manner possible.

Recommendation

That Cabinet form a working party to conduct a preliminary exercise to determine the potential scope and extent of a community governance review within the City of Durham Area.

Reasons for Recommendations

It is desirable to undertake preliminary work to determine the appetite of members, the electorate, parish councils and special interest groups prior to formally committing to undertake the conduct of a community governance review, especially given that no guidance is yet available as to how this new process should be conducted.

Alternative Options to be Considered

1. Do nothing. The public can require the carrying out of a community governance review by submitting a petition to the Council requesting that a review be undertaken. The Council could wait for such a petition to be received before commencing a community governance review and thus be reactive rather than proactive in respect of the future of community governance in the City of Durham area. Pursuing this course would delay matters but ensure that the Council was responding to a public appetite for a review.
2. Ask the County Council / New unitary authority, as another principal authority in the area, to undertake the review. This would mean that the Council would not have as much of an input into the review.

Consultation

Given the preliminary nature of this report, no formal consultation has been undertaken, though it is understood that members have attended a number of public meetings to gauge the likely level of support for a community governance review to be undertaken.

LGR Implications

This report does not fall within the direction issued by the secretary of state on 29th February 2008 and accordingly does not require the consent of any other body prior to a decision being made by Cabinet.

Financial, Legal and Risk Implications

The support of the working party proposed by this report can be accommodated by employees already working for the Council. Minimal resources will be required to support the working party. In the event that the working party decides that it is appropriate to undertake a full community governance review, it is likely that there will be some additional resources required, however this will be the subject of an additional report, should such a decision be made.

Legally, the Council is entitled to undertake a community governance review and it would be appropriate to undertake the preliminary work recommended by this report in advance of undertaking such a review.

Should the working party recommend that a community governance review be undertaken, the risk implications of the review will be addressed when Cabinet formally undertakes to conduct the review.

Resource Implications

Employee and member involvement will be required, however the minimal physical and financial resources that will be required to support the working party can be accommodated from within existing resources.

Timescale for Action

Given that any community governance review must be completed within a year, and that this council will be abolished on 1st April 2009, it would be prudent to ensure progress is made as swiftly as possible, though undoubtedly the new unitary authority will be able to take over the review in the event that it is not concluded by 31st March 2009.

Associated Policies and Plans

n/a

Supporting Documents

n/a

Background Papers

n/a

Agenda Item 5(f)

STATUS PUBLIC

Portfolio Member / Head of Service Cllr Sue Pitts/ Tracey Ingle	Portfolio Leisure and Culture
Subject City Centre Premises Licence	Date 16 th April 2008
	Forward Plan No
Contact Officer Tracey Ingle, Head of Cultural Services (3018800)	Previous Minutes Cabinet ,18 April 2007 Minute no. 605
Purpose of Report The purpose of this report is to seek approval to make the application for a new Premises Licence for the City centre under the Licensing Act 2003 to the City Council's Licensing Section. Further to the Cabinet Report of April 2007 work has been undertaken to reach final agreement with other City Centre land owners, manage the legal responsibilities and to implement the Designated Public Place Order for the City Centre as a precursor to the proposed Premises Licence. Further work has been undertaken to understand the legal risks associated with nominating a Designated Premises Supervisor and how these may be mitigated.	
Executive Summary Designated Public Place Order As Members will recall the Designated Public Place Order (DPPO) Sections 12 -16 of the Criminal Justice and Police Act 2001 allow local authorities to adopt powers to designate areas which have known anti-social drinking and nuisance associated with them. City of Durham Council and the Durham police are in the final stages of bringing in a DPPO that covers the City Centre and its surrounds. Licensing Act 2003 The Licensing Act 2003 is a single licence that gives permission to premises and venues to supply alcohol, to provide regulated entertainment or to provide late night refreshment. The Act requires each licensing authority to carry out its duties with a view to promoting the four licensing objectives below. The objectives are: <ol style="list-style-type: none"> 1. the prevention of crime and disorder 2. public safety 3. the prevention of public nuisance 4. the protection of children from harm They aim to ensure that everybody involved in the licensing regime is focused on common goals essential to the fair balance of differing interests and the well being of our communities in relation to licensable activities. Appendix 1 has the proposed Operational Guidance that would be attached to the proposed City Centre Licence. The benefits of the City centre Premises Licence will include:	

1. The City will gain more control over the type of events that come into the City centre, and where they are located within the City.
2. The timings of the events will be contained within licensed hours.
3. The Council can lead on the co ordination of a program of events that can potentially cover the whole City centre and will provide greater choice for consumers, about where, when and how they spend their leisure time in the City.
4. Licensing different areas of the City will lead to further developing our rich culture of live music, dancing and theatre within the City
5. The licence could lead to the regeneration of areas through the increased investment that a thriving and safe day-time and night-time economy can bring.
6. The quality of the events that happen within the City will benefit greatly from better regulation, through the conditions of the licence. Appendix 2 contains the Operating schedule for the proposed licence application.
7. The licence will include the land used for circus performances which would give the Council control over this provision.
8. Licensing the streets and bridges in the City centre will allow the Council to control the quantity and quality of buskers.

The Plan at Appendix 2 shows the areas to be included in the Licence. These includes land in the City Council's ownership with other areas of private land where owners have consented to be part of the application. Negotiations with other land owners are continuing.

Licensable activities that will be covered

The licence will cover the provision of 'regulated entertainment' and the provision of entertainment facilities. To be "regulated entertainment" the entertainment must take place in the presence of an audience and be provided for the purpose of, or for purposes which include, entertaining that audience.

The descriptions of entertainment in the Licensing Act are:

1. the performance of a play
2. an exhibition of a film
3. an indoor sporting event
4. boxing or wrestling entertainment
5. a performance of live music
6. any playing of recorded music
7. a performance of dance
8. or entertainment of a similar description to live music, recorded music or dance

Entertainment facilities that enable people to take part in entertainment for the purpose of being entertained. This applies only to making music, dancing, entertainment of a similar description to making music or dancing, the provision of late night refreshment at licensed activities and the sale of alcohol at licensed events.

Designated Premises Supervisor (DPS)

The proposal to licence the City centre has necessitated the identification of a suitable DPS. The Department of Culture, Media & Sport offers the following definition of a DPS.

'The designated premises supervisor (DPS) is the person identified as such for a particular premises who is named on the premises licence. Any premises where alcohol is supplied under a premises licence must have a DPS. They will be named in the operating schedule for any premises with a premises licence...It is expected that they will be the point of contact for the premises at all times for licensing authorities, or the police or fire services if problems occur at the premises.'
(<http://www.culture.gov.uk>)

Only a small percentage of licensable events in the City Centre are likely to include the sale or supply of alcohol. The DPS is only required to be identified on a premises licence if alcohol is to be included as a licensable activity. To emphasise the benefit of this licence is that it relates to culture and entertainment; and alcohol will probably be sold only at occasional events as well as at certain markets. Finally, the legislation does not require the DPS to be present at any event where alcohol is available, but that they should be contactable if there is a problem relating to one or more of the licence objectives.

The Head of Cultural Services is the proposed DPS who will be contactable generally alongside nominated deputies. There is a low risk that the DPS would be liable for prosecution if it were proven that an offence such as the sale of alcohol to people who are underage occurred. However, as this liability rests with the DPS even if absent and deputies represented the DPS this risk needs to be managed.

Portfolio Member Recommendations or Items Requiring Cabinet Decision

The application for a City Centre Premises Licence covering the area shown in the attached map for activities in the attached operating schedule.

The Head of Cultural Services be approved as the Designated Premises Supervisor for the purposes of the Licence application.

The Council ensure that the mitigation measures requiring applicants to ensure proper training for staff selling alcohol at a licenceable event, bring the proposals for the event to the Safety Advisory Group and that suitable training is given to the Head of Cultural Services and proposed deputising staff.

Reasons for Recommendations

The application for a Premises licence brings significant advantages to the future management of events in the City centre. As it requires the nomination of a Designated Premises Supervisor risk mitigation is proposed to ensure the Council and its officers can discharge its duties in a manner that meets the requirements of the Licensing Act and uses the current support systems for event management.

Alternative Options To Be Considered

The first option is to do nothing. Feedback from organisations in the City suggest there is appetite to raise the quality of events and deliver cultural vitality. If we continue to generate a *laissez faire* approach programming and quality cannot be controlled.

Designate a DPPO alone. This could have direct benefit for drink related disorder, but does not deliver a cultural agenda. It can send out a message that could be reported negatively for the City's reputation.

Preferred Option:

Pursue a negotiated premises licence – using the 2020 Vision Partnership and Events Team to agree as far reaching Licence for the centre as can be agreed.

Consultations

Discussions with our partners have allowed a fuller Licence to be proposed. Engagement with the Police has allowed their support for these proposals to be forthcoming. Further formal discussions will be held with City Centre business organisations and other stakeholders within the framework of the Durham City Vision.

LGR Implications

This report does not fall within the direction issued by the Secretary of State for Communities and Local Government on 29th February 2008 and accordingly does not require the consent of any other body prior to a decision being made by Cabinet. The

Licence will cease on vesting day unless the new authority choose to transfer it.

Financial, Legal and Risk Implications

There is a low risk that the DPS would be liable to prosecution if it were proven that an offence (such as the sale of alcohol to people who are underage) occurred. This liability rests with the DPS even if absent and deputies represent the DPS.

There are several offences under the Act, all of which are laid out in Part 7. Of these offences, several refer specifically to the liability of the DPS. Section 140 – Allowing disorderly conduct on licensed premises etc... Essentially, the offence is committed if the DPS knowingly allows disorderly conduct on the premises in question. They would be liable to a fine not exceeding level 3 on the Standard Scale.

Section 141 – Sale of alcohol to a person who is drunk The DPS commits an offence if they knowingly sells or attempts to sell alcohol to a person who is drunk, or allows alcohol to be sold to such a person. Again, the penalty is a fine not exceeding level 3.

Section 143 – Keeping of smuggled goods The DPS commits an offence if they knowingly keeps or allows to be kept on the premises any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. Again the fine cannot exceed level 3 (although the court can also authorise forfeiture and disposal of the goods).

Section 145 – Unaccompanied children prohibited from certain premises The DPS commits an offence if they allow an unsupervised child onto premises which are exclusively or primarily used for the sale or supply of alcohol at a time when they know they are open for that purpose. It is an offence for a child to be allowed onto such premises between midnight and 5am whether the DPS knows the premises are open for the sale or supply of alcohol or not.

There is a defence that the person believed the child to be over 16, that they believed the child to be accompanied by someone over the age of 18. There is also a defence if the child has fake ID that is convincing and that a reasonable person would consider the person to be over 16. There is a defence of due diligence where the DPS is charged with an offence relating to the actions of another person. Again the fine is level 3.

Other Offences

The other offences under the Act will still apply but refer to “a person” rather than the DPS specifically. This suggests that liability is on the person or, in our case, the Council rather than the DPS (unless they are the person specifically committing the offence).

Section 187 deals with offences by “bodies corporate”.

Section 187(1) – if an offence committed by a body corporate is shown to have been committed with the consent or connivance of an officer, or is attributable to any neglect on their part, then the officer is personally liable in addition to the body corporate.

An officer is defined as “a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity”.

It will therefore be essential for any event managed and run by the Council to ensure that the provisions of the Act are complied with.

Guidance

The recent s.182 Guidance states that the DPS is “responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises license to promote the licensing objectives”.

Further “whilst the Designated Premises Supervisor or a personal license holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made.”

It is therefore arguable that the DPS or Personal Licence Holder are responsible for any offences committed in relation to the sale of alcohol in addition to the person actually committing the offence. The Designated Premises Supervisor and the Personal License Holder need not be the same person although the DPS must hold a personal license.

To mitigate the risk of personal prosecution the following is proposed.

Defences:

All bar the offence under s.145 require there to be “knowledge” on the part of the DPS before an offence is committed.

In relation to the offence under s.145 there is a defence of “due diligence” (s.139) if the DPS has taken “all reasonable steps precautions and exercised all due diligence to avoid committing the offence”.

It can be argued that in order to avoid prosecution and establish the defence, 3 steps must be taken:

1. Staff must be trained in the requirements of the Licensing Act 2003 and the operating schedule of the premises licence.
2. A person should be appointed as being in charge at times when the DPS is not on the premises.
3. There must be documentary evidence showing staff training and the person appointed as being in charge when the DPS is not present.

In addition to avoid the DPS being personally liable for offences, it is further recommended that:

When granting a contract to any person to carry out a licensable activity in the City Centre (particularly the sale of alcohol) it should be a contractual requirement that:

- Any licensable activity takes place under the direct supervision of the City Council using the offices of the Licensing Enforcement Officer including out of hours enforcement.
- All persons appointed to serve alcohol by that Personal Licence Holder will have been briefed appropriately on the terms of the premises licence and the requirements of the Licensing Act 2003.
- The Premises Licence Holder or any member of staff working under the terms of the contract must report immediately any licensable activity that is taking place in the area specified in the premises licence that has not been authorised by us.

It would also be sensible to make it a requirement that any person carrying out a licensable activity must obtain approval for the event from the Safety Advisory Group (SAG) and:

The Premises Licence Holder must attend at least one meeting with the SAG prior to the event being carried out.

The DPS may also attend, if they wish, and raise any concerns that they have over the management of the event.

This will establish that in the event of an offence being committed the DPS had no knowledge such an offence and had done everything possible to ensure that the terms of the Premises Licence were complied with.

It should be noted that the DPS can be removed from the License by the Licensing Authority if they fail to ensure that the Licensing Principles are followed. This is not the same as prosecution.

Enforcement

In the case of any attempt of breaching the contract the DPS has the support of the Police alongside existing enforcement teams within Licensing Section and the Environmental Health and Planning Services of the City Council can be call upon. At times of quick response the Police can be called upon to assist in the cessation of trading if an offence is going to occur or has occurred.

Events Support

There are further areas of support for implementing events in the City centre.

Toolkit

In an effort to share best practice and make resources more accessible a toolkit has been developed and placed on the Durham City Vision website which offers advice and support for event organisers. This is a comprehensive but easy to use guide outlining the necessary steps and procedures an organiser must follow when planning an event in the City, and giving contact details for the key groups, professional bodies and Council departments who will need to be consulted during the process.

Safety Advisory Group Event Guidance Pack

The Durham Safety Advisory Group (SAG) was established in 1999. Membership consists of Durham City Council, Durham County Council, Police, Ambulance and Fire Emergency Services.

Its aim is to standardize the approach to all organized events staged in a public place, on all public highways and private land open to the public. The SAG's main ambition is to create an environment where, through consultation and partnership, events can take place safely. Event Organizers and other agencies involved will be aware of their individual and joint responsibilities. Through such a focused approach, better planning will result and hopefully therefore a safer event will take place.

The Durham City Vision Events Team and the Durham Safety Advisory Group will act as the first points of reference for all those who are intending to organize a public event on or off the highway.

Whilst there is no legal requirement for the event organizer to attend the Safety Advisory Group, it is considered best practice to do so. Similarly, there is no legal requirement for the event organizers of a public event to comply with the advice and guidance given by the Safety Advisory Group. However, it is worth noting, all policies of the Safety Advisory Group and advice given will be recorded and made available at any subsequent inquiry into the event.

Event Application Pack

The SAG application pack will be completed by all event organizers wishing to host an event in the City. This application will be reviewed by the members of the SAG and recommendations will be given on an individual basis to each applicant.

Only when guidance has been given by the Safety Advisory Group and actioned by the event organizer and the Conditions of the Licence contained in the Operating Schedule are

fully satisfied by the event organizer can the contract allowing the event to be hosted in the City be signed

Resource Implications

Resources with the Events Team, Licensing Section, Legal Section and Cultural Services will be used to deliver the City Centre Premises Licence. There will be a small cost for relevant and documented training.

Timescale for Action

The Licence Application will be progressed rapidly if Cabinet approve this report. The aim will be to start the Licence prior to the start of our major summer events programme.

Supporting Documents

Appendix 1
Operating Schedule

Appendix 2
Map of areas to be licensed

Background Papers

Events Team File: City Centre Licensing Research, Meeting Notes with Police and Council Officers February 2008

City Centre Premises Licence Operating Schedule

The key aim of the City Centre Premises Licence is to facilitate the proper planning and delivery of events and the setting of a new high quality benchmark for all activity hosted in Durham City.

General – all four licensing objectives

Safety Advisory Group

The nature of each event must be presented to the Safety Advisory Group (made up of representatives from the local authorities, police, ambulance service and the fire service). The SAG application pack will be completed by all event organizers wishing to host an event in the City. It should be submitted 6 months in advance if you expect more than 500 people to attend, 3 months if you expect less than 500 people to attend. This application will be reviewed by the members of the SAG and recommendations will be given on an individual basis to each applicant.

Only when guidance has been given by the Safety Advisory Group and actioned by the event organizer and the Conditions of the Licence contained in the Operating Schedule are fully satisfied by the event organizer can the contract allowing the event to be hosted in the City be signed.

Company Structure and Management

The organiser/promoter of a Durham event should possess a clearly defined management structure, with effective controls and accountability at each level of the operation. Contact details of members of the management structure should be made available.

Risk Assessments

Planning for management of crowd safety should be based on risk assessment. Risk assessment is a careful examination of what is likely to cause harm to people and actioning the findings to eliminate or reduce the risk.

Event organisers are expected to carry out a risk assessment for all events. The Safety Advisory Group will offer advice and support in this area.

Based on the risk assessment the event organiser should prepare an operational plan/method statement detailing how they will achieve their legal, contractual and moral obligations

Food Hygiene

Facilities for the preparation, cooking or sale of food shall prevent any risk of contamination of the food. Operators of food businesses should be registered with this authority or their home authority

First Aid, Ambulance and Welfare Provision

An agreed level of First Aid, Paramedic and medical facilities as appropriate will be provided at the organiser's expense and after consultation with the Ambulance Service and relevant voluntary groups.

Provision for Persons with Special Needs

Wherever possible, arrangements need to be considered that will make provision for all people with special needs. These include individuals with mobility problems and sensory impairment. The following points should be considered when planning provision:

- Access
- Ramps
- Viewing Areas
- Public Information and Address systems
- Facilities
- Support
- Evacuation procedures
- Publicity
- Medical, ambulance and first-aid management

Temporary Structures

Should the event require the provision of temporary demountable structures (e.g. stages & marquees), it is essential that any temporary structures are designed and erected to suit the specific purpose intended and it would be useful if the event organizer considered the following points:

- Hours of work
- Location
- Supplier
- Design
- Erection
- Protection of workers and members of the public (e.g. from falling, from falling objects and from injury incurred through lifting loads)
- Use of lifting and rigging equipment
- Dismantling
- Water, electric or gas installation
- Essential documentation - construction drawings, risk assessment, safety method statement, completion statement
- Managing the completed structure - lighting, marking, managing the loads

Toilet Provision

The event organiser should ensure that adequate free sanitary provision is made for the number of people expected to attend the events.

The following aspects must be considered in making the appropriate provisions:

- Access to sites for maintenance / cleaning / emptying of portaloos
- Location
- Type
- Washing facilities
- Provision for people with special needs
- Disposal of sanitary towels and nappies
- Sewage Disposal
- Lighting
- Waste management

Site Plan

The event organiser must provide a scaled site plan identifying

- Layout of site, including all structures
- Roads and pathways
- Entry/Exit gates
- Barrier requirements
- Toilets
- First Aid Post
- Event Control
- Site Lighting
- Car parking – public and artist

The plan should be updated on a regular basis and once all the necessary details and requirements have been finalised a plan should be issued to all safety stewards.

Circus/Fairgrounds

If there is to be a circus performance within any licensed area, a detailed premises plan 28 days in advance of any circus visit will be requested

Traffic Management

Traffic management proposals need to be planned to ensure safe and convenient site access and to minimize off-site traffic disruption.

Event organisers should anticipate the numbers of vehicles (e.g. cars, coaches, buses - including contractors vehicles before and after the event) expected to attend the event in order to determine whether the proposed traffic management plan is realistic for pre and post event.

Consideration should be given to the following points:

- Temporary road closures
- Signage & barriers
- Traffic marshalling
- Public transport
- Vehicle parking and management
- Pedestrians
- On-site vehicle management and temporary roadways
- Lift trucks and other vehicles

Police

The Designated Premises Supervisor when present, and all members of staff shall ensure that all lawful instructions and/or directions given by the Police are complied with.

CCTV

Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days. A weeks notice will be given to the Police and CCTV Control Room prior to any event involving the sale or supply of alcohol.

Alcohol

Any person who appears to be under the age of 21 years of age must be requested to produce photographic ID, i.e. PASS card, passport or driving licence, as proof of age before the sale of alcohol is permitted.

Public Safety

Emergency access

Adequate arrangements shall be provided for access for the fire brigade for emergency services including fire fighting arrangements e.g. access to fire fighting equipment for fire fighting.

Accommodation limit

The maximum number of people attending the event shall be determined by the licensing authority.

Disabled people

Suitable provisions shall be made to enable disabled people to use the premises (as much as is possible) including the provision of adequate access and means of escape.

Safety checks

All necessary safety checks shall be carried out before the admission of the public by the event organiser .

Summoning the Fire Brigade

Efficient means shall be provided for calling the emergency services in the event of an emergency.

Generator safety

Where a generator is installed it shall not present any fire or electrical hazard and consideration must be given to noise emissions.

Special effects

Any special effects shall be arranged so as to minimise any risk to the public, performers or staff

Any special effects shall be arranged so as to minimise any risk to the public, performers or staff

Stewarding/Security

Organisers are expected to provide enough stewards to cater for the size and nature of the event. Safety steward's main responsibility will be crowd management, however, they will also be expected to assist the emergency services if required.

Staffing levels may differ if the event is staged indoors or involves a large number of children. The findings of any risk assessment will also have a bearing when deciding upon numbers.

Where statutory limits are not laid down, each task must be listed and evaluated according to the risk. The presence of darkness, unsound surfaces, adverse weather, alcohol, entertainers likely to cause crowd surge or the presence of vulnerable persons will increase the need for supervision. Therefore the nature of the event itself will be a major determining factor.

All stewards must receive training and a proper briefing in respect of their role

Emergency Procedures

The consequence of a major incident could be catastrophic and it is necessary to plan for such an occurrence. A major incident would require the implementation of special arrangements by one or more of the emergency services. It is important that during the planning stage of any event, clear roles and responsibilities are laid out in the operating plan/method statement and understood by the event organiser and their management team.

It is the event organiser's responsibility to ensure that the plan is easily understood and distributed appropriate services personnel.

Communications

A sound, reliable method of communication is of prime importance if an event is to run smoothly and safely. The event organiser should aim to ensure that a clear framework for the flow of information is established.

The information requirements of an audience range from performance details, ticketing arrangements, travel options, recommended routes, location of facilities, venues layout right through to urgent contact messages or emergency instructions.

It will be expected that organisers make provision for sufficient signage to be available around the venue. This should specifically take account of lost/found children and lost/found property.

It is essential that stewards and event organisers are able to communicate effectively.

Communication channels include:

- Publicity material and tickets
- Local media, especially local radio
- Route-marking
- Signs
- Notices, information displays
- Screens
- Face to face contact
- Emergency public announcements
- PA systems

Electrical

Electricity can cause serious injury or death to performers, workers or members of the public if the installation is faulty or not properly managed. The following points should be considered when designing an installation:

- The location of any existing overhead power lines or buried cables
- The total power requirements for the site
- Access to a network power supply
- The use of generators
- Earthing

- Positioning of temporary overhead or underground cables
- The location of the stage(s)
- The main isolators controlling the electrical supplies to stage lighting, sound, special effects, emergency lighting and lifting equipment
- The location of mixer positions
- Special power supplies for certain equipment (eg imported from US)
- Power supplies required for portable tools etc
- The electrical requirements for emergency lighting and exit signs
- Power supplies for catering, first-aid posts, control room##
- Provision of PAT testing for portable apparatus.

Further advice can be sought from: <http://www.hse.gov.uk>

The Prevention of Public Nuisance

Environmental Issues

Organisers must, at all times, have regard for environmental concerns. This will take into account whether the venue is suited to the type of event proposed. As each event poses individual issues – a noise management plan should be provided to the Environmental Health Department 28 days in advance of event. Additionally, attention must be given to the concerns of local residents in respect of noise and litter. Noise control should be actively addressed throughout the duration of the event with a view to minimising disruption.

The Protection of Children from Harm

Lost Children

Police will advise on the 'child safe' initiative if children are a constituent part of the event.

Criminal Records Bureau

All entertainers, acts, and promoters that are involved with events for children are to be CRB checked.

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Agenda Item 5(g)

STATUS PUBLIC

Portfolio Member/Director/Head of Service Cllr Sue Pitts/ Tracey Ingle	Portfolio Leisure and Culture
Subject Esh Winning Miners Memorial Hall: Urgent Works	Date April 2008
	Forward Plan No
Contact Officer Tracey Ingle, Head of Cultural Services, ext 8800	Previous Minutes None
<p>Purpose of Report</p> <p>The following report outlines the current poor structural state of the Esh Winning Miners Memorial Hall, Esh Winning and suggests possible courses of action to remedy the threat to public safety and the building.</p>	
<p>Executive Summary</p> <p>Esh Winning Miners Memorial Hall is a grade II listed building built in 1928 as a social meeting and entertainment space for the local mining community. It is the only listed building within Esh Winning and one of the few listed structures associated with the District's mining heritage. The feasibility of converting the Hall to a new use is cited within the implementation plan of the emerging Esh Winning Master Plan (2007).</p> <p>The last main use of the building was as a bingo hall. This closed in the early 1970s, since which time it has been sporadically used for storage but generally left unoccupied and un-maintained. The Darlington office of Smiths Gore is acting for the owners whilst the building is leased to a Mr Wilson until 2019.</p> <p>Approval for converting the hall into a nursing home was granted in 1990 and renewed in 1996, yet never implemented. In 2000 and 2001 ancillary buildings to the rear of the hall were demolished and window openings blocked up by the leaseholder following pressure from the Council. Similar moves by the Council in 2006 led to a temporary roof covering being installed and further openings being blocked up. The Council's concern over the long term use of the building stretches back at least to the mid 1980s yet has continually faced the unwillingness of the owner to enforce the terms of the lease or the leaseholder to do anything except for the bare minimum of maintenance.</p> <p>Presently the building is undergoing progressive deterioration and it is felt that this will continue to present an imminent danger to public safety in the short term. The main issues are the security of decorative brickwork elements to the front elevation, which may fall on to the pavement and road below, and wall tie failure to the rear resulting in the falling of the outer skin of brickwork into a small private yard. The property is also infested by pigeons, located in a residential area and opposite a school. In addition to public safety the quality and integrity of the listed building is gradually being lost and the capacity for its conversion through economic means alone is being undermined.</p> <p>The cycle of immediate measures to ensure public safety followed by inaction that has characterised the recent history of the building can not continue indefinitely. The loss of features to the interior through water ingress, arson and pigeon infestation coupled with the threat to decorative brickwork and windows to the exterior point to a situation in the short term where the listed status of the building can be questioned and removed. Whilst the outer skin brickwork of the rear elevation is not load bearing it does highlight the significant physical deterioration of the building.</p>	

If the owner is unwilling to implement an immediate programme of work the Council could pursue an Urgent Works Notice under Section 54 of the Planning (Listed Building and Conservation Areas) Act 1990. This would involve the Council undertaking the work and recovering the costs and any continuing costs from the owner or leaseholder. In the past consideration of this has been discounted due to the perceived improbability of recovering costs from the leaseholder. Whilst this risk needs to be considered the threat of a Section 54 Notice or similar would be a powerful tool in the initial negotiations with the owner. Another option under the 1990 Act is to serve a Section 48 Repairs Notice which has considerably more scope to maintain the significant features of the building. However doing so is a prelude to compulsory purchasing the building and whilst statistics show that the threat of such action is enough to force an owner into action in the majority of cases, compulsory purchase will remain an eventuality.

Portfolio Member Recommendations or Items Requiring a Cabinet Decision

That the Head of Legal Services be authorised to Serve a Section 54 Notice on the Owner and Lease of Esh Winning Miners Memorial Hall.

That the Head of Legal Services be authorised to Serve a Section 55 Notice on the Owner and Lease of Esh Winning Miners Memorial Hall to recover the costs of implementing the Section 54 Notice.

Reasons for Recommendations

To ensure the preservation of a listed building

Alternative Options To Be Considered

Serve notices under the relevant building and environmental health acts to ensure public safety only.

Serve a Repairs Notice under Section 48 of the 1990 Planning (Listed Building and Conservation Areas) Act.

Consultation

Consultation on the potential for the future use of the Listed Building was carried out as part of the Master Planning for Esh Winning.

LGR Implications

This report does not fall within the direction issued by the Secretary of State for Communities and Local Government on 29th February 2008 and accordingly does not require the consent of any other body prior to a decision being made by Cabinet.

Financial, Legal and Risk Implications

Potential significant outlay recoverable from building owner, continuing costs arising from securing the site with fencing or scaffold. An estimate of costs will be made prior to implementing any approved Section 54 Urgents Works Notice.

The risk of not recovering costs.

Resource Implications

Officer time will be required to continue negotiations, Serve the Notice if required and to

pursue Urgent Works. An estimate of costs will be made prior to implementing any approved Section 54 Urgents Works Notice and agreed with the Portfolio Holder for Culture and Leisure prior to action being taken.

Timescale for Action

An initial meeting with the owner and Council officers was held in February 2008 and a plan of initial of actions was proposed.

A Section 54 Notice will be served two to three weeks following Cabinet approval if remedial actions are not carried out by the owner/ Lease. However we will aim to work in the immediate period (four to six weeks) to agree with the owner a programme of work to remove the most pressing future threats to public safety and to make the building weather proof.

Medium term (two to six months): Discuss with the owner the future of the building based on a feasibility study, funded by the owner. Agree a programme for implementation.

Long Term (Six months to one year): Monitor implementation and renew pressure if required.

Associated Policies and Plans

Durham City Local Plan

Supporting Documents

None

Background Papers

Heritage and Design File: Esh Winning Miners Memorial Hall

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Report of Community Services Scrutiny Panel – Review of Homelessness

Follow-up Report – February 2008

1 Overview

- 1.1 The first Scrutiny Report of Homelessness was approved by the Scrutiny Committee in January 2005.
- 1.2 The first Review of that Report was carried out in January 2007.
- 1.3 This Follow-up Report addresses aspects of Homelessness recommended for further scrutiny and updates on other recommendations in the Review Report.
- 1.4 The Homelessness Strategy and Action Plan are due to be reviewed by the Panel in July 2008, following Local Government Review in February 2008.
- 1.5 The City of Durham's Housing Strategy and Development Manager attended a Panel meeting to speak to Members on the topic of Homelessness, in particular the issue of "Rough Sleeping", within the City of Durham District.
- 1.6 The Panel was told that work towards securing better links and working relationships with Private Landlords was progressing well, with the formation of a "Private Landlord Forum". Over fifty private Landlords responded to the initial consultation and the Forum held its inaugural meeting in September. It is hoped that after an initial steer by the Housing Strategy and Development Manager Chair the initial three or four meetings that a Chairperson could be elected from the Landlords themselves. This Forum provides a useful platform in which the Council can approach Landlords and speak to them about various Housing issues and to this end there will be guests from the City of Durham at both the October and November meetings of the Forum. In October a representative from the Housing Benefits section will be in attendance, and in November a Rent Officer will speak to the Landlords. In relation to recommendation (i) - "Working with Partners" of the Review Report (January, 2007), it is intended that details of the Forum will be made available to the public via articles in Durham City News and the Durham Advertiser.
- 1.7 Also in relation to working with Partners, Councillors noted that the Durham Young People's Centre at End House was to close as the building was being sold. Help had been given by the City of Durham, via the Portfolio Holder for Housing and the Community Development Section, but they were unsuccessful in locating suitable alternative accommodation. Within End House, "Moving On", a charity which offers advice to 16-25 year olds on housing issues, has relocated to the Durham Miners' Hall at Redhills. The City of Durham, through a DCLG grant, provide Moving On with funding as they deal effectively with the 16-25 year old demographic, an area which the Council has had difficulty in dealing with in the past.
- 1.8 Moving On provides Peer Education Sessions and Life-Skill Workshops that can help young people to become more self sufficient and prepare them for the responsibilities associated with being a Tenant, whether in the public or private sector. It therefore could be possible to refer any appropriate cases of rough sleeping to these sessions, with an ultimate aim being the rough sleepers secure a tenancy for themselves. Indeed, Moving On refers "good candidates" to the City of Durham and the Council can be confident that these individuals are aware of what they can expect, and what is expected of them as Tenants.

2 Information Leaflet – Domestic Violence

- 2.1 As regards recommendation (ii) of the Review Report on Homelessness prepared by the Panel in January 2007 (relating to the issuing to all Members of information leaflets on

domestic violence), it was felt that due to the limited number available to the City of Durham, it would be best to save them for those that genuinely needed the information.

3 Homelessness Prevention Officer

- 3.1 Recommendation (iii) of the Review Report on Homelessness recommended that the Council should aim to retain the position of the Homelessness Prevention Officer beyond the date for which it was currently funded being March 2008. A report regarding the restructuring of the Housing Department was subsequently submitted to Cabinet in October 2007. Within that restructure the role and title of Homelessness Prevention Officer has been changed to be included within the establishment of an additional Housing Options Officer and the post has been made permanent. A decision has also been taken to use Communities and Local Government (CLG) funding to fund a Housing Options Assistant, on a full-time temporary basis, until March 2009. The Panel considers that the continuation of this fixed-term post, beyond March 2009, would greatly strengthen the department and significantly improve its capacity to prevent homelessness.

4 Rough Sleeping

- 4.1 The topic of Homelessness, in particular the issue of "Rough Sleeping", within the City of Durham District had been previously identified as an area to be revisited in recommendation (iv) of the Review Report on Homelessness.
- 4.2 The Rough Sleeping Count is a requirement by statute and a Best Value Performance Indicator (BVPI). The last count for the City of Durham was nil and Members were curious as to this low figure. Whilst this nil result was perhaps unexpected by Members, the result was not a surprise for those organisations that deal with the issues of rough sleepers. It was noted that any result of five persons or less allows for a period of five years in between these counts.
- 4.3 Based on the previous count result, and with the lack of evidence of any particular problem with rough sleepers in the City of Durham area, there was no need to bring forward the next mandatory count. Indeed as the cost of carrying out such a count is approximately £4,000 it was felt by Officers that the next count should be carried out at end of the period permitted.
- 4.3 Members were reminded that the Rough Sleeping Count was conducted over the course of a single night across forty one City Centre sites and some additional sites at Bearpark. Some Members intimated that they thought that the count may not have been taken over a large enough sample period. Members were informed that thorough research had been undertaken prior to the actual Count taking place to record the known and likely places used by those sleeping rough, i.e. liaising with relevant interested groups such as the Salvation Army, Durham Constabulary, Bus Depot staff etc. Also, a prolonged period for the Count, or a larger amount of people conducting the count, could have proved traumatic for anyone who was sleeping rough, damaging any working relationships that had been built up.
- 4.4 The Panel were informed that the topic would be brought up at a upcoming meeting of the Durham Constabulary Consultative Group (DCCG) to ascertain whether the issue of rough sleeping was perceived to be a large problem (further to the aforementioned meeting, it was reported back to the Chair of the Panel that whilst the Police were aware of some individuals that slept rough on occasion, there was not perceived to be a problem in the City of Durham).
- 4.5 The Housing Strategy and Development Manager informed Members that the members of the Homelessness Implementation Group meet on a monthly basis with there being currently two "task groups" at the present time.

- 4.6 The Housing Strategy and Development Manager informed Members that a meeting of the Homelessness Implementation Group would include guests representing "The Big Issue", a Distributor and a Seller. It is hoped that at this meeting, amongst other issues, that it may be possible to talk about rough sleeping.

5 Homelessness – Mental Health Issues

- 5.1 Presentations were given by representatives from Durham Primary Care Trust and Durham County Council in response to recommendation (v) of the Review Report on Homelessness.
- 5.2 An overview of problems encountered by people who experience mental health issues was given to the Panel. Mental health issues impact on housing but housing also affects those with mental health problems. A copy of Mental Health and Housing fact sheet 6 can be found at Appendix A.
- 5.3 The Panel was also advised that many of the people who suffer with mental health problems do not have the confidence to refuse or challenge accommodation locations, thus making their situations worse.
- 5.4 The PCT wishes to encourage multi-agency working, more agencies are being put in place giving vulnerable people additional support and confidence to seek help, where needed and the help being easily assessable. Services and improvements are being targeted in this area. Another key area of improvement is in the area of equalities and discrimination.
- 5.5 A report had been prepared to answer questions from the panel, a copy of this report can be found at Appendix B. The panel was advised that a closer liaison and understanding was required of Partners roles, individuals were helpful but organisational policies made it difficult for people with mental health problems.
- 5.6 Members asked if agencies were moving away from the Day Centres, but were informed that the day centre still has a place and continue to do a very good job in society.

6 Sub- Regional Homelessness Scheme

- 6.1 Sub-regional homeless legislation requires Local Authorities to have a strategy in place from June/July 2008. The CLG has agreed that the seven districts agree a statement updating agencies and the public on the process which relate to a sub-regional homelessness strategy and display this on CLG website with links to ongoing pieces of work there will be no requirement for each district to give annual updates. In addition, an agreed action plan running alongside the development of the strategy stating what each of the districts are doing to improve or align services up to April 2009 when the strategy will hopefully be adopted and monitored by the New Authority.
- 6.2 In view of this information there will be no need for City of Durham Council to further review Homelessness.

7 Recommendations

- 7.1 That the Council continues to progress and monitor the Homelessness Strategy and Action Plan and strongly recommends close working with Partners to provide support and prevent homelessness which can be brought about by a wide range of adverse influences.
- 7.2 The Panel considers the prevention of homelessness to be of paramount importance and therefore strongly recommends that, as a minimum requirement, the Council makes every possible effort to retain the position of Housing Options Assistant beyond the date for which it is currently funded being March 2009.

- 7.3 That the sub-regional action plan and strategy is adopted and monitored by the New Authority
- 7.4 That a copy of this Review Report, together with its appendices, be sent to appropriate Officers with responsibility for the monitoring and updating of the Homelessness Strategy and Action Plan.



Factsheet

6

Mental Health and Housing

“Mental health problems can lead to rent arrears which can lead to a cycle of decline and hopelessness leading eventually to homelessness. Caught early these problems are extremely easy to sort out. Caught late, they can be devastating.”

Who is this for?

People affected by mental health problems, all those providing services for people affected by mental health problems, including primary care and voluntary sector staff, those involved in providing housing, housing-related services or advice.

Key facts

- Over four out of five people with severe mental health problems live in mainstream housing, with the rest living in supported housing or other specialist accommodation. Half of those with their own home or tenancy live alone.



- Many people with mental health problems feel that they are not offered the same choices as other people when seeking a new home, and that they are frequently obliged to take hard to let properties.
- People with mental health problems are one-and-a-half times more likely than the general population to live in rented housing, with higher uncertainty about how long they can remain in their current home.
- Mental health problems are prevalent among homeless people with 30 to 50 per cent of rough sleepers having mental health problems, and as many as one in five homeless people having a mental health problem and a further issue such as substance misuse.

Promoting social inclusion

What can staff in the housing sector do?

- Liaise with Mental Health Trusts so that they are aware of local mental health facilities, and build links with health and social care staff.
- Work with residents and mental health and social care professionals to ensure that tenancies are sustained by providing clear advice on such matters as benefit entitlement, and by ensuring that appropriate support services are put in place, eg advice agencies or occupational therapists.
- Recognise that admission to hospital is not a reason for the person to give up their accommodation, as Housing Benefit and Council Tax Benefit will continue to be paid if someone is in hospital for up to 52 weeks.
- Inform the Housing Benefit department and Benefits Agency when a person is admitted to hospital, if they are unable to do so themselves.
- Draw an agreement up with the tenant that if concern exists about the person's mental health, the housing officer can raise the concerns with the tenant and/or their GP/Community Mental Health Team contact so that they can receive appropriate support before a crisis is reached.
- Support health and social care staff to retain the individual's link to the community and provide support (where required) to the individual on returning to their home.
- Access mental health awareness training to better understand the needs of this client group – many voluntary and statutory organisations are able to facilitate this training. People with experience of mental health problems should be involved in the delivery of the training.

What can professionals in the health and social care sector do?

- Check a person's housing situation when they first access their service, ie hospital, Community Mental Health Team, GP surgery. Staff should work with the person to reduce the risk of losing their home, if the accommodation is appropriate. If the person will be homeless they should be referred to the local housing authority and work with housing services to identify and address their housing and support needs.
- Establish referral protocols with local housing advice agencies.
- Offer informal and formal support to housing staff on mental health issues and housing management.
- Recognise the role that housing staff play in supporting people with mental health problems in the community, and develop collaborative working relationships with them.

What can housing and health professionals do together?

ASSESSMENT AND RESETTLEMENT TEAM, BROMLEY, LONDON

The Assessment and Resettlement Team in the local housing department is responsible for everyone over the age of 16 who is deemed 'vulnerable', including those with mental health problems. The team links health, social care and housing services to ensure that people who are re-housed have the best opportunity to maintain their tenancy. Part of their role is to vet potential properties to ensure that they are suitable and to go with clients to the viewing. All team members specialising in mental health have previously worked in a Community Mental Health Team. In the last year the team has worked with over 400 people.

Contact: Glyn Gunning – on 020 8313 4134 or at - glyn.gunning@bromley.gov.uk

- Organise regular meetings (possibly using the Care Programme Approach (CPA)) between the individual, care co-ordinator and the housing officer to ensure that correct support is identified and that support packages complement each other, eg housing-related support and care services.

MENTAL HEALTH AND SOCIAL EXCLUSION: **FACTSHEET 6**

- Set up regular meetings/good practice forums between the health and social care services and housing staff to increase understanding of each other's roles, pressures and priorities.
- Establish clear and effective channels for advice and referral for housing services.
- Implement joint training to raise awareness of, increase understanding and deal with mental health problems and housing/support needs.
- Develop systems for collecting and sharing information between services.
- Develop and monitor a shared outcome (between housing and mental health services) on improving mental health support for homeless people or those at risk of homelessness (see *Achieving Positive Shared Outcomes in Health and Homelessness*, Office of the Deputy Prime Minister, 2004).
- Agree joint protocols between services on general and forensic hospital admissions and discharges so that people with a mental health problem who might be homeless or vulnerable to homelessness are identified and their support/housing needs are addressed as part of a planned discharge. (See *Discharge from Hospital: Pathway, Process and Practice*, Department of Health, 2003).
- Appoint a health and housing/homelessness champion to lead joint work in the Primary Care Trust/local authority.

Further information

Primary Care

The majority of people with mental health problems are supported by their GP and by other NHS staff who work in primary care. At this point anyone with a mental health problem needs to:

- have their mental health needs identified and assessed;
- be offered effective treatment, including medication and psychological therapies; and
- be able to access advice on social matters, including housing.

Secondary Care

Care Co-ordination

- If a person is referred to specialist mental health services they will have an allocated **care co-ordinator** whose role is to co-ordinate and have an overview of the different areas of care. This is not just in relation to health services but also to the areas where the individual requires support, such as employment, social networks or housing. The care co-ordinator is based within the local Community Mental Health Team.
- If a person is admitted to **hospital**, in-patient staff should identify any housing or support needs, and they should liaise with the care co-ordinator to ensure that appropriate housing is found and that support structures are in place before the person is discharged.
- A **written care plan**: this will set out the treatment and support to be provided. The care plan should also address the social needs of the person, including housing needs.

Crisis Resolution

- **Crisis Resolution/Home Treatment** teams can respond promptly when someone is in crisis, as this service should be available 24 hours a day, 7 days a week. The twin objectives of the team should be to resolve the crisis and to prevent any unnecessary admission to hospital, therefore preventing potential loss of accommodation. The person's care plan should identify any action to be taken in the event of a crisis, including dealing with any issues concerning accommodation.

Housing

Ensuring appropriate allocations

Housing authorities are under a number of obligations in relation to housing allocations. They must:

- ensure that advice and information are available about the right to make an application for accommodation with assistance for those who need it;
- ensure that applicants are informed of certain rights, for example the right to be informed of any decision about the case and the right to review certain decisions; and

MENTAL HEALTH AND SOCIAL EXCLUSION: **FACTSHEET 6**

- publish their allocation scheme, including a policy on offering people a choice of accommodation.

The Choice-Based Letting scheme aims to improve the level of choice available to people when taking up local authority housing. Practice differs in local areas, so contact local housing departments to find out their arrangements.

Enabling someone to keep their home

- The **Supporting People** programme funds services that provide housing-related support to vulnerable individuals who need assistance in order to enable them to maintain or improve their ability to live independently. Such support can be provided to individuals either in their own homes or in specialist accommodation, eg sheltered schemes, hostel-type accommodation and shared houses.
- Authorities are also strongly encouraged to ensure that, where relevant, the housing-related support services are provided as part of an integrated package of services. The levels of support offered will vary depending on the needs of the individual and the type of service, and they should be tailored to meet the individual's need through an Individual Support Plan.

Information about the financial support to help people with their housing costs (Housing Benefit, Council Tax Benefit and Community Care Grants) is included in the **Benefits** fact sheet.

Preventing/addressing homelessness

- People who are in housing need or vulnerable to homelessness can apply to a local housing authority for assistance and have their housing needs assessed.
- Housing authorities must ensure that free advice and information on homelessness and preventing homelessness is available to everyone in their area.
- Where an applicant is eligible i.e. unintentionally homeless, in priority need for accommodation (which includes mental health problems), and has a local connection, the housing authority has a duty to ensure that accommodation is available until the applicant finds a settled home or circumstances bring the duty to an end.
- Further information on housing and homelessness can be found at Shelter (see Useful Contacts and Resources below).

THE SOCIAL EXCLUSION UNIT REPORT ACTION POINTS

The Office of the Deputy Prime Minister (ODPM) and the Housing Corporation will identify best practice and will draw up guidance for local authorities and registered social landlords on preventing and managing rent arrears that reflects the needs of vulnerable tenants, including people with mental health problems, in mainstream housing.

Good practice guidance on Choice-Based Lettings will address how vulnerable people – including those with mental health problems and from ethnic minorities – can be assisted and supported in making appropriate housing choices. ODPM will consider the need to issue further guidance on appropriate allocations when the current National Institute for Mental Health in England/Housing Corporation research reports in summer 2004.

In revising the Code of Guidance on Homelessness, ODPM will ensure that it reflects homelessness and mental health issues.

ODPM will work with the Chartered Institute of Housing to ensure that mental health awareness is fully reflected in mainstream education and in training for housing professionals.

Research will be commissioned to develop practical ways to access mental health services for people who are homeless or in temporary accommodation. (Department of Health research to report in 2005.)

Useful Contact and Resources

The Office of the Deputy Prime Minister Code of Guidance establishes the framework in which local authorities carry out their duties and allocate properties. It also contains details of consultation papers, the Government's press releases and Decent Homes (www.housing.odpm.gov.uk).

For a range of information and publications on homelessness, see www.homelessness.odpm.gov.uk

Choice-Based Letting – contact your local authority's Housing Department for more information on this new scheme as practice differs within each locality.

For information on Supporting People see www.spkweb.org.uk

Shelter helps people find and keep a home, and they provide advice and information for housing professionals. Their web-site is www.shelter.org.uk and they also have a helpline, *ShelterLine*, on 0808 800 4444. Shelter's Homelessness Act web-site is aimed primarily at local authorities and focuses on the practical issues following the implementation of the Homelessness Act 2002 (see www.HomelessnessAct.org.uk).

Information and policy advice for the housing and support sector can be found at www.sitra.org

For advice on funding see the Housing Corporation's web-site at: www.housingcorp.gov.uk/

The Citizens Advice Bureau web-site provides advice on a range of topics. (www.adviceguide.org.uk). Contact details for local Citizens Advice Bureau can be found at www.citizensadvice.org.uk/cabdir.ihtml or in the local phone book. The Citizens Advice Bureau is preparing a National Directory of Citizens Advice Bureau services specifically for people with mental health problems, which is due for publication in autumn 2004.

Revolving Doors have worked in improving access to care and housing for people with mental health issues who have had contact with the criminal justice system (www.revolving-doors.co.uk).

NIMHE has a Knowledge Community where people can exchange information and experiences relating to mental health. This can be found at kc.nimhe.org.uk.

Scottish Executive – for information on mental health policy and services in Scotland, contact the National Programme for Improving Mental Health and Well-Being (part of the Scottish Executive). Visit www.show.scot.nhs.uk

www.socialexclusion.gov.uk

Tel: 020 7944 5550 Orderline: 0870 1226 236

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OUTLINE OF REPORT TO DURHAM CITY SCRUTINY COMMITTEE – DECEMBER 2007

Q.1 - The approximate numbers of people with psychiatric problems who present as homeless, in Durham, if such figures are available;

- Between April 2002 and March 2007, 231 people have indicated mental health as a reason contributing to their circumstances.
- 47 out of these 231 asked for help with their mental health, with an additional 62 asking for help with emotional support

The number of people in need across the County because of a mental health issue increased dramatically between 2004/05 and 2005/06 to 97.

In 2006/07 the number of people indicating mental health as a reason decreased from 97 in the previous year to 93.

The three districts with most prevalent occurrence of mental health as a reason contributing to housing need are

- Derwentside having seen at or about 35 for each of the last two years,
- Durham city, 22 in the last year
- Easington, having seen between 15 and 20 for each of the last two years

Chester-le-Street, Derwentside and Durham City have seen increases in the proportion of people indicating mental health in the last financial year compared to 2005/06.

- On average amongst all people who indicate mental health as a reason, 41% are female and 59% are male.

Q.2 - What age range is most affected?

A year ago the most prevalent age group for people indicating mental health was amongst those aged 26–50, this number decreased in 2006/07, whilst the number amongst people aged 18-25 has increased year on year for the last five years.

Q.3 - What are the nature of the problems?

A fairly consistent 30% of people who indicated mental health are **unable to get on with their parents**, compared to a decreasing proportion of people who haven't indicated mental health as a reason for their need.

The proportions who **can't get on with other family members** has increased over the last three years from at or about 5% to approaching 25% in the last financial year.

Other most noticeable increases between the last financial year and the preceding year are seen in **fleeing domestic violence, harassment, unhappy with the area lived in and unsuitable accommodation**, with the later three all having seen increases amongst people with mental health as a reason of at or more than 7%.

Financial reasons and independence have also seen increases amongst people indicating mental health as a reason.

Amongst people indicating mental health, **own drug / alcohol problem** has been indicated as a reason in need by one in ten people over the last three years, compared to an average of 2% of people who have not indicated mental health as a factor contributing to their need.

Q.4- How are they assessed?

- For more seriously ill – through Care Co-ordination within the Community Home Treatment Integrated Teams from Tees, Esk & Wear Valleys NHS Trust (TEWV)
- For less serious – GP assessment
- Service users have to be subject to care coordination to access provider services.
- For the purposes of the figures in this report are self-reporting

Q.5 - What alternative accommodation options are there?

District	Provider	Capacity	Type
Durham City	Stonham	8	Shared living
	Waddington Street	6	Accomm. based
	Waddington Street	4	Floating support
Durham and Chester le Street	Social Care and Health	47	Floating Support

Supporting People - Service Review Findings

Supporting People services are reviewed on a three year cycle. Key review findings for mental health services from 2003-2006 are as follows:

- Reviews covered areas of performance, quality, value for money and strategic relevance;
- All services achieved a satisfactory level of performance on the national Quality Assurance Framework and new contracts will be issued for all providers;
- Service users were interviewed in each review and reported high levels of satisfaction with services;
- Services were found to contribute to reduced readmission rates and overall positive outcomes for service users;
- Where funding was in place from other agencies in addition to Supporting People, evidence indicated that the level of SP funding was appropriate to the level of housing related support provision and there were no significant eligibility issues;
- Where quality issues were identified, these are being addressed on a scheme by scheme basis via a formal action plan;
- In a recent exercise undertaken by the Supporting People Team for the ODPM it was established that out of 200 current service users with mental health problems, 5% were unable to move on from short term services due to lack of suitable move on accommodation.

Q.6 - What are the other relevant issues?

Tackling Stigma & Discrimination - As major employers in many areas, local authorities also have a duty to protect and promote the mental health of their employees.

The Disability Discrimination Acts 1995 and 2005 place a duty on all public bodies, including local authorities, to ensure that they do not discriminate against people with disabilities (including mental health disabilities), to actively promote their inclusion and to consult with people with disabilities on policies and decisions.

Councillors also have a duty to promote the long-term environmental, social and economic well-being of their local area. Good mental health is central to any strategy to promote and improve community well being. ["Mainstreaming mental health – An introduction for Councillors – 2005]

From work during the Day Services Review, Care Coordinators from the Durham Area indicated that Housing was an area of concern in respect of awareness and understanding of housing staff about Mental Health issues, poor standards of housing offered and service user difficulties in coping.

Q.7 - How can local authorities' best assist in alleviating the problems?

The following are extracts from the document "*Action on Mental Health – A guide to promoting social inclusion*" published by the Social Exclusion Unit in 2004

Key facts

- Over four out of five people with severe mental health problems live in mainstream housing, with the rest living in supported housing or other specialist accommodation. Half of those with their own home or tenancy live alone.
- Many people with mental health problems feel that they are not offered the same choices as other people when seeking a new home, and that they are frequently obliged to take hard to let properties.
- People with mental health problems are one-and-a-half times more likely than the general population to live in rented housing, with higher uncertainty about how long they can remain in their current home.
- Mental health problems are prevalent among homeless people with 30 to 50 per cent of rough sleepers having mental health problems, and as many as one in five homeless people having a mental health problem and a further issue such as substance misuse.

What can staff in the housing sector do?

- Liaise with Mental Health Trusts so that they are aware of local mental health facilities, and build links with health and social care staff.
- Work with residents and mental health and social care professionals to ensure that tenancies are sustained by providing clear advice on such matters as benefit entitlement, and by ensuring that appropriate support services are put in place, eg advice agencies or occupational therapists.
- Recognise that admission to hospital is not a reason for the person to give up their accommodation, as Housing Benefit and Council Tax Benefit will continue to be paid if someone is in hospital for up to 52 weeks.
- Inform the Housing Benefit department and Benefits Agency when a person is admitted to hospital, if they are unable to do so themselves.
- Draw an agreement up with the tenant that if concern exists about the person's mental health, the housing officer can raise the concerns with the tenant and/or their GP/Community Mental Health Team contact so that they can receive appropriate support before a crisis is reached.
- Support health and social care staff to retain the individual's link to the community and provide support (where required) to the individual on returning to their home.
- Access mental health awareness training to better understand the needs of this client group – many voluntary and statutory organisations are able to facilitate this training. People with experience of mental health problems should be involved in the delivery of the training.

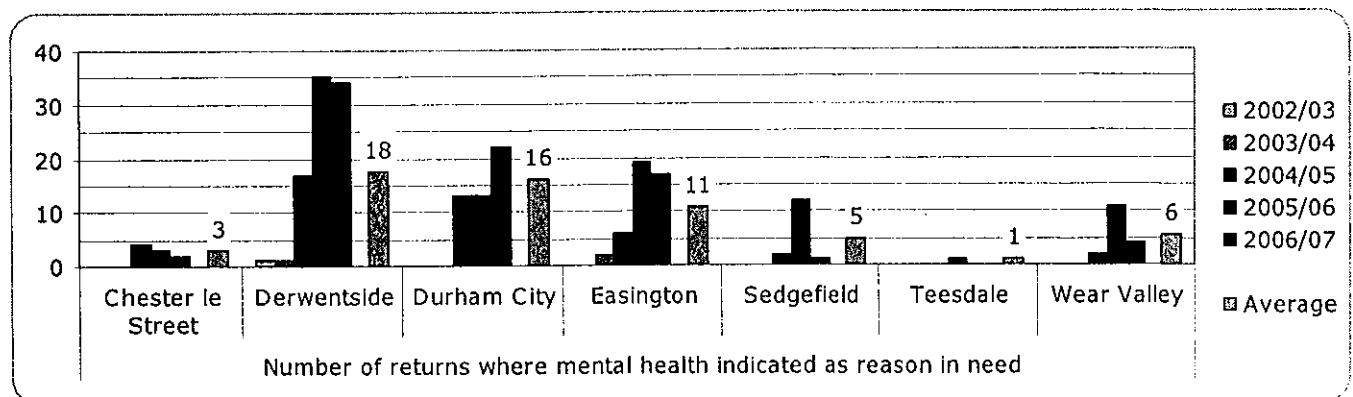
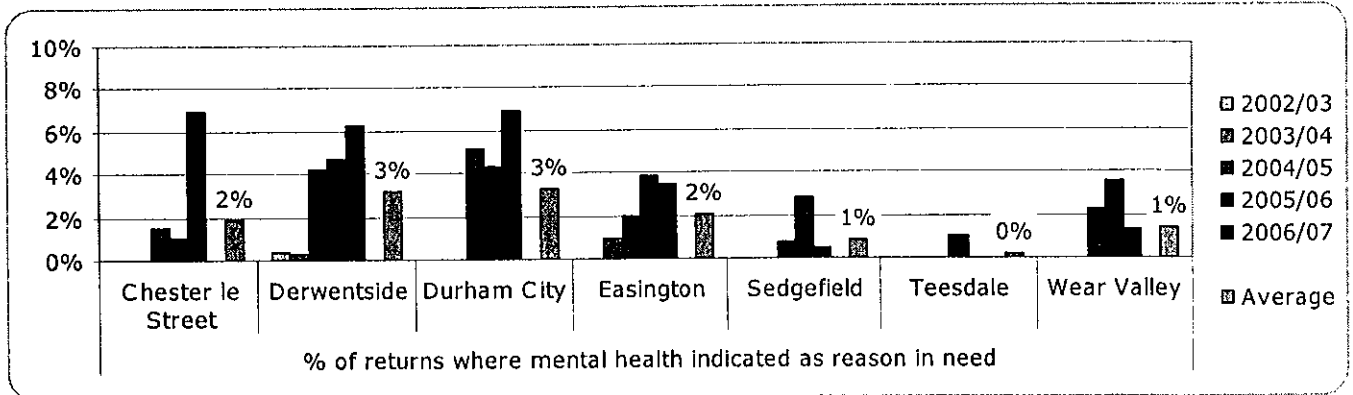
What Can Professionals in The Health and Social Care Sector Do?

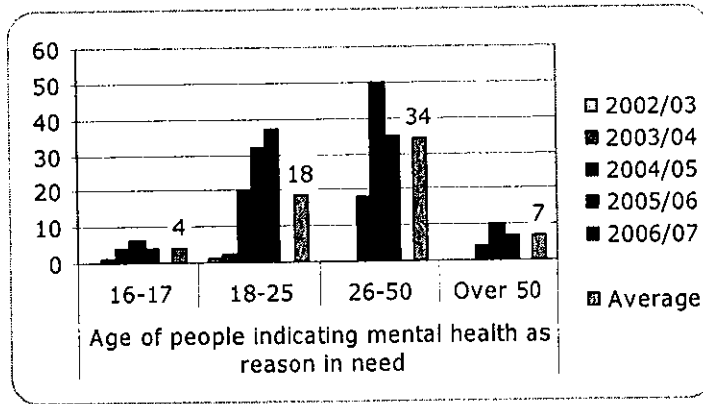
- Check a person's housing situation when they first access their service, ie hospital, Community Mental Health Team, GP surgery. Staff should work with the person to reduce the risk of losing their home, if the accommodation is appropriate. If the person will be homeless they should be referred to the local housing authority and work with housing services to identify and address their housing and support needs.
- Establish referral protocols with local housing advice agencies.
- Offer informal and formal support to housing staff on mental health issues and housing management.
- Recognise the role that housing staff play in supporting people with mental health problems in the community, and develop collaborative working relationships with them.

What Can Housing and Health Professionals Do Together?

- Organise regular meetings (possibly using the Care Programme Approach (CPA)) between the individual, care co-ordinator and the housing officer to ensure that correct support is identified and that support packages complement each other, eg housing-related support and care services.
- Set up regular meetings/good practice forums between the health and social care services and housing staff to increase understanding of each other's roles, pressures and priorities.
- Establish clear and effective channels for advice and referral for housing services.
- Implement joint training to raise awareness of, increase understanding and deal with mental health problems and housing/support needs.
- Develop systems for collecting and sharing information between services.
- Develop and monitor a shared outcome (between housing and mental health services) on improving mental health support for homeless people or those at risk of homelessness (see *Achieving Positive Shared Outcomes in Health and Homelessness*, Office of the Deputy Prime Minister, 2004).
- Agree joint protocols between services on general and forensic hospital admissions and discharges so that people with a mental health problem who might be homeless or vulnerable to homelessness are identified and their support/housing needs are addressed as part of a planned discharge. (See *Discharge from Hospital: Pathway, Process and Practice*, Department of Health, 2003).
- Appoint a health and housing/homelessness champion to lead joint work in the Primary Care Trust/local authority.

CHARTS FROM DRAFT MENTAL HEALTH MONITORING BULLETIN – Centrepont (Oct 2007)





References

- **Draft Mental Health Monitoring Bulletin – Centrepoint (Oct 2007)**
- **Report for Mental Health LIT – Supporting People (May 2006)**
- **Action on Mental Health – A guide to promoting social inclusion (Social Exclusion Unit 2004)**

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Economic Scrutiny Panel

Scrutiny of CCTV

1. Background

- 1.1 The Economic Scrutiny Panel were tasked with scrutinising the effectiveness of the current provision of CCTV.
- 1.2 The purpose of the scrutiny was to check that the system currently in place was fit for purpose and value for money and whether the system should be extended.
- 1.3 Members agreed that they would approach the scrutiny in the first instance with a stock take of equipment currently used and asked that the City Care Manager responsible for CCTV be invited to attend a panel meeting to give Members an insight of this.
- 1.4 In 1997/98 Durham City Council installed a City Centre CCTV system which is monitored from a central Control Room by City of Durham employees.
- 1.5 The intention of the CCTV system is directed towards deterring antisocial behaviour and preventing crime, thereby providing a safer environment for the benefit of the whole community.

2. Findings

- 2.1 The cameras are monitored twenty four hours per day 365 days per year most of the cameras are owned by the City of Durham but there a small number in the new Walkergate development that are privately owned and which the Council is paid £22,000 for monitoring their cameras
- 2.2 Most of the cameras in use are digital and produce excellent quality images, the VHS images are of good quality too. The City Council has always purchased the best equipment and the quality produced has been excellent. As the quality of the images is so good, defence solicitors often question control room staff about procedures and practices used – the staff has been congratulated by solicitors for the way in which they carry out their duties.
- 2.3 The section provides a monitoring service to pub watch and shop watch and is in radio contact with the police. This is a much more effective way of dealing with street incidents than telephoning the police station.
- 2.4 City of Durham Council pays for the service in its entirety; they receive no contributions from either the Police or the Shopkeepers, other than the payment from the Walkergate Development.
- 2.5 Control room staff are multi skilled and training is regularly updated, each member of staff has a training log and regular checks are made on staff members.
- 2.6 Three senior Police Officers had attended a Panel Meeting together with the Council's Community Safety Officer and had advised Members that CCTV is an excellent preventative tool. Some towns in the County do not have CCTV systems and there were increases in retail crime and other crimes. The Police

use the evidence provided by the cameras to prove offences have been committed.

2.7 The Community Safety Officer informed the Panel that separate deployable cameras are used in areas identified as hot spots. These cameras are funded by the Partnership. While the images are good they are not of the same quality as those used by the control room.

2.8 It was suggested that there was an emphasis on the City rather than the villages as far as crime and disorder was concerned. However, the fairest system for the villages to use the mobile camera was based on the numbers of calls received, this is intelligence lead. A village has the use of the camera for twelve weeks, but this may change should the camera be needed elsewhere, it would be moved.

2.9 Concerns had been raised over the Bus Station and the incidents which had occurred since the expiry of the recent dispersal order. The Police Officers stated that should the need arise they would seek another dispersal order.

3. Recommendations

3.1 That the Council support recommendations 1,2,3 & 5 made in the Durham City CCTV System: A Review by Durham Constabulary (Appendix A).

3.2 That regular joint training sessions be arranged as required for Control Room Staff, Police Officers and staff.

3.3 That a budget be given to upgrade all the existing cameras from video tape to DVD disc, this will take up less room in storage and give better quality images.

3.4 That all mobile camera equipment purchased is compatible with all other CCTV equipment.

3.5 That the City of Durham Council work in partnership with all other commercial CCTV users including Prince Bishops and The Gates shopping centres.

3.6 That Durham City Council asks that the new Unitary Authority commits to a policy to maintain the CCTV system in Durham City to a level equivalent to a minimum of the current service provided.

Appendix A

**Durham Constabulary
Durham City CCTV System: A Review**

Summary of Recommendations

- It is recommended that a quarterly meeting be established between Durham Constabulary and Durham City Council to maintain common objectives, review strategic plans and deal with real or anticipated problems.
- It is recommended that Durham Constabulary investigate the possibility of establishing an appropriate and effective feedback procedure on cases where CCTV System product has been provided.
- It is recommended that consideration be given to establishing a programme of visits for new and experienced officers so that awareness of procedures is built up and communication processes enhanced.
- It is recommended that as part of a wider information strategy a wider ranging survey be carried out with the stakeholders in the retail, commercial, academic and residential sectors within the boundaries of the CCTV System.
- It is recommended that consideration be given to having a decision maker in the CCTV Control Room during busy times or special events who can advise on the evidence during live incidents or immediate review to assist in the arresting of offenders and detection of offences.
- It is recommended that consideration be given to promoting the use of the system by private sector interests within the geographical area of coverage.
- It is recommended that consideration be given to reviewing staffing levels for the CCTV to limit the cross abstraction with Careline.

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REPORT OF THE ENVIRONMENT SCRUTINY PANEL

SCRUTINY TOPIC – CLIMATE CHANGE

1. BACKGROUND

Climate Change is one of the most important issues facing governments around the world. Many steps have been taken, for example the United Nations Framework Convention on Climate Change (1988) and the Kyoto Protocol (1997), but it is only in the last few years that efforts to reduce emissions, reuse and recycling are beginning to filter down to peoples' everyday lives.

The Earth Summit in Rio de Janeiro (1992) set out "Agenda 21" which aimed to be a blueprint for sustainability.

More recently on the world stage, Bali, Indonesia hosted a two week United Nations Conference on Climate Change attended by representatives from over 180 Countries. The main outcome was that of agreement to the "Bali Roadmap" a document outlining the new negotiating process to be concluded by 2009 that is hoped will lead ultimately to a post-2012 international agreement on climate change.

Also the Intergovernmental Panel on Climate Change (IPCC) released a series of reports (1990, 1995, 2001 and 2007), outlining the latest research and developments within the climate change community, assessing the information provided by climate change Scientists worldwide.

At a national level there has been the Stern Report on the Economics of Climate Change (2006) which outlines the potential detriment to the economy as a consequence of climate change. Also there has been the draft Climate Change Bill (2007). This Bill has which received some amendments subsequent to consultation and scrutiny of the draft bill (the scrutiny taking the form of the document - Taking Forward the UK Climate Change Bill: The Government Response to Pre-Legislative Scrutiny and Public Consultation). It is aimed to receive Royal Assent for the Bill by Summer 2008.

Whilst tackling Climate Change could be perceived as an issue the is for central government to tackle through legislation, many people feel that it is at the Local Government level that action can be taken. Indeed as a response to the Earth Summit in Rio de Janeiro, "Local Agenda 21" (LA21) was conceived (1994) through recognition that two-thirds of the actions required to be taken to reverse global trends would need to be taken at the local level. In 2004, to celebrate its 10 year anniversary, LA21 was re-branded for Durham as the County Durham Local Action 21 Partnership.

A recent report from the Local Government Association (LGA) Climate Change Commission entitled "A Climate of Change" contains recommendations for Local Authorities in the areas of Transport, Planning, Housing and Procurement which Local Authorities could use to move towards the necessary carbon emission reductions.

More locally, the Association of North East Councils (ANEC) have produced a brief report "Climate Change - Our Commitment to a Greener Future" with their full report "A Green Manifesto" to follow in Spring 2008.

Indeed, ANEC has recently signed up to a North East Declaration on Climate Change alongside many other bodies including Government Office North East (GONE), One NorthEast, the North East Assembly and the North East Chamber of Commerce to name but a few. The declaration will be followed in 2008 by the launch of a North East Climate Change Action Plan which will set out key actions that the region would need to carry out to meet targets for emissions, mitigate against the impacts of climate change, and put in place adaptation measures to counter the consequences of climate change.

Since November 2002 Durham Authorities have worked in partnership to produce a 'County Durham Climate Change Action Plan' as part of the response to the Nottingham Declaration. The Plan aims to raise awareness of climate change issues and make links to regional, national and international action on climate change. Also it aims to highlight examples of good practice in County Durham and encourage further partnership working and cross-sectoral links. In addition, there is an aim to identify priorities, highlight opportunities and make recommendations for future actions.

Also, Durham County Council have been looking at the issues of Sustainability and Climate Change, with a presentation being made by their Head of Environment & Planning Services to their Environment Scrutiny Sub-Committee on the topic of Climate Change (December 2007).

2. AIMS

It was the remit of the Panel to consider the issues relating to Climate Change and to assist, if possible, in helping Officers from the City of Durham Council in creating a positive impact on the causes of Climate Change.

3. ACTIONS

The Panel invited witnesses from various Departments to help Members understand the actions currently being taken and those that would need to be taken in order to meet statutory requirements, minimise any negative impact by Council services, or to produce a positive change.

3.1 Planning

The City of Durham Planning department is committed through current and emerging policy to minimise or prevent the effects of Climate change. This work takes the form of responding to government consultation papers and informing Cabinet, through to the Local Development Framework and also 'on the ground' through the Development Control process.

At a national level, Planning Policy aims to address climate change through the new guidance note 'Planning for Climate Change.' A Cabinet report was prepared for Members in February 2007 to inform them of the wide ranging implications for the District.

The Cabinet report outlined the measures that the new guidance would require from Planning Departments and policy, but also specifically the case for the City of Durham to act.

National Government response is represented also through the Regional Spatial Strategy (RSS). Regional Policy No.39 sets targets for new developments in terms of the sustainability of construction techniques and also how new developments should use a percentage of embedded renewable energy. The City of Durham was present at the Examination in Public of the RSS and fully supported the 'Renewable Energy Policy 39' throughout its development.

The current Local Plan has a variety of renewable energy supporting policies and is gradually being replaced by the Local Development Framework. The LDF documents reflect the regional policy for a percentage of renewable energy, and will work alongside the RSS.

Environment Agency studies conducted on the River Wear show considerable negative effects should weather intensity increase and other studies show negative effects on Cathedrals from increased intensities.

All Development Plan Documents (DPD) created by the Development Plans Section are subject to a rigorous process known as a Sustainability Appraisal. The process goes through 21 headline criteria to assess strategic options and sites for planning. Objective 1 within the Sustainability Appraisal Framework relates to Climate Change, and is the first objective assessed when considering development plans. Recommendations for mitigation and enhancement are made on this basis.

Another study required to ensure that climate change is taken into account is a Strategic Flood Risk Assessment at the sub regional level. This assessment then in turn feeds into plans such as the Housing Sites Allocation DPD and also the City Centre and Retailing DPD ensuring that sites are considered for increased flooding potential.

3.2 Building Control

In the past the primary role of Building Control was to inspect developments to ensure compliance with Building Regulations and Health & Safety Regulations. Additional emphasis has been placed on the issues of sustainability, access ability and energy efficiency.

Building Control departments enforce on health and safety issues such as lack of fire doors in buildings. Central Government are pushing for Building Control departments to enforce on issues relating to energy efficiency just as vigorously.

The legislation that governs building control regulations relating to energy efficiency is "Part L", the latest revision of Part L came into effect in April 2006. From 06 April 2008, a new property cannot be signed off as complete without an energy efficiency certificate.

In the majority of cases, Developers only aim for compliance with the minimum standards rather than maximising any energy efficiency additions. This is simply to minimise development time and cost.

New products that could potentially enhance energy efficiency, until approved in revisions to Part L, cannot be used in isolation and must be used in conjunction with approved materials and / or construction methods. One example is the new multi-foil type loft insulation.

Whilst it may have similar insulation properties to traditional insulation material several times as thick, until it is approved it can only be used in addition to the traditional insulation material.

Often it is in larger developments such as the Rivergreen Centre at Aykley Heads, Cassop School and the recent New College Durham development that there is an opportunity to include energy efficient components such as ground source heat pumps, grey water recycling tanks, solar panel / photovoltaic cells, small scale wind turbines etc.

A document "The future of the Code for Sustainable Homes – Making a rating mandatory" produced by the Department for Communities and Local Government (DCLG) was issued as a consultation document to relevant stakeholders in July 2007. The Summary of Responses issued in November 2007 refers to a Carbon Improvement of 25% in comparison with the limits within current 2006 regulations. This would be followed up with an improvement of 44% by 2013, and with Zero Carbon being achieved by 2016.

In the case where over a certain percentage of an existing building has alterations then there is a requirement to carry out works in order to provide a related percentage improvement in the energy efficiency of the building. In the past a straight "like for like" policy applied when replacing building components. However, replacements must now meet the current building control regulations.

The North-East is embracing many of the new technologies that improve energy efficiency and enhance the sustainability of new developments, such as photovoltaic cladding and wind power.

3.3 Waste Management

The Environment Scrutiny Panel have visited the PARC Aerobic Digester facility at Thornley Crossings and were impressed with the way waste was being usefully processed rather than simply sent to landfill. The Durham County Council's Joint Municipal Waste Management Strategy (which has been reviewed recently and will be published soon) is particularly important as if plans for an increase in the use of aerobic digestion are approved, then it could be that any pre-emptive decision to increase green waste recycling could be unnecessarily costly and be rendered redundant. Also an increased use of collection vehicles would have an associated increase in carbon emissions.

3.4 Sustainable Development

The Sustainable Development Manager is currently auditing existing levels of Carbon Emissions both those stemming from the Council's own activity and that of the wider community.

Checks were to be made on energy consumption levels and also calculations were being made to assess emissions from landfill that are a consequence of City of Durham waste. There will be closer inspection of the fuel consumption of the Council's fleet vehicles to establish a base line position and with an aim to reduce CO₂ omission levels.

Due to a lack of historic records, the Council's baseline position would be taken from 2005/6.

A process is being developed for Self Assessment of council services, to identify means of achieving further emission reductions. Efficient working practices should be considered to reduce the Council's carbon footprint. Other methods of achieving a reduced Carbon footprint include looking at a travel plan (how employees travel to and from work), home working and teleconferencing.

The City of Durham has recently signed up to the Nottingham Declaration. In signing an Authority pledges to actively tackle climate change in their area and work with Partners to reduce emissions country-wide. City of Durham buildings have been audited for energy efficiency by the Carbon Trust.

One area that could be explored is that of Community Exemplar Projects which would involve 6-10 houses sharing heating and electricity generation.

Also it should be noted that when considering Sustainable Procurement, there needs to be a balance between Gershon efficiencies (a 5% year-on-year saving) and sustainable development.

There may be a possibility of securing cheaper energy through joint procurement via NEPO, the North East Purchasing Organisation. Also, it may be possible to use the large joint buying power of the Organisation to influence how the energy is produced, i.e. an increased percentage sourced from sustainable / renewable sources.

The Council's transport fleet already uses a percentage of bio-diesel within the fuel, and this may be increased in the future. Also TranMan software has been sourced that can help to plan more efficient routes for Council vehicles, helping to reduce carbon emissions.

4. OUTCOMES

4.1 Planning

There are a variety of ways in which the issue of climate change is addressed within the LDF. Emerging policy within the Development Control Policies Document aims to set ambitious targets for renewable energy use in new developments. It requires 10% of energy for new developments to be from embedded renewable energy and for larger developments, requires more on a sliding scale. Although the 10% requirement is the benchmark, it is felt that a greater proportion could be required due to special local circumstances, some of which were outlined in a report to Cabinet (February 2007).

The Planning Department are also currently drafting a 'Sustainable Construction and Renewable Energy Guidance for Developers' document. This document will provide guidance to major Developers right through to householders on how to reduce their energy demand, increase usage of renewable energy and ensure that through sustainable construction methods the development is as sustainable as possible to help meet government targets.

Finally to move forward the renewables policy on a the Development Control level, where planning decisions are made, the City Planning Department are now insisting that new developments are currently meeting the 10% embedded renewable energy benchmark. An example being the Hanro Development at Belmont Business Park, currently at pre-application status.

4.2 Building Control

New powers will be available to Building Control departments such that issues of non-compliance older than 12 months can still have enforcement action brought forward. Further powers are expected in future revisions of Part L.

4.3 Sustainable Development

A report ratified by Cabinet 18 July 2007, commits the Council to produce a strategy; this is a high level commitment from the Council.

A Working Group could be made up of various Senior Officers to investigate how the Authority could reduce its carbon footprint. Some of the areas which could be investigated would be Estate Management, Procurement, Housing, Planning and Transport.

5. RECOMMENDATIONS

The Panel understands that whilst only one part of reducing the impact on the Climate is to tackle issues at a Local Government level, it is an important part and one of the areas most likely to help encourage people to “do their part” and help to minimise any negative impact on the environment.

Therefore the following recommendations are made by the Panel:-

1. That the requisite preliminary work, as regards the setting up of a cross departmental Climate Change Working Group, undertaken by the Sustainable Development Manager be noted.
2. That further to the work mentioned above, the Panel reinforces the resolution of Cabinet (Minute No.113, July 2007) to form a Climate Change Working Group. Whilst the Cabinet decision did not include a timescale for this action, the Panel recommends that as preliminary work has been completed, the Climate Change Working Group should be set up as soon as possible.
3. That, in order to ensure that the Climate Change Working Group operates effectively, the Cabinet Member for the Environment sets up the initial Group and from this, a Senior Officer or Member be appointed as Chair of the Group.
4. That the recently published report produced by ANEC be considered by the Climate Change Working Group and that the Group report back to the Environment Scrutiny Panel as regards the feasibility of implementing those recommendations contained within the ANEC report that are relevant to local Authorities.
5. That the topic be reviewed in 12 months time (February 2009), with an interim report in 6 months time (August 2008).

Agenda Item 8(a)

Report to:	Cabinet
Date	16 th April 2008
Reporting Officer	David Thornborrow (Head of Planning Service) - 301 8701
Contact Officer	Gavin Scott (Policy & Regeneration Manager) – 301 8713
Subject	North East of England Regional Spatial Strategy – Secretary of States Further Proposed Changes – February 2008

Purpose

Members will be aware that the emerging Regional Spatial Strategy (RSS) sets out a broad development strategy for the region to 2021. The Council has made representations at earlier stages of consultation, most recently to the Secretary of States Proposed Changes of May 2007 (Cabinet Minute 123, 18th July 2007, refers). Resulting from that previous consultation the Secretary of State has published Further Proposed Changes to the RSS with comments requested by 2nd April 2008, the timing of which prevented reporting to an earlier Cabinet meeting and has resulted in comments being prepared and presented to the Secretary of State in consultation with the Deputy Leader as Portfolio Holder for Regional Strategy. These comments are summarised below for information, with an indication of those that have been the subject of formal responses to the Secretary of State. Full copies of the response forms are available in the Members Room.

Recommendations

That the report be noted and the positive benefits of the Further Proposed Changes to RSS be welcomed.

Information

Members will be aware that the Council has previously raised concerns regarding the negative impact that certain policies of the RSS would have on the district, notably in relation to housing development and for the development of potential rail freight facility to the south of Bowburn. The overall strategy recognised the importance of Durham City and its hinterland to the region and this was welcomed.

Summary of relevant Further Proposed Changes:

1. New population and household growth projections indicate increased growth in the region, with population increase exceeding new dwelling allocations. In response the total new housing allocation for the region is increased from 112,000 to 128,900 in Further Proposed Change 7 (FPC7), with a consequent increase for the district (see 7. below). This recognition of the need for an increased housing allocation is welcomed and a formal response has been made on this matter.
2. The overall strategy continues to recognise the importance of Durham City and its hinterland to the region and this is welcomed. The RSS divides the region broadly into two City Regions, centred on Tees Valley and Tyne & Wear. FPC19 now recognises, however, that parts of County Durham relate to both of these City Regions. This recognition is relevant to the district which has links to both Tyne & Wear and Tees Valley and should be noted.

3. Policy 5 considers the overall locational strategy and FPC20 amends criteria “a” by removing the emphasis that concentrated new development in the core areas of the conurbations. This change is welcomed as it provides greater flexibility for development in the conurbations and also the main settlements (NB: Durham City is the main settlement outside the conurbation in the Tyne & Wear City Region). A formal response of support has been made on this matter.
4. Policy 6, the Tyne & Wear City (criteria e) at FPC34 removes reference to Durham City as a specific location for manufacturing and logistics based accommodation, instead relying on a more general regional approach. This change should be noted but does not undermine the high profile that the City has in general in the RSS.
5. Policy 6, the Tyne & Wear City (criteria g), which seeks to broaden and better integrate the city region’s tourism offer, at FPC35, adds Durham and the World Heritage Sites as key areas for sustainable tourist potential. This recognition is to be welcomed, and indeed reflects the current approach being taken in the City, notably via the 2020 Vision. A formal response of support has been made on this matter.
6. FPC77, relates to improving and increasing the housing stock in the region and states, at paragraph 3.71, that the new dwelling allocations (i.e. the amount of new housing that can be built in the district - see also 1. above and 6. below) are guideline figures and do not represent a ceiling, allowing Local Development Frameworks to make cases for higher figures as appropriate. This addition is to be welcomed as it gives more flexibility for the district to react to local needs such as providing affordable housing or addressing regeneration needs in the former coalfield communities. A formal response of support has been made on this matter.
7. Policy 30, Gross and Net Dwelling Provision, at FPC78, increase the district’s allocation as follows: for the period 2004-2011: now 250 dwellings per year (was 225); 2011-2016: 220 (was 180); and 2016-2021: 190 (was 140). This gives an overall increase in allocation for 2004 to 2021 of 600, i.e. total is now 3800 as opposed to 3200 in the earlier proposed changes document (NB: it should be noted that similar improvements are made for other County Durham Authorities). This increased provision is to be welcomed as it will give more scope for the district to respond to key housing issues such as addressing affordability and responding to the housing regeneration needs in parts of the district. When considered alongside the changes outlined at 6 above the changes proposed to the RSS will greatly reduce the previous constraining influence to appropriate new house building for the benefit of key needs in the district. A formal response of support has been made on this matter.
8. At FPC82 (paragraph 3.89) and FPC83 (table) the RSS seeks to respond to national guidance requiring RSS’s to address the needs of Gypsies and Travellers by introducing a guide to the number of new pitch’s to be provided, information derived from a regional study of March 2007. Durham District is linked to Sunderland, Chester-le-Street and Derwentside and it is suggested that a total of 19 new pitches will be required in this overall area by 2020. Whilst the addition to RSS of the recognition of the needs of the travelling community is welcomed, the specific requirements do not reflect the findings of the “Study of the Accommodation and Support Needs of Gypsies and Travellers in County Durham” (2007). This study suggested that three small new sites of up to 12 pitches were needed in the County, with Teesdale and Easington districts the most appropriate likely locations. An objection, suggesting that the RSS reflects the needs set out in the County Study has been made on this matter.
9. FPC92 to Policy 34 relating to the Historic Environment, at criteria e, introduces the need to not only prepare a management plans for the World Heritage Sites, but also to review them. This requirement should be noted.

10. Policy 39 relates to Sustainable Construction and FPC110 to criteria d removes the requirement to achieve 10% embedded energy (i.e. energy needs generated on site) on major new development. This specific requirement is replaced with the need to achieve an ambitious but viable percentage, to be established through Local Development Frameworks. Whilst, technically this change gives scope for a higher figure to be negotiated with developers, the removal of the specific percentage from the RSS could practically weaken the Council's negotiating position in the absence of Local Plan policy guidance. A representation suggesting the policy be revised to require a minimum of 10% and where viable a higher percentage has been made on this matter.
11. FPC136 to Policy 52 (Strategic Public Transport Hubs – of which Durham City is one of five in the region) introduces the need for development to be subject to the "environmental capacity" of the area. This point is notable in the context of the historic city.
12. FPC143, introduces a new paragraph to the section on sustainable freight distribution, referring to the longer term potential for rail-freight interchange at Tursdale. The original draft RSS included reference to Tursdale in Policy 57, but reference was removed from the Secretary of States Proposed Changes document. It is now reinstated, but in the supporting justification to the policy rather than in the policy itself. This change to recognise the regional potential of the site is to be welcomed, as is the need to consider it in the context of other facilities in the region. Nevertheless, a representation to have Tursdale recognised in the Policy 57 in view of its locational attributes has been made.

David Thornborrow

Head of Planning Services

14 March 2008

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Agenda Item 8(b)

Report to:	Cabinet
Date	16 April 2008
Reporting Officer	Executive Director Tel: 0191 3018867 email: dmarrs@durhamcity.gov.uk
Contact Officer	Kay Laidlaw – Legal & Complaints Officer Tel: 0191 3018876 email: klaidlaw@durhamcity.gov.uk
Subject	Local Government Ombudsman Cases

Purpose

For Members' Information, I attach at Appendix A, schedule of successful defences of complaints referred to the Commission for Local Administration in England

Recommendations

That the report be noted.

Signature D MARRS

TITLE Executive Director

Date 28.3.08

City of DurhamCABINET16 April, 2008Report of the Executive Director - For InformationSchedule of Successful Defences of Complaints Referred to the Commission for Local Administration in England

<u>L.O. Case Ref. No.</u>	<u>Summary of the Nature of the Complaint</u>	<u>Local Ombudsman's Findings/Decision</u>
07/C/15798/PEL	Complainant having been through Stage 1 of the council's complaints procedure contacted the Ombudsman to assist with her complaint in respect of allocation of housing.	As the complainant had only been through Stage 1 of the council's complaints procedure the Ombudsman had recommended that the complaint be referred back to the council to complete its normal complaints procedure. To proceed to Stage 2. Reason for termination: Local Government Ombudsman's discretion.
07/C/11281/vmg	That the Council unreasonably allocated a property to the tenant when it was in a state that rendered it uninhabitable.	The provisional view of the LO is that she appreciates the bungalow in its undecorated state and with some work outstanding had been daunting to the tenant. On the other hand the property does seem to have been very substantially improved before tenancy was taken. The property was habitable although perhaps not to the tenants liking. The council has recognised this by allowing a two week rent free period and by offering to do some minor works to improve the situation. Reason for termination: No or insufficient evidence of maladministration.