



## Cabinet

**Date**        **Wednesday 13 March 2019**  
**Time**        **10.00 am**  
**Venue**       **Council Chamber, Spennymoor Council Offices, Green Lane,  
Spennymoor, Co. Durham, DL16 6JQ**

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### Business

#### Part A

**Items during which the press and public are welcome to attend -  
members of the public can ask questions with the Chairman's  
agreement**

1. Public Questions
2. Minutes of the meeting held on 6 February 2019 (Pages 3 - 6)
3. Declarations of interest

#### **Key Decision:**

4. Review of School Provision - Wolsingham School and Sixth Form: Future Options for Education in the Weardale Community - Joint Report of Corporate Director of Children and Young People's Services and Corporate Director of Resources [Key Decision: CYPS/03/2018] (Pages 7 - 62)

#### **Ordinary Decisions:**

5. Forecast of Revenue and Capital Outturn 2018/19 - Period to 31 December 2018 - Report of Corporate Director of Resources (Pages 63 - 100)
6. Update on the delivery of the Medium Term Financial Plan 8 - Report of Director of Transformation and Partnerships (Pages 101 - 106)
7. Quarter Three 2018/19 Performance Management Report - Report of Director of Transformation and Partnerships (Pages 107 - 176)
8. Annual Review of the Constitution - Report of Head of Legal and Democratic Services (Pages 177 - 334)
9. County Durham Health and Social Care Plan Update - Report of Corporate Director of Adult and Health Services (Pages 335 - 344)
10. Council Activity Report - Report of Director of Transformation and Partnerships (Pages 345 - 358)
11. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

12. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

**Part B**

**Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

13. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
5 March 2019

To: **The Members of the Cabinet**

Councillors S Henig and A Napier (Leader and Deputy Leader of the Council) together with Councillors J Allen, J Brown, O Gunn, L Hovvels, O Johnson, C Marshall, K Shaw and B Stephens

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Cabinet** held in **Committee Room 2, County Hall, Durham** on **Wednesday 6 February 2019** at **10.00 am**

**Present:**

**Councillor S Henig (Leader of the Council)** in the Chair

**Cabinet Members:**

Councillors J Allen, O Gunn, L Hovvels, O Johnson, C Marshall, A Napier, K Shaw and B Stephens

**Apologies:**

Councillor J Brown

**Also Present:**

Councillors E Adam, J Atkinson, J Clare, J Considine, L Maddison and J Shuttleworth

**1 Public Questions**

There were no public questions.

**2 Minutes**

The minutes of the meeting held on 16 January 2019 were confirmed as a correct record and signed by the Chairman.

**3 Declarations of interest**

There were no declarations of interest.

**4 Medium Term Financial Plan 2019/20 to 2022/23 and Revenue and Capital Budget 2019/20 [Key Decision: CORP/R/18/01]**

The Cabinet considered a joint report of the Corporate Director of Resources and the Director of Transformation and Partnerships which provided comprehensive financial information to enable Cabinet to agree the 2019/20 balanced revenue budget, an outline Medium Term Financial Plan MTFP(9) 2019/20 to 2022/23 and a fully funded capital programme (for copy see file of minutes).

In presenting the report the Corporate Director of Resources advised that the figures based in it were on the provisional settlement, and that as the details of the final settlement had been released the day before was able to confirm that there were no changes. The Corporate Director thanked staff, and members for their assistance in bringing this report together.

Cabinet members commented on the savings that had already been made and that if these savings were agreed then it would mean that the council would make over £234m in savings by 2019/20, and that by 2020 over 3,000 posts would have been lost. This had been as a result of austerity measures and funding cuts to the council. It was pointed out that the council was very fortunate that it was able to meet the shortfall from within the budget support reserve, and would continue to protect front line services as far as possible.

Members referenced the unfairness in the distribution of the funding continued for Durham in comparison to other authorities, and this impacted on Durham's spending power. It was pointed out that the authority has less core spending than the English average, and if it were the same as the average it would have an additional £44m in funding. It was noted that the core spending figures quoted by government assumed that the increase in council tax would be to the 3% limit however Cabinet was recommending an increase of 2.99%. It also assumed that the Adult Social Care precept was to the maximum limit and Cabinet was recommending a 2% increase in line with this.

Despite continually lobbying the government it was felt that they were not listening as the previous day they had agreed cuts of £16b in local government funding. The position for funding for Durham beyond next year was not yet known, there was uncertainty over public health funding, and that the outcome of the fair funding review would be known later in the year. The council would do all it could to continue lobbying on these issues. There was significant uncertainty over future funding which made planning very difficult.

The feedback from overview and scrutiny was welcomed as was that from the public and AAPs. Cabinet members thanked the Corporate Director of Resources and his officers, and the Deputy Leader of the Council for their calm financial stewardship.

### **Resolved**

It was unanimously agreed to recommend to full council approval of the recommendations set out in the report.

## **5 School Admission Arrangements Academic Year 2020/21 [Key Decision: CYPS/01/18]**

The Cabinet considered a report of the Corporate Director of Children and Young People's Services which sought approval for the proposed admission arrangements and oversubscription criteria for Community and Voluntary Controlled Schools for the 2020/21 academic year (for copy see file of minutes).

### **Resolved**

That the recommendations in the report be approved.

## **6 Children and Young People's Strategy**

The Cabinet considered a joint report of the Corporate Director of Children and Young People's Services and the Director of Transformation and Partnerships which presented the final draft of the Children and Young People's Strategy 2019-2022 for approval (for copy see file of minutes).

### **Resolved**

That the recommendations in the report be approved.

## **7 Phasing Out of Unnecessary Single-Use Plastics**

The Cabinet considered a joint report of the Corporate Director of Regeneration and Local Services and Director of Transformation and Partnerships which reviewed action by the Council and its partners to significantly reduce single-use plastics (SUPs) and sought Cabinet agreement to sign a County Durham pledge to further reduce unnecessary single-use plastics (for copy see file of minutes).

Councillor Adam, Chairman of the Environment and Sustainable Communities Overview and Scrutiny Committee provided the feedback from the committee about the review. Cabinet members welcomed the report and thanked everyone who had been involved in this work.

### **Resolved**

That the recommendations in the report be approved.

## **8 Vélo of the North**

The Cabinet considered a report of the Director of Regeneration and Local Services which informed of an approach from CSM Sport and Entertainment to develop a mass participation cycling event in County Durham. The report sought approval to work with CSM and partner organisations to jointly deliver the event subject to all partner organisations reaching agreement on the safe and effective delivery of the event (for copy see file of minutes).

### **Resolved**

That the recommendations in the report be approved.

## **9 Council Activity Report**

The Cabinet considered a report of the Director of Transformation and Partnerships which provided an update on work to support some of the Council's key priorities (for copy see file of minutes).

### **Resolved**

That the report be noted.

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**Cabinet**

**13 March 2019**

**Review of School Provision – Wolsingham School & Sixth Form: Future options for education in the Weardale community**



**Key Decision No.**

**CYPS/03/2018**

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**Report of Corporate Management Team**

**Margaret Whellans, Corporate Director of Children and Young People's Services**

**Councillor Olwyn Gunn, Portfolio Holder for Children and Young People's Services**

**John Hewitt, Corporate Director of Resources**

**Councillor Alan Napier, Portfolio Holder for Finance**

**Electoral division(s) affected:**

Weardale, Tow Law

**Purpose of the Report**

- 1 This report provides Cabinet with details of the work that has been undertaken as part of the review of education provision in County Durham which was agreed by Cabinet on 15 November 2017.
- 2 The report makes recommendations in relation to Wolsingham School and Sixth Form, which could affect other schools and education provision in general in the wider Weardale area.

**Executive summary**

- 3 Wolsingham School is a relatively small secondary school in rural Weardale. The report outlines the funding challenges that all schools face which are particularly pronounced for schools in rural settings which have fewer than 600 pupils (the Department for Education threshold for viability), which would include Wolsingham School.

- 4 The school was refurbished in 2016 at a cost of £7.4 million to remove the split-site and to address significant condition issues, which had been exacerbated by the delay and ultimate withdrawal of the Building Schools for the Future Programme. The school currently has an estimated deficit balance at 31/3/19 of £1.7m
- 5 While pupil numbers are increasing (with the school set to have admission requests exceeding its Published Admission Number (PAN) in 2019 through attracting pupils from outside the Pupil Planning area)) and while actions are being taken by the leaders of the school to reduce expenditure, further steps are required to ensure the school is able to repay the accumulated deficit.
- 6 The new Head Teacher (appointed in September 2018) is working with his governing body to explore all options to address the accumulated deficit. Importantly this includes actions to bring the school into an “in year” balanced position by 2021/22 which is essential given the current unsustainable financial position of the school.
- 7 Cabinet is asked to note that schools can only set a budget with an in-year deficit, providing that they have sufficient surplus balance (reserves) carried forward to do so. Where this is not the case (i.e. its carried forward reserves are less than the amount required to off-set the in-year deficit), a school must have permission from the s.151 Officer. The S151 Officer has to have evidence that a deficit recovery plan is in place. .
- 8 The respective duties and responsibilities of schools and local authorities are determined by local schemes of delegation, prepared in line with statutory guidance.
- 9 The scheme of delegation allows for deficit budgets, but only for three years, and no more than 20% of the school’s budget share, up to a maximum of £750,000. Wolsingham School & Sixth Form is in breach of this requirement and has been given permission to operate outside the scheme of delegation whilst the outcome of the National Funding Formula was determined and to enable the wider review of school provision to be completed. This balanced approach is in the best educational interests of the children that attend the school, however action does need to be taken as the setting of on-going deficit budgets and the legacy deficit balance need to be addressed. .
- 10 Had the Council insisted on Wolsingham School & Sixth Form balancing its budget, it is probable that as many as 10 teaching posts would need to be removed from the current staffing structure.. If such action had been required, the school would not have been able to fulfil its GCSE National Curriculum commitments. This would inevitably have resulted

in a reduction in educational attainment, accelerated reductions in pupil numbers and ultimately difficulties in terms of the school's Ofsted rating, which in turn would have led to a worsening of its financial difficulties at a time when an area wide review was being undertaken...

- 11 Despite some restructuring and actions taken to reduce expenditure within the school, a precarious financial position remains. The school will need to set an "in-year" deficit budget again in 2019/20 at which point the estimated accumulated deficit at 31 March 2019 will be circa £1.7 million. There is therefore an urgent need for a sustainable long term solution to be agreed. The new school leadership has committed to completing due diligence on options that will address this position by 31 July 2019.
- 12 In addition to providing details of the current and potential future position of Wolsingham School and Sixth Form. The report outlines the steps taken since Cabinet agreed to a strategic countywide review of educational provision in November 2017, including consultation and discussion undertaken with school leaders and governors from Weardale's primary schools, as well as with the secondary school.
- 13 The report details the budget position of schools, staffing, actual and projected pupil numbers, and related factors that affect options available to secure a sustainable and good quality educational provision in Weardale.
- 14 The report outlines the thorough consideration of all options and the viability of each for further consideration either by the Council or by the schools and their communities. This leads to a conclusion that there are only two real long term sustainable solutions to the issues relating to the financial viability of Wolsingham School & Sixth Form:
  - (a) the creation of a Federation of several schools with pooled resources, or
  - (b) Wolsingham School & Sixth Form becoming part of a Multi Academy Trust (MAT), either with a sufficient number of feeder primaries or with other schools.
- 15 It is important to note that the delivery of the outcomes from these options is not necessarily within the local authority's remit which means that the local authority will need a high degree of confidence that any proposals agreed are deliverable and will result in the financial and educational outcomes that are required being achieved
- 16 The creation of a Federation of schools, has been preferred by some school leaders but most interest is in a 'soft' federation which is an

informal arrangement that carries significant risk, not least the risk that individual schools may not make the difficult decisions that are required to assist Wolsingham to reach a balanced budget position. Further time will be required for Council officers to work with school leaders and governors to assess the potential for this idea to be fully developed as a viable option. Ultimately the local authority cannot enforce a federated model and delivery of this approach very much relies on the leadership of the schools community in Wolsingham working closely with the local community to achieve outcomes for children, as opposed to a focus on the individual schools within a federated arrangement. This approach could assist the school to pay down its historical deficit as part of a long term budget recovery plan if efficiencies from joint working can be achieved, but would involve the authority sanctioning an approach where the deficit would be carried potentially for many years, gradually being reduced through an ongoing requirement to generate in year surpluses year-on-year.

- 17 Wolsingham School and Sixth Form becoming part of a MAT would also be outside of the council's sphere of influence, and would be subject to the agreement of the Regional Schools Commissioner. To date this option has not been widely supported by the leaders of schools in the area, however it would allow economies of scale to be realised, which could make the school financially sustainable. The accumulated deficit would not be transferred to the MAT and the council would need to write-off the historical deficit budget balance from its General Fund in this scenario, which would have the effect of providing the school with a "clean slate"
- 18 Failing either of the above options being taken forward, the council would have no option but to consider a managed closure. Closure is not a position the council would wish to consider however real progress needs to be made in relation to the two options set out in this report, together with the work to bring the annual budget into balance to avoid a position where there is no alternative but to close the school. Continuing to allow deficit budgets to be set without a clear and deliverable plan is not an acceptable position for the council, or the school.
- 19 The wider implications of federation, academisation or closure are covered in detail in the report.

## **Recommendations**

- 20 Cabinet is recommended to note progress made to date, and:
  - (a) note that the review identified that there are two realistic solutions to the issues relating to the financial viability of

Wolsingham School & Sixth Form: the creation of a federation of several schools with pooled resources or Wolsingham School becoming part of a MAT;

- (b) note that officers will support the primary schools and secondary school in Weardale to consult further on forming a federation in order to establish a single staffing structure across all or most schools that could, through economies of staffing and other resources, lead to financial sustainability and the provision of all age education in this rural setting;
- (c) note the work of the school to deliver an “in year” balanced budget position by 2021/22 but that arrangements for eradicating the historical deficit will need to be agreed depending on the longer term option that is agreed in relation to either federation or academisation.
- (d) note that the school is currently undertaking due diligence and considering its position with regards to either federation or academisation, and has committed to making its decision by 31 July 2019;
- (e) note that in the event that none of the two options as set out in this report (federation or academisation) are taken forward, managed closure of Wolsingham School and Sixth Form will become the only alternative option that is available.

## **Background**

- 21 Previous reports have outlined the significant financial difficulties being experienced by a number of schools across the county as a result of reductions in admission numbers and to a lesser extent school funding formula changes, which has necessitated some schools setting deficit budgets – mainly secondary schools.
- 22 Schools that have an inadequate OFSTED judgement are required to become sponsored academies and if / when they do, any deficit balance that they are carrying becomes a cost to the local authority and is not transferred to the sponsoring academy.
- 23 The impact on schools from real terms cuts in schools funding is huge and representations have been made to the Secretary of State, both as part of the National Funding Formula consultation and more recently through concerns raised with regards to the impact of Government policy and funding decisions on rural schools provision.
- 24 It is estimated that if funding rates had kept pace with inflation since the 2009-10 financial year, the amount available for the mainstream school funding formula in the current financial year would be 15% higher than the actual amount. For Durham this is equivalent to £46 million, or around £120,000 per primary school and £600,000 per secondary school. Funding at this level could provide for around 3 extra teaching staff in a primary school and around 15 extra teaching staff in a secondary school.
- 25 In addition to this general concern, there is concern over what appears to be a lack of understanding of the financial sustainability of rural secondary schools and the long-term impact on families and communities in rural locations if these schools prove to be financially unsustainable under the current funding levels.
- 26 The DfE's threshold for concern over the viability of a secondary school is 600+ pupils. Few secondary schools in rural areas fall into this category, which forces the argument for some form of supplementary funding for this group of schools.
- 27 In the past the Council has sought to support small rural schools through a lump sum at, or close to, the maximum permissible. Prior to April 2013 the Council had more discretion, through its schools forum, to support these schools, but Members will be aware that legislation prevents the Council from making contributions to or financially supporting schools.

- 28 To provide stability and to safeguard those under-funded secondary schools in rural areas, it is essential that the government identifies new and additional funding. Without such investment, the formula in its current form will increasingly bring into question the viability of such schools, as a formula that is overly restrictive and primarily based on pupil-led funding will always disadvantage a small school which serves a large and sparsely populated geographic area, and in which opportunities to attract additional pupil numbers are thereby restricted.
- 29 Rural secondary schools can also face challenges in terms of recruitment of good quality teaching staff and also additional costs for travel in respect of supply cover and transport in respect of goods and services. Small populations also limit a school's ability to raise funds through the letting of premises or other activities.
- 30 The National Funding Formula (NFF), which is intended to replace locally determined funding formulas, includes a lump sum for every school and an additional lump sum for schools in sparsely populated areas. This funding makes a significant contribution towards the financial sustainability of eligible primary schools, but the amounts allowed in the NFF are a significantly smaller proportion of the overall funding for eligible secondary schools. In the 2018-19 local formula in Durham, which is part of a transition from the local formula to the NFF, lump sums and sparsity funding are over 50% of the total funding for pupil-led and school-led factors for eligible primary schools, but less than 10% for secondary schools:

<b>Lump sum and sparsity funding as proportion of the total of pupil-led and school-led funding</b>	
Primary	54.31%
Secondary	6.35%

- 31 The lack of support through government funding for secondary schools in rural areas and restrictions placed on councils' ability to recognise these challenges within the schools funding formula, impacts on the breadth of curriculum offer, because there is not enough funding to employ a wide enough range of subject specialists if the school operates within the resources the formula generates.
- 32 In November 2017, Cabinet considered a report which outlined the need for a strategy for school organisation. This involved reviewing educational provision in each local area across the county.
- 33 In terms of prioritising the planned reviews, the two schools presenting the most significant financial viability concerns were Wellfield School in

Wingate and Wolsingham School and Sixth Form in Weardale. These schools and the schools in the surrounding pupil place planning areas were agreed as falling into the first phase of the strategic review of schools provision, together with a review of schools provision in the Horden area.

- 34 In terms of Wolsingham, the review of educational provision encompassed the full 0-16 age range in the area served by Wolsingham School & Sixth Form, to provide a platform for developing a long-term, financially sustainable, model for all children in the area. There are six primary schools serving Weardale and one secondary school. The schools are Wolsingham Primary, Frosterley Primary, Stanhope Barrington CE Primary, Rookhope Primary, St John's Chapel Primary, Wearhead Primary and Wolsingham School & Sixth Form. All of the primary schools are classified as rural schools.

### **Overview – Review of schools provision**

- 35 The Cabinet report of November 2017 identified a process for considering options for enhanced and sustainable educational provision in each locality and an indicative timeframe for these reviews to be completed. Reviews were to be undertaken in stages, with initial discussion with all partners to consider options for enhanced provision in local areas. This could involve discussions with schools, the local community, and partners / key stakeholders about possible options for re-organisation including:

- do nothing;
- establishing a model of federated schools;
- amalgamation of schools;
- creation of Multi-Academy Trusts;
- establishment of through-schools;
- closure / new-build.

- 36 As the Review proceeded however it was not possible to follow the process or indicative timeframe described in the November report. Options that developed in discussion with schools took longer than anticipated, with schools formally requesting extensions of time to complete these. Unanticipated parts of the process were requested (e.g.: a governors' conference) that had not formed part of the original planned sequence of events and necessarily extended it. In short, the fact that this process did not have a precedent and was largely dependent on schools' compliance with local authority requests, rather than a formal mandate, made quicker progress difficult. The result was that the suggested milestones were not met and update reports were postponed.

- 37 The review of existing provision in the three initial review areas (Weardale, Wingate and Horden) has now been completed and proposals have been developed for Cabinet consideration. Separate reports have been prepared outlining the findings, the options appraisal and making recommendations for each area. The reviews have involved:
- (a) A cross service grouping working group, chaired by the Head of Education, to ensure all relevant factors, including legal, financial and HR implications are covered by the review of options available;
  - (b) Meetings with school leadership teams – including Head Teachers and Chairs of Governors of the schools in financial difficulty and other schools in that locality – to discuss financial projections, options available etc.;
  - (c) Meetings with elected members and local MPs to share key information and provide advice on the options available in terms of a sustainable educational provision in each locality and progress updates with the reviews in their areas;
  - (d) Discussions with the Regional Schools Commissioner’s (RSC) office, which is part of the Department for Education.

### **Wolsingham Comprehensive School and Sixth Form - context**

- 38 Wolsingham School & Sixth Form is a secondary school with a sixth form, located in the heart of the rural Weardale. The school was refurbished in 2016 at a cost of £7.4 million to remove the split-site and to address significant condition issues, which had been exacerbated by the delay and ultimate withdrawal of the Building Schools for the Future Programme.
- 39 The area that it serves is sparsely populated, which means that pupil numbers are always likely to be small and unlikely to generate sufficient funding to provide a sustainable staffing structure, but at the same time, not having a secondary school in Wolsingham / Weardale would lead to longer daily journeys for pupils, with additional costs in respect of home-to-school transport.
- 40 The school has had three different head teachers in recent years, with the latest head commencing in September 2018. The school has a new Chair of Governors and has recently initiated restructuring plans to bring the in-year budget into balance by 2021.

- 41 Whilst the current financial forecasts show an improved position on that which was reported to Cabinet in June 2018 (the estimated deficit carried forward at 31 March 2019 is £1.7million), the position still reflects significant in-year deficits in the short term and cumulative deficits arising over the medium term.
- 42 The primary schools in Weardale, some of which are very small, are all judged by Ofsted to be 'Good' or better. They have no current deficit budgets, however they may be at risk of facing financial challenges in the future because funding changes at a national level do not favour small schools.
- 43 In January 2018, the governing body of Wolsingham School & Sixth Form independently took the decision to suspend admissions to the sixth form for two years, from September 2018. The budget plan for the school takes account of this and other savings, including the recently agreed restructuring of teaching. Although the in-year deficit continues in the short term, actions that the school has taken, including the suspension of admissions to the sixth form, have served to slow the deterioration in their financial position.
- 44 Under new national funding arrangements, the future financial position of all schools is heavily dependent on the level of pupil admissions. Despite adverse local publicity about the suspension of sixth form admissions, projected places at Wolsingham School & Sixth Form for September 2018 have increased on the previous year.

<b>Year 7 places offered/admitted</b>	<b>Sept 2017</b>	<b>Sept 2018</b>	<b>Sept 2019</b>
First preferences	103	121	148
Other places offered	15	11	
Total places offered	118	132	
Final number admitted	117	133	

- 45 This increase reflects the fact that Wolsingham is a school recently confirmed 'Good' by Ofsted (May 2018) with GCSE outcomes in 2017 and 2018 placing the school in the top quartile of County Durham schools on key measures. The increase in secondary places for Year 7 in 2018 mirrors the slowly rising demographic in the Dale, and contradicts the argument that suspending sixth form admissions would adversely impact upon Y7 intake numbers. The school has also increased efforts to market itself outside of its tradition catchment area and is providing free transport incentives to these pupils.

46 However, any such positive indicators are not in themselves sufficient to enable an in-year balanced budget until 2021/22 or for the school to address the accumulated deficit.

47 A summary of contextual information for Wolsingham School & Sixth Form and the primary schools in Weardale is shown in the tables below, with a breakdown by school included in Appendix 2. Those primary schools included are:

- Hamsterley
- Frosterley
- Rookhope
- St John's Chapel
- Wearhead
- Witton-le-Wear
- Wolsingham

<b>Capacity &amp; occupancy numbers (pupils &amp; students)</b>	<b>Primary schools</b>	<b>Wolsingham School &amp; Sixth Form</b>	<b>Total</b>
Number on roll ( as 28 September 2018)			
Reception to Y 11	413	537	950
Post-16 (Y13 only)	-	63	63
<b>Total on roll</b>	<b>413</b>	<b>600</b>	<b>1,013</b>
Total Capacity of the Schools	625	892	1,517
Spare capacity	212	292	504
% Spare Capacity	33.9%	32.7%	33.2%
% Places Filled	66.1%	67.8%	66.8%

<b>Age Range – Numbers on Roll (at 28 Sept. 2018)</b>	<b>Primary schools</b>	<b>Wolsingham School &amp; Sixth Form</b>	<b>Total</b>
Reception	54	-	62
Year 1	65	-	48
Year 2	48	-	52
Year 3	53	-	65
Year 4	67	-	64
Year 5	65	-	58
Year 6	61	-	75
Year 7	-	133	119
Year 8	-	120	106
Year 9	-	110	83
Year 10	-	82	91
Year 11	-	92	105
<b>Total – Reception to Year 11</b>	<b>413</b>	<b>537</b>	<b>950</b>
Post 16 (Y13 only)	-	63	63
<b>Total on Roll</b>	<b>413</b>	<b>600</b>	<b>1013</b>

<b><i>Funding Levels 2018-19 (£)</i></b>	<b>Primary schools</b>	<b>Wolsingham School &amp; Sixth Form</b>	<b>Total</b>
Formula funding 2018-19	2,418,000	2,692,000	5,110,000
Pupil Premium funding 2018-19	96,000	124,000	220,000

<b>Surplus / (Deficit) Balances held and Planned Use of Balances in 2018-19 (£)</b>	<b>Primary schools</b>	<b>Wolsingham School &amp; Sixth Form</b>	<b>Net Position</b>
Retained Balance at 31 March 2018	430,000	(1,240,000)	(809,000)
Forecast use of balances in 2018-19	(137,000)	(484,000)	(621,000)
Forecast retained balance at 31 March 2019	293,000	(1,724,000)	(1,430,000)

<b><i>Accumulated Surplus / (Deficit) balances 2013-14 to 2017-18 (£)</i></b>	<b>Primary schools</b>	<b>Wolsingham School &amp; Sixth Form</b>	<b>Net Position</b>
31 March 2013	131,000	(71,000)	60,000
Contribution to or (drawn down) in 2013-14	174,000	105,000	279,000
31 March 2014	306,000	34,000	339,000
Contribution to or (drawn down) in 2014-15	129,000	(104,000)	25,000
31 March 2015	434,000	(70,000)	364,000
Contribution to or (draw down) in 2015-16	(15,000)	(344,000)	(359,000)
31 March 2016	419,000	(414,000)	5,000
Contribution to or (draw down) in 2016-17	(41,000)	(440,000)	(481,000)
31 March 2017	379,000	(854,000)	(476,000)
Contribution to or (draw down) in 2017-18	52,000	(385,000)	(333,000)
<b>31 March 2018</b>	<b>430,000</b>	<b>(1,240,000)</b>	<b>(809,000)</b>

48 The Equality Impact Assessment covering all proposals considered by this report is available in Appendix 4.

- 49 In the context of finance, members should note that school budgets are set for the financial year, which covers two academic years. Staff restructuring, which is often necessary to balance budgets, often takes effect from September each year, because schools operate on an academic year rather than a financial year. This poses problems in finalising the budgets in April / May for the coming financial year as plans are often not yet fully developed within schools. It is not unreasonable to assume that the outturn position for the primary schools in this area could be better than initially budgeted.
- 50 Members will recall that schools can only set a budget with an in-year deficit, providing that they have sufficient surplus balance (reserves) carried forward to do so. Where a school cannot do this and therefore wishes to set a deficit budget (i.e. its carried forward reserves are less than the amount required to offset the in-year deficit of expenditure over income) it must have permission from the s.151 Officer in order to do so.
- 51 The respective duties and responsibilities of schools and local authorities are determined by local schemes of delegation, prepared in line with statutory guidance. These schemes confirm the arrangements for delegation to governing bodies, but also give authorities powers to monitor school budgets and determine whether a school is allowed to set a deficit budget. The scheme also sets out the procedure for dealing with schools causing concern, including the power to require schools to provide budget plans and, in extreme cases, to suspend delegation. Schemes also prohibit authorities from writing-off the deficits of schools with deficit budgets, in order that authorities cannot favour one school over another by allowing one to overspend and write-off the deficit.
- 52 The scheme of delegation allows for deficit budgets, but only for three years, and no more than 20% of the school's budget share, up to a maximum of £750,000. Wolsingham School & Sixth Form is in breach of this requirement and has been allowed to operate outside of these provisions whilst the outcome of the National Funding Formula was unknown and pending the review of schools provision.
- 53 Had the Council insisted on Wolsingham School & Sixth Form balancing its budget in the current year, or in recent years, it is probable that as many as 10 teaching posts would have needed to be removed from the staffing structure to achieve this. If such action had been required, the school would not have been able to fulfil its GCSE National Curriculum commitments. This would inevitably have resulted in a reduction in educational attainment, accelerated reductions in pupil numbers and ultimately difficulties in terms of the school's Ofsted rating, which in turn would have led to a worsening of its financial difficulties.

- 54 In spite of these complex challenges that make any course of action difficult, the current position is clearly not sustainable and a more financially viable solution is required.

### **Options analysis – Wolsingham School & Sixth Form**

- 55 In line with the process agreed by Cabinet in November 2017, detailed consideration has been given to each of the options available in terms of ensuring financially viable education provision in the Weardale area. An overview of the findings of the review are as follows:

#### ***Do nothing***

- 56 Whilst this option would result in no change to existing education provision and no additional home to school transport costs, it is not a viable solution given current financial resources available to the school through formula and other funding, the restrictions placed on the Council in terms of the School Funding Formula and the statutory requirements of the school to set a balanced budget.
- 57 This option would result in Wolsingham School continuing to operate with an unacceptably high accumulated deficits position, perpetuating the current non-compliance with statutory regulations over schools financing. Failure to address this situation is a matter that the Council's External Auditors would have significant concerns over and exposes the Council (and the school) to risk in terms of future financial performance. There would be little or no chance of the school recovering this accumulated deficit over the foreseeable future.

#### ***Insist the school balances its budget in line with statutory requirements***

- 58 The Council could insist on Wolsingham School balancing its budget and making provision to pay back the accumulated deficit over an agreed period. This would need to be in line with the statutory requirements over school finance. The impact of this would be the requirement for further downsizing and restructuring of the teaching capacity within the school which would impact on its ability to meet the national curriculum requirements and consequentially its overall performance and Ofsted judgements going forward as described above.
- 59 The table below shows the potential impact on staff numbers of various options for repaying the deficit, whilst also achieving a break-even position in 2019-20, (to ensure that the deficit does not continue to rise):

	Years to recover deficit		
	3 yrs	10 yrs	29yrs
Savings needed to recover deficit in target years	-574,000	-172,000	-72,000
Savings to break even in-year from 2019-20	-485,000	-485,000	-485,000
Reduction in teaching posts	17.14	10.61	8.99
Reduction in support staff posts	14.34	8.88	7.52
Reduction in teaching workforce	37%	23%	20%
Reduction in support staff workforce	37%	24%	21%

60 A recovery period of three years would be in line with the limit in the scheme of delegation. A period of ten years is a more realistic option, but would still only be possible with a significant reduction in staffing.

61 The considered view of the Education Service is that none of these actions provides a sustainable position, because the reduction in staffing would compromise performance. Experience elsewhere shows that when standards slip and a poor Ofsted judgement is published, school rolls fall and the financial position worsens.

### ***Establish a model of federated schools***

62 Under this option, Wolsingham School & Sixth Form and some or all of its feeder primaries would come together to form a single Federation.

63 Section 24 of the Education Act 2002 defines a federation as two or more schools operating under a single governing body; maintained schools in federations continue to be individual schools, keeping their existing DfE category; in terms of the school funding formula they retain their separate lump sums.

64 Schools participating in such a federation would be in a position to pool their resources and, by operating with fewer (joint) leaders and sharing business support arrangements and service level agreements, could release efficiencies to allow the collective pool of schools to be financially sustainable.

65 However, federations can be informal or formal arrangements. Informal arrangements would involve retention of individual governing bodies, and any agreement to release financial efficiencies would only be through a memorandum of understanding, without binding status. This would not give full assurances that the budget difficulties at Wolsingham School & Sixth Form would be addressed, with participating schools free to leave the arrangement at any time.

- 66 On the other hand, a formal federation as defined by the Education Act would provide sufficient reassurances of a sustainable arrangement and a means by which the financial challenges could collectively be addressed. Under the federated model the net deficit position would remain and be the responsibility of the Federation to address over a mutually agreed time-frame.
- 67 The formula funding arrangements that currently exist would be unaffected by the formation of a federation of these schools. There would be no radical change to existing education provision, with each school remaining as a separate entity within the Federation and no additional home to school transport costs being incurred.
- 68 Meetings which took place through 2018 involving Weardale head teachers and governors, culminating in a conference in September 2018, proposed a federation of schools which would be able to pay off the accumulated debt of Wolsingham School and Sixth Form.
- 69 The Council's preference for a formal ('hard') federation was not supported by all schools, with some committing to this, others to an informal ('soft') federation, and others not wishing to engage at all.
- 70 The responses from the governing bodies at this time were:

	<b>Hard federation proposal?</b>	<b>Further participation in other solutions?</b>
Witton le Wear	no	no
Wearhead	no	yes – agree to consult on soft federation
St John's Chapel	yes	
Frosterley	no	would consider other options (soft)
Rookhope	yes	
Hamsterley	yes	
Stanhope Barrington	no	no
Wolsingham Primary	no	no
Wolsingham School/Sixth Form	yes	
(Tow Law Millennium)	no	no

- 71 The option then becomes one where a formal federation, but with a smaller number of schools, is supported, in the knowledge that this will

only provide a limited benefit from staffing and other efficiencies, or to accept an informal federation that would, with more participants, provide a larger potential shared budget (but without robust assurances, as described above).

- 72 Where 'soft' federations of schools have occurred elsewhere in County Durham, these commonly move by mutual agreement into 'hard' federations once trust has developed, usually taking between one and two years.
- 73 However, the lack of a commitment from the majority of schools to a 'hard' federation means that the original proof of concept staffing model (Appendix 3) is no longer financially viable. The conclusion of officers is that the savings that could be achieved through a reduced federation would not be sufficient to eliminate the in-year and accumulated deficit of Wolsingham School and Sixth Form.
- 74 However, further efforts to establish a broader federation of schools, brokered by the local authority with a formalised commitment to work together remains the most likely model that would engage a wide enough group of schools to provide a viable result.
- 75 A federation of all, or most, schools in Weardale in which an agreement to pool existing resources and direct in-year savings towards addressing the in-year and accumulated deficit of the Wolsingham School & Sixth Form would be the option that most nearly maintains the status quo of education provision in the Dale.
- 76 Alongside this action, Wolsingham School and Sixth Form would pursue a realistic recovery plan with a view to remove the in-year deficit by April 2020. In the event that a sustainable financial position cannot be achieved in a reasonable time-frame (maximum 2 years), further options would be identified.
- 77 Agreeing a soft federation of a larger number of schools in Weardale, and accepting a reduced assurance but requiring (as stated above) additional actions of the secondary school to eliminate its in-year deficit and reduce its accumulated debt remains an option.

***Amalgamation of school, with shared leadership***

- 78 Under this option, consideration has been given to whether amalgamating several schools into one school, potentially across several sites, would ease the financial situation facing Weardale's education provision. Unlike federation, where schools remain as separate organisations, amalgamation creates a single organisation, even when this operates from several sites.

- 79 A possible advantage of amalgamation would be that a single head teacher would be required, enabling budget savings. Other economies of scale may be possible from the wider staff body and across sites through a potential reduced need for multiple service level agreements. However, an amalgamated school would be funded as a single organisation, so would draw down only one lump sum, thus reducing or negating any savings from staffing and other economies.
- 80 The anticipated loss of lump sum / sparsity funding using National Funding Formula values would be in excess of £1 million per year from 2020-21, which would be an additional financial challenge on top of the in-year and accumulated deficit within the Wolsingham School & Sixth Form. Pupil-led funding would not be affected by any amalgamation, but school-led funding would reduce, because the amalgamated school would only receive one set of school led funding.
- 81 A potential outcome of amalgamation could be the closure of some existing buildings as schools are brought together. For this, capital investment could be required, although this would potentially be balanced to a degree by capital receipts from sites disposed of. Inevitably, however, closure of buildings would result in additional home to school transport costs. Given the extent of the reduction in formula funding associated with this option and the financial viability concerns that this brings, detailed costings in this regard were not undertaken as part of the review.
- 82 This option is not recommended.

### ***Creation of a Multi-Academy Trust (MAT)***

- 83 As a school with a significant in-year and cumulative deficit, Wolsingham School & Sixth Form could not, without the discretion of the Regional Schools Commissioner (RSC), become an academy. Stand-alone academies are no longer permitted by the RSC, and the school being part of a multi-academy solution would be the only alternative.
- 84 Given its financial position, any established academy or MAT would effectively be taking on a financial liability by sponsoring a school unable to set an in-year balanced budget, and the trustees could conceivably be in contravention of fiduciary duties if they did. However, the restructuring activity initiated recently should bring the school into an in-year balanced position by 2021/22.
- 85 A MAT solution is more likely to be financially viable for a large established trust which has sufficient backroom savings to allow the school to make further cuts around essential administration and finance duties whilst also supporting the school improvement agenda.

- 86 Another potentially financially viable option would be for Wolsingham School & Sixth Form to create to a MAT together with feeder primaries although, as stated, this would be at the discretion of the RSC. This has the potential to release efficiencies in line with the federated model and result in a financially sustainable entity. This was among other options put before head teachers and chairs of governors during the Review process, although there was little interest expressed in academisation at that time.
- 87 There is a risk that feeder primary schools join other MATs in the future which may impact on Wolsingham School's ability to maintain its more recent recruitment success and such issues would need to be considered as part of any academisation.
- 88 Under any form of academisation, the accumulated deficit of Wolsingham School & Sixth Form at the point of conversion would be a cost to the Council's General Fund. To the schools involved, this is an advantage over the federated model in so far as the legacy debt would be cancelled rather than needing to be paid off from school budgets.
- 89 The reason for Weardale primary schools rejecting the option of forming a MAT was that it could compromise the schools' individual identities. At the time it was felt that any advantage of this model was at least as likely to be realised from federation. The Council has no powers to enforce this option.
- 90 The formula funding arrangements that currently exist would be unaffected by the formation of a MAT of these schools. A MAT would be funded directly by the DfE, but its funding would be similar to that of maintained schools. However, an additional advantage of academisation over the federated model would be the ability of all schools within a MAT to gain access to the DFE Condition Improvement Fund to support significant condition need within school buildings. This could provide a more sustainable solution to capital requirements of schools in the future.
- 91 Potentially there would be no radical change to existing education provision, with a number of schools making up the MAT and no additional home to school transport costs necessarily being incurred. Leadership, teaching and support staffing could however be pooled and shared in order to increase resilience, release efficiencies and address the in-year deficit position within Wolsingham School & Sixth Form, such that the MAT could overall maintain a surplus position. Assurances, however, that this position would be maintained without future closure of schools or other changes in the initial agreed direction of the MAT could not be guaranteed, and would be decided upon by the MAT trust board.

- 92 Past experience is that a MAT is likely to buy fewer services from the Council, although buy back from the Educational Development Services provided by the Council has remained strong, with over 70% of academies buying full partner SLAs and providing the Council the ability to maintain strong relationships with these schools. A MAT would also qualify for 80% relief on business rates. For 2018-19, this relief would reduce the business rates received by the Council by £139,000 (while not directly benefitting the schools as the funding for all rates costs is accommodated from within the formula and is neutral to individual schools).
- 93 While it is evident that certain outcomes of this option could have negative impact on the Council, it remains preferable to closure and would conceivably address the challenge to the Council whereby the s.151 Officer may not continue to allow the school to operate in the event that it cannot pursue a realistic recovery plan.
- 94 As such, this option must remain open for consideration.

#### ***Establishment of through-schools / re-organisation options***

- 95 There are other options that would constitute re-organisation, beyond federation, amalgamation and academisation.
- 96 Two or more schools could seek re-designation to become a through-school, providing education for children from 3 to16, 0 to16, 3 to19, or 0 to 19. This option might be suitable for a school where over capacity in one phase and under-capacity in another could be equalised, to the mutual advantage of the through-school. An opportunity would exist to have only one Head teacher and to share key staff (especially Key Stage 2 and Key Stage 3 staff), leading to budget savings.
- 97 Under this option the through school could make transition from one key stage to another more fluid, which would be to the advantage of pupils.
- 98 Formation of a through-school would require a statutory process to extend the age range of one school and formally close the other(s).
- 99 A through-school involving the Wolsingham Primary and Wolsingham School & Sixth Form would allow some savings in administration and maintenance, but these would not be sufficient to make the resulting school financially viable. Re-organisation on a larger scale could reduce the number of primary schools, but this would reduce the funding via the lump-sum without significantly securing a longer term financial gain.
- 100 In the event that this action freed up a school site that had a commercial value for development, the on-balance result could be worth considering, but there is no obvious commercial demand for sites of any

of the schools in Weardale sufficient to warrant this. Consequently, this option has not been recommended.

- 101 A further re-organisation option would be to alter a school's designation to become an Alternative or Specialist provider, or to extend the purpose of one or more schools to serve this function.
- 102 Alternative Provision or provision to support special needs learning, for example, can generate income over and beyond regular per capita funding, although usually this requires higher staffing ratios and other resource commitments.
- 103 Critically for Weardale, however, the option would require bases which are easily accessible to other schools in County Durham, without high costs of pupil transport. The geographic remoteness of Weardale militates against this. Furthermore, the option would – if based on Wolsingham School & Sixth Form – potentially lead to the displacement of mainstream learners from the Dale, and the additional transport costs that the Council would incur as a result. Consequently, this option has not been recommended.
- 104 This said, while a wholesale re-organisation of schools to become through-schools or alternative/specialist providers is unlikely to represent a solution to the current financial pressures faced by Weardale's schools, plans to develop a federation or a MAT could conceivably incorporate elements of these models (such as shared KS2/3 teaching, or small-scale specialist provision) where such action would improve long-term financial sustainability.

### ***Establish alternative sources of income***

- 105 There is no benefactor willing or able to step in and meet the shortfall in the in-year budget or to help the school address its accumulated deficit from an altruistic or charitable perspective. Even if this was the case, the school's financial position would be precarious if it was dependent on these sources of income in the future.
- 106 Discussions continue, with ongoing investigation of any available rural or arts/music grants and specialist activity-related grants to supplement funding for the secondary school. Many of these grants are time limited and require additional investment / costs being incurred in order to secure them.
- 107 Representations have been made to the Secretary of State regarding the financial pressures on schools and the real terms cuts in school funding. To provide stability and to safeguard those under-funded secondary schools in rural areas, the government urgently needs to identify new and additional funding. Without such investment or a policy

change in terms of schools funding formula, the financial viability of Wolsingham remains precarious. There has been no indication of any such change in Government policy or funding sufficient to address the ongoing budget problems being experienced and therefore this is not considered a viable option.

### ***Closure or part-closure***

- 108 Whilst not a recommended option, closure remains a possibility should a financially sustainable solution not be ultimately agreed and implemented.
- 109 If the cost of running a school cannot be met by existing funding arrangements or any other agreed solution, then closure needs to be considered. Further details and consideration of this option are provided later in this report.

### **Further consideration of a model of federated Weardale schools**

- 110 The potential impact of redundancies relating to supporting a federation and associated restructuring activity to deliver ongoing efficiencies would be a one-off cost of around £500,000 to the general fund, plus a significant additional amount for the cost of early access to pensions, estimated at a further £500,000.
- 111 This option would also have potential implications in respect of the services that it provides to the schools in the federation. The table below shows the value of annual Service Level Agreements (SLAs) that schools have bought for the current financial year:

<b>2018-19 annual SLA charges (£)</b>	<b>Total for CYPs</b>	<b>Total for Resources</b>	<b>Total for Regeneration and Local Services</b>	<b>Total</b>
Hamsterley Primary	10,000	22,000	2,000	33,000
Frosterley Primary	10,000	21,000	1,000	32,000
Rookhope Primary	8,000	19,000	1,000	28,000
St. John's Chapel Primary	9,000	13,000	2,000	24,000
Wearhead Primary	8,000	15,000	1,000	24,000
Witton-le-Wear Primary	10,000	25,000	2,000	37,000
Wolsingham Primary	15,000	38,000	2,000	56,000
Wolsingham School	13,000	70,000	9,000	92,000

<b>2018-19 annual SLA charges (£)</b>	<b>Total for CYPS</b>	<b>Total for Resources</b>	<b>Total for Regeneration and Local Services</b>	<b>Total</b>
<b><i>Total by school</i></b>	<b>83,000</b>	<b>223,000</b>	<b>20,000</b>	<b>326,000</b>

112 A federation would make its own decisions about which SLAs were required, but the Council would also need to consider its policy towards charging the federation, particularly in respect of the lump sum elements of existing SLA charges.

113 Most SLA charges consist of either a lump sum per school or an amount per pupil, often a combination of the two. It is possible that the federation might seek a discount on the lump sum charges currently levied. This could be appropriate for some SLAs, but not for others, for example where the lump sum charge is for a service related to buildings and the number of buildings will not change.

114 The table below provides a breakdown of the SLA income by type of charge:

<b>2018-19 annual SLA charges (£)</b>	<b>Total for CYPS</b>	<b>Total for Resources</b>	<b>Total for Regeneration and Local Services</b>	<b>Total</b>
£/school	72,000	71,000	16,000	158,000
£/pupil	10,000	112,000	5,000	127,000
£/employee	-	41,000	-	41,000
<b><i>Total by type of charge</i></b>	<b>83,000</b>	<b>223,000</b>	<b>20,000</b>	<b>326,000</b>

115 In addition, schools buy other SLAs as required, and buy other goods and services from the Council. In 2017-18, the total income from these schools, excluding annual SLAs, was £120,000:

<b>2017-18 other income to DCC (£)</b>	<b>Total for CYPS</b>
Training	40,000
Repairs & maintenance	26,000

<b>2017-18 other income to DCC (£)</b>	<b>Total for CYPS</b>
Other SLAs	14,000
Other	40,000
<b>Total</b>	<b>120,000</b>

### **Further consideration of closure of Wolsingham School & Sixth Form**

- 116 While there is a presumption against the closure of small rural schools in current Department for Education guidance, there is a real possibility of this in the case of Wolsingham School & Sixth Form in the event that other options prove unviable.
- 117 Closure of a school this size would put significant strain on pupil placement in other schools. According to current pupil-place planning data there is insufficient spare capacity in County Durham to disperse all pupils to existing schools within reasonable travelling distance of their homes. An exercise was previously undertaken in 2016 to determine the distance from each child's home address to the nearest school with space available in the relevant year group to accommodate pupils from Wolsingham School & Sixth Form.
- 118 The findings of that exercise are as follows, showing spaces where pupils (Years 7 – 10) could be accommodated:
- **Parkside Academy, Willington** for 109 pupils - this school is 9.09 miles from Wolsingham School & Sixth Form (95 require transport – distances could be between 3.05 and 8.99 miles depending on the pupil's home address).
  - **King James I Academy, Bishop Auckland** for 93 pupils - this school is 10.75 miles from Wolsingham School & Sixth Form (88 require transport – distances could be between 3.3 and 19.81 miles depending on the pupil's home address).
  - **Consett Academy** for 111 pupils - this school is 11.31 miles from Wolsingham School & Sixth Form (111 require transport - distances could be between 3.79 miles and 22.52 miles depending on the pupil's home address).
  - **Bishop Barrington School, Bishop Auckland** for 12 pupils - this school is 11.37 miles from Wolsingham School & Sixth Form (12

pupils require transport distances could be between 6.21 miles and 11.31 miles depending on the pupil's home address).

- **Durham Community Business College, Ushaw Moor** for 44 pupils - this school is 12.45 miles from Wolsingham School & Sixth Form (44 pupils require transport – distances could be between 6.96 miles and 9.09 miles depending on the pupil's home address).
- **Whitworth Park School and Sixth Form, Spennymoor** for 1 pupil - this school is 13.56 miles from Wolsingham School & Sixth Form(1 pupil requires transport – distance could be 7.67 miles depending on the pupil's address).
- **Fyndoune Community College, Sacriston** for 1 pupil - this school is 13.89 miles from Wolsingham school & Sixth Form(1 pupil requires transport - distance could be 4.58 miles depending on the pupil's home address).
- **Staindrop School** for 2 pupils - this school is 14.34 miles from Wolsingham School & Sixth Form (7 pupils require transport - distances could be between 14.34 miles and 21.59 miles depending on the pupil's home address).

119 If the option to consider the closure of Wolsingham School and Sixth Form is progressed in the future, a similar exercise would be undertaken to ascertain the position at that point in time. However, if places were taken up in the schools above by pupils relocated from the closure of Wolsingham School, it would leave a shortfall of places for other pupils who live closest to these schools when they would be due to transfer to secondary education. This potential shortage of places would become worse in the event that proposed housing developments in the draft Durham County Plan are completed.

120 If Wolsingham School & Sixth Form closed, the travelling distances for the large majority of pupils would increase significantly; for some the journey would be in excess of 20 miles. It is also evident from the exercise described above that pupils from particular villages will be travelling to different schools, which would appear to be in conflict with the Council's objective of promoting and contributing to community cohesion.

121 Cabinet may therefore need to consider the expansion of specific schools to avoid pupils being dispersed to several schools across the county to be a more effective alternative.

- 122 If a decision was taken to close Wolsingham School & Sixth Form however, it is anticipated that the sale of the site for development purposes would realise a capital receipt of between £1.58million and £2.42million. Dependent on permission from the Department for Education, this sum could be used towards covering the cost of extending another school and in part mitigating the impact described above.

### ***Home to school transport implications***

- 123 Wolsingham School & Sixth Form is in a rural part of the county and the vast majority of pupils who attend the school live in rural areas. Alternative secondary schools that could accommodate pupils are between 9 and 15 miles from Wolsingham School. Additional home to school transport costs would inevitably be incurred.
- 124 The additional cost of transporting pupils to the next nearest school should Wolsingham School & Sixth Form close is approximately £110,000 per annum. This would be a budget pressure within the MTFP.

### ***Impact on the Community***

- 125 The closure of Wolsingham School & Sixth Form would be met with significant opposition from a number of rural communities, particularly those in Upper Weardale. The case for closing the school would need to be robust enough to stand up to challenge, particularly around the areas that need to be considered as part of the DfE's statutory process on proposals to close schools. This will involve having a clear indication, for example, that education standards will not be impacted upon for pupils if they are displaced as a result of closure. The impact on community cohesion and on the distances that pupils would need to travel to another school (as well as costs involved) would also be closely scrutinised. Account would also need to be provided of how the closure of Wolsingham School & Sixth Form will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.
- 126 As indicated above pupils would have to travel distances of up to 22.5 miles to access a place at another school and journeys of this length would be difficult for the council to justify and defend if there was consultation on a proposal to close the school, as the council should comply with national guidance around recommended travelling times for pupils to travel to school. Other implications can be drawn from the Equality Impact Assessment which is attached to this report.

127 Additional travelling has the potential to have greater impacts on pupils with a disability which would need to be mitigated through a personal educational plan or a revised Education and Health Plan and changes to transport arrangements (see Appendix 4 for Equality Impact Assessment).

128 Wolsingham School & Sixth Form is also frequently used by the community for sport, leisure and a range of other community activities. The school is a central hub for the Wolsingham Community and other communities in Weardale. The school swimming pool and sports centre are widely used throughout the year. The swimming pool is fully timetabled and is utilised for the following activities:

- Aqua Aerobics
- Swim Fit
- Under 4's
- Canoeing
- Rookie Lifeguards
- Thursday Parent and Toddlers
- Savapass Child and Adult
- Junior and Adult General Swim
- Triathlon Club
- Party Hire
- Family Swim

129 The sports hall is hired out for the following activities:

- Basketball
- Five a Side
- Cricket
- Badminton
- Junior Badminton
- Table Tennis
- Netball
- Short Tennis
- Yoga
- Spinning

130 Wolsingham School & Sixth Form has a fixed term contract with Lifestyle Fitness for the provision of leisure activities. This contract is not due to expire until 2025. Terminating the contract beforehand will result in a financial penalty, which is estimated at £0.5 million. Consideration would need to be given as to whether the community facilities remained open post closure of the school. The estimated annual net running costs of the pool and community facilities is £40,000.

- 131 Work is underway in partnership with Culture and Sport to examine any potential savings and efficiencies that could be achieved from different approaches to the management and delivery of the Leisure Centre's provision.
- 132 Account needs to be taken of the fact that the Council recently carried out a major capital building project to enable the school to operate from one building rather than across two sites from September 2016. The cost of this work was approximately £7.4 million and if a decision was taken to close the school so soon after this significant level of capital investment, the reputation of the council could be adversely affected.
- 133 The timescale of closure and relocation of pupils in other schools can be estimated as between two and three years, entailing (as it may) permission from one or more academy trust boards, possible consultation, planning, design and building of new provision, plus processes to arrange staff redundancies and site disposal.

## **Conclusion**

- 134 This report provides Cabinet with details of the work that has been undertaken as part of the review of education provision in County Durham which was agreed by Cabinet on 15 November 2017.
- 135 While work is in hand by leaders and governors of Wolsingham School and Sixth Form to reduce expenditure, the financial position of Wolsingham School & Sixth Form is not yet sustainable and an arrangement to balance its budget must be put in place at the earliest opportunity.
- 136 The report outlines the thorough consideration of all potential options, concluding that there are only two viable solutions to the issues relating to the financial viability of Wolsingham School & Sixth Form:
- (a) A Federation, which school leaders prefer but for which initial conversations have focussed on a 'soft' federation, which is an informal arrangement that carries significant risk. Further time will be required for Council officers to work with school leaders and governors to assess the potential of this idea to be properly developed as a viable option;
  - (b) Wolsingham School & Sixth Form becoming part of a multi academy trust (MAT), either with a sufficient number of feeder primaries and/or other schools, subject to agreement of the Regional Schools Commissioner, or with schools established already as a MAT.

- 137 In the event that neither option can be achieved within a reasonable timescale, a managed closure of the school would need to be considered. This is a position that the council, school leadership and the local community want to avoid however it will become inevitable if the actions set out in this report are not progressed by school leaders.
- 138 The new Head Teacher is working with his Governing body to explore the options of either federation or an academy solution to address their accumulated deficit position going forwards, having taken steps to address their in-year deficit position which should see the school balance its in-year budget from 2021/22.
- 139 Despite the restructuring activity the school remains in a precarious financial position. The school will need to set a deficit in-year budget again in 2019/20 and the estimated accumulated deficit at 31 March 2019 will be £1.724 million. There is therefore an urgent need for a sustainable long term solution to be agreed and the new school leadership has committed to completing this due diligence by 31 July 2019.
- 140 Council officers will continue during this time to support the primary schools and secondary school in Weardale to consult further on forming a federation in order, if possible, to establish a single staffing structure across all or most schools that will, through economies of staffing and other resources, lead to financial sustainability.
- 141 It is to be hoped that schools, the local community and organisations based in Weardale will work with the Council to support all viable models, acknowledging the position of Wolsingham School and Sixth Form as a vital community hub, and seeking together the best possible outcome for education in Weardale.

### **Background papers**

- Report to Cabinet 14 December 2016  
Strategy for School Organisation and the Pattern and Provision of Schools across County Durham
- Report to Cabinet 12 July 2017  
Revenue and Capital Outturn 2016/17
- Report to Cabinet 13 September 2017  
Quarter 1 Forecast of Outturn 2017/18
- Report to Cabinet 15 November 2017  
Review of School Provision in County Durham: Ensuring Financial Sustainability of Schools
- Report to Cabinet 13 December 2017

## Mainstream Primary and Secondary Funding Formula 2018-19

- Report to Cabinet 13 June 2018  
Maintained Schools Budget Plans and Permission to Set Deficit Budgets 2018/19
- Report to Cabinet 12 September 2018  
Forecast of Revenue and Capital Outturn 2018/19 – Period to 30 June 2018
- Report to Cabinet 14 November 2018  
Forecast of Revenue and Capital Outturn 2018/19 – Period to 30 September 2018
- Report to Cabinet 14 November 2018  
Review of School Provision – Future options for Wellfield School as part of the Education Review in County Durham
- Report to Cabinet 14 November 2018  
Review of School Provision – Future options for schools in the Horden area, as part of the Education Review in County Durham

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<b>Contact:</b>	<b>Phil Hodgson</b>	<b>Tel:</b>	<b>03000 265 842</b>
	<b>Paul Darby</b>	<b>Tel:</b>	<b>03000 261 930</b>

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## **Appendix 1: Implications**

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### **Legal Implications**

The actions described in this report are intended to comply with the Council's duty to exercise its education functions with a view to promoting high standards and the fulfilment of each pupil's learning potential in accordance with S 13 A of the Education Act 1996.

The Corporate Director Resources is responsible by virtue of Section 151 of the Local Government Act 1972 for the administration of the authority's financial affairs. The Corporate Director Resources also has a duty to report certain matters to the authority by virtue of Section 114 of the Local Government Finance Act 1988.

Schools have delegated budgets, but if a school closes or converts as a sponsored academy then any deficit balance remains with the Council, which must meet the cost of writing-off the deficit from its general funds. Surplus balances of closing schools are credited to the Council, but it does not retain any surplus balance for a school becoming a sponsored academy: the academy receives the balance upon conversion.

The funding framework governing schools finance, which replaced Local Management of Schools, is based on the legislative provisions in sections 45-53 of the School Standards and Framework Act 1998. Under this legislation the Council is required to publish a Scheme of Financing for Schools. The scheme sets out the financial relationship between the authority and the maintained schools which it funds, including the respective roles and responsibilities of the authority and the schools. The scheme does not limit unreasonably the flexibility of schools to control and deploy their budgets, recognising the need for public monies are involved to be properly accounted for and recorded. The scheme includes provisions which are binding on both parties. Under the scheme, any deficits of expenditure against budget share (formula funding and other income due to the school) in any financial year will be charged against the school and will be deducted from the following year's budget share to establish the funding available to the school for the coming year.

Schools cannot set a deficit budget without the prior agreement in writing of the authority. For clarity, a deficit budget is one where the gross expenditure in the budget plan exceeds the total of funding, income and the balance (surplus or deficit) brought forward from the previous year. This consent is given by the Section 151 officer - Corporate Director, Resources

## **Finance**

Schools are funded through Dedicated Schools Grant and operate to delegated budgets, which are the responsibility of individual school governing bodies. Where a school wishes to set a deficit budget (where its spending exceeds its resources in year) it can only do so in accordance with EFA guidance and the Scheme of Financing for Schools and with the permission of the Council's S151 Officer. In accordance with legal obligations, the S151 Officer may not continue to allow a school to set a deficit budget without a robust business plan that indicates the removal of any deficit over time.

The report outlines the significant financial difficulties that continue to be experienced by schools, the work that has been undertaken with these schools and the options that will need to be explored in terms of a solution to these problems.

The National Funding Formula puts more funding into pupil-led factors than school-led factors, which could create longer-term challenges for smaller schools, because the increase in pupil-led funding will be of less benefit to schools with smaller numbers of pupils.

Should a school close, the additional cost of providing home to school transport to pupils' nearest schools can be significant. There would also need to be significant capital investment to expand other secondary schools to accommodate additional pupils should a secondary school close for financial reasons.

## **Consultation**

In line with a strategic approach described in the Cabinet report, 15 November 2017, consultation with the public is a possible outcome of the Education Review. School communities have, to date, been engaged in consultation through governing bodies.

## **Equality and Diversity / Public Sector Equality Duty**

A decision to close a school can only be taken after consultation, but this action may prevent or inhibit choices of families to send their children to a local school.

Any review or change to educational provision in an area has the potential to adversely impact on protected characteristics, both in terms of pupils, their families, local communities and employees working in the schools. The options described in this and previous reports could involve pupils being required to attend different schools or not being able to access a local school and being required to travel further.

Initial analysis of the potential equality impacts of the review options are as follows:

Any diminution in the quality of education across the Weardale schools will be associated with particular impact on pupils who have learning difficulties, SEN or who are already disadvantaged in their educational attainment. The situation at Wolsingham School where the council has provided an exceptional subsidy will be particularly acute for pupils who have protected characteristics.

The potential equalities impact on protected groups and individuals lies in the voluntary nature of a soft federation. Any random and arbitrary withdrawal from the partnership would pose significant risk to those pupils and staff who are vulnerable.

The mitigating impact of schools co-operating in a hard federation would be particularly strong. A fixed, reliable and secure planning framework of governance, staffing and finance would enable the delivery of a resilient education to protected groups. It is proposed that these benefits would extend to pupils, staff and governors. Recognition should be given to some variation in staff contracts, changed travel times and potential for some impact on hours worked. It will be important to negotiate mitigation in these areas.

In turn there may be opportunities for and a need to review governance, governor representation, meetings, and venues and travel times. Again there will be an important opportunity to mitigate the impact of these changes on protected individuals.

School closures at Wolsingham would impact particularly and directly on pupils and staff in protected groups. Whilst the impact of relocation can be mitigated through degree through careful planning, it is clear:

- travel times to and from school may increase,
- there may be disruption to routine;
- some use of unfamiliar staff and new environments would pose challenges.

For vulnerable pupils there is maybe a need for a personal educational plan or a revised Education and Health Plan. Structure changes to transport arrangements, and to support staff continuity would be required as part of equalities mitigation.

Wolsingham School is frequently used by the community for sport, leisure and a range of community activities and closure of the facility would have potential negative impacts across the protected groups in particular age, gender and disability.

Critical challenge, feedback and advice should come from future public consultations from professional associations, unions and other interested parties.

Although doing nothing and leaving all the schools as they are may initially be favoured by parents, who tend to view the closure of any school in a negative manner, the fact is that because of the size of some schools (in some areas

very small), although they are viable currently they may become unviable in future if action is not taken in a planned way.

In addition, whilst some small primaries can be considered financially viable, their local secondary may be in significant deficit and is not financially viable and therefore there must be some action taken. If a local secondary school is closed, parents may also then consider sending their child to a primary school nearby to the school which would become their 'local' secondary school. The consequences of this is that the primary schools may then become unviable over time.

From the process of equalities impact assessment it is evident that there would be potential or actual impact on protected groups of pupils, staff and governors and members of the community consequent on implementation of the Weardale/Wolsingham Review. In particular there are potential impacts in relation to age, disability and gender to varying degrees depending on the outcome of the preferred option taken forward. A copy of the Equality Impact Assessment is attached at Appendix 4.

## **Human Rights**

Human rights are not affected by the recommendations in this report.

## **Crime and Disorder**

None

## **Staffing**

Potential impact on school staff through re-structuring to address deficit balances, or through amalgamation/federation of schools, is indicated in this report. In cases where the Review proposes federation of schools, there may be implications for staff in terms of adjustments to some terms and conditions (e.g.: travel) but these will be fully negotiated through the relevant trade unions, where required.

## **Accommodation**

If school closures are proposed as part of the review of provision, accommodation will be an implication, but this has not formally happened to date. Transfer of maintained schools to become academies may have implications in terms of accommodation where school premises are used by the community under arrangements set up with a maintained school.

## **Risk**

A key risk is that, as a consequence of actions taken by the County Council (including the failure to make timely interventions), pupils and students do not receive an adequate education. There is an additional risk of reputational damage if the Council does not appear to be able resolve the problem of schools operating with significant and sometimes increasing budgetary

difficulties, and allows some schools to continue to set deficit budgets whilst requiring other schools to balance their budgets.

The s.151 officer must sign-off the budget for schools with a deficit budget plan and needs to be able to justify doing so in terms of each school having a robust plan to recover from its deficit. The scheme of delegation allows for deficit budgets, but only for three years, and no more than 20% of the school's budget share, up to a maximum of £750,000. There is a risk of legal challenge from the Department for Education if this statutory function is neglected. There is a risk of external auditors calling into question the actions of the s.151 officer if no credible plans are agreed to resolve the issues described in this report and the Cabinet report of November 2017.

## **Procurement**

n/a

## Appendix 2: Context of the Weardale Schools

	Hamsterley	Frosterley	Rookhope	St Johns Chapel	Wearhead	Witton-le-Wear	Wolsingham	Wolsingham School	Total
Number on roll									
Reception to Y 11	40	43	8	13	23	94	192	537	950
Post-16								63	63
Total on roll	40	43	8	13	23	94	192	600	1,013
Spare capacity	2	62	39	71	19	11	17	213 (11-16) 79 (16-18)	434 (R Y11) 79 (16-18))

	Hamsterley	Frosterley	Rookhope	St Johns Chapel	Wearhead	Witton-le-Wear	Wolsingham	Wolsingham School	Total
<b>Funding (£)</b>									
Formula funding 2018-19	286,000	268,000	207,000	221,000	248,000	420,000	768,000	2,692,000	5,110,000
Pupil Premium funding 2018-19									220,000

<b>2018-19 use of balances (£)</b>	Hamsterley	Frosterley	Rookhope	St Johns Chapel	Wearhead	Witton-le-Wear	Wolsingham	Wolsingham School	Total
Figures in brackets are deficit balances and decreases in balances									
Balance at 31 March 2018	12,000	47,000	90,000	18,000	88,000	28,000	148,000	(1,240,000)	(809,000)
Forecast use of balances in 2018-19	(6,000)	(30,000)	(20,000)	3,000	(25,000)	(25,000)	(35,000)	(484,000)	(622,000)
Forecast balance at 31 March 2019	5,000	17,000	70,000	22,000	62,000	4,000	113,000	(1,724,000)	(1,431,000)

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**Appendix 2: Context of the Weardale Schools**


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<b>Accumulated balances (£)</b>	<b>Hamsterley</b>	<b>Frosterley</b>	<b>Rookhope</b>	<b>St Johns Chapel</b>	<b>Wearhead</b>	<b>Witton-le-Wear</b>	<b>Wolsingham</b>	<b>Wolsingham School</b>	<b>Total</b>
Figures in brackets are deficit balances and decreases in balances									
31 March 2013	13,000	30,000	23,000	21,000	18,000	6,000	21,000	(71,000)	60,000
Increase or decrease in 2013-14	20,000	15,000	30,000	12,000	29,000	4,000	65,000	105,000	279,000
31 March 2014	33,000	44,000	52,000	32,000	47,000	11,000	86,000	34,000	339,000
Increase or decrease in 2014-15	14,000	14,000	28,000	11,000	25,000	32,000	4,000	(104,000)	25,000
31 March 2015	47,000	59,000	80,000	43,000	72,000	43,000	90,000	(70,000)	364,000
Increase or decrease in 2015-16	(22,000)	(5,000)	-	(14,000)	(3,000)	6,000	22,000	(344,000)	(359,000)
31 March 2016	26,000	54,000	81,000	29,000	69,000	49,000	112,000	(414,000)	5,000
Increase or decrease in 2016-17	(9,000)	(6,000)	7,000	(19,000)	6,000	(24,000)	4,000	(440,000)	(481,000)
31 March 2017	17,000	48,000	88,000	10,000	75,000	24,000	116,000	(854,000)	(476,000)
Increase or decrease in 2017-18	(5,000)	-	2,000	8,000	12,000	4,000	31,000	(385,000)	(333,000)
31 March 2018	12,000	47,000	90,000	18,000	88,000	28,000	148,000	(1,240,000)	(809,000)

	<b>Hamsterley</b>	<b>Frosterley</b>	<b>Rookhope</b>	<b>St Johns Chapel</b>	<b>Wearhead</b>	<b>Witton-le-Wear</b>	<b>Wolsingham</b>	<b>Wolsingham School</b>	<b>Total</b>
<b>Employee numbers</b>									
Teaching	3	3	2	3	3	6	11	39	70
Support	9	9	6	4	3	12	21	49	113
Total	12	12	8	7	6	18	32	88	183

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### Appendix 3: Proof-of-concept model used to establish potential sustainability for Weardale Schools

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- A single federation of primary schools and the secondary school covering all Weardale, with shared leadership, shared strategic financial management and a tightly coordinated approach to educational provision could require as few as two executive head teachers, one primary and one secondary.
- Lead teachers on each site would be responsible for teaching and learning, and safeguarding for the site, and each of these post-holders would have a wider phase leadership responsibility across the federation; one of these would be the designated deputy for the primary executive head teacher in the event of the latter's absence or unavailability. A deputy in the secondary school would perform the same function.
- Lead teachers would be timetabled to a 0.8FTE teaching commitment with an equivalent of one day leadership time when all can meet. These posts would be notionally on L4. There could be a single primary Special Educational Needs Co-ordinator working across all schools, with this post notionally on L3. There would additionally be a number of F/T main scale teachers and F/T higher level teaching assistants.
- There would be one F/T business manager with site managers (or those with that responsibility) on each of the sites; there would be a number of additional cleaners to be determined. There would be 1 administrative member of staff in each site with a number of P/T supervisory assistants to be determined.

The Council has modelled this staffing structure as a proof-of-concept, to show the potential savings compared to 2018/19 budgets for these schools. The potential savings range from £780,000 assuming staff on the mid-point of their scale, to £260,000 assuming staff on the top of their scale. The table below summarises the changes to staffing used in the proof-of-concept model.

Possible staffing (assuming federation of 8 schools)	Notional current staffing of 8 non-federated schools
1 primary /1 secondary executive leads	6 primary / 1 secondary HTs
7 DHT/Lead teachers	8 DHT/Lead teachers
12 AHT/subject leads	16 AHT/subject leads
40 teachers	45 teachers

2 SENCos (1 pri/1 sec)	4 SENCos
12 HLTA / TA	18 HLTA / TA
5 supervisory assistants	7 supervisory assistants
1 business manager	3 business/office managers
1 data/exams manager	2 data/exams managers
Admin/caretakers/cleaners unaffected	

Most of the savings are because of the reduction of 5 head teacher posts, with additional economies from reducing other leadership posts, delivering up to one-fifth of the key stage 2 curriculum in larger groups at the secondary school, and other benefits of flexible working. As already mentioned, the actual structure would be determined by the federation, through a joint staffing committee, formed of a group of governors representing all schools with delegated powers to manage appointments.

A curriculum model that uses a reduced number of teachers to provide a broad and balanced curriculum across several sites, rather than maintaining a discrete staff capable of delivering the full curriculum in each school, will present the opportunity for savings described above, while still avoiding large-scale transportation of children between schools. The model will presume a readiness of some teachers to move between sites, which would be for schools and staff to agree.

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**Appendix 4: Equality Impact Assessment**

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**Durham County Council Equality Impact Assessment**

**NB:** The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

**Section One: Description and Screening**

Service/Team or Section	Children and Young People Service
Lead Officer	Julien Kramer
Title	Weardale/Wolsingham Review
MTFP Reference (if relevant)	
Cabinet Date (if relevant)	November 2018
Start Date	November 2017, updated November 2018
Review Date	December 2018

**Subject of the Impact Assessment**

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

The review of educational arrangements in Weardale and Wolsingham was undertaken in recognition of the distinctive needs and vulnerabilities of small rural schools. Its stated intention was to explore options, and recommend organisational changes to the delivery of education, which would ensure educational resilience and financial viability for future years.

**Background to the review**

Weardale is a rural area. The communities along the dale are served by 8 local primary schools (Frosterley, Hamsterley, Rookhope St John's Chapel, Wearhead, Witton le Wear, Wolsingham, and Stanhope Barrington and one secondary school founded at Wolsingham. Current pupil figures as of 28 September 2018, indicates 413 primary and 600 secondary with a spare capacity of 212 for primary school places and 292 for Wolsingham school and sixth form.

There is some pupil mobility between Weardale primary schools, with some parental preference beyond the dale into neighbouring schools in Teesdale, and across the border to schools in Northumberland.

Approximately staff numbers across the schools are 124 primary and 93 at secondary.

Each school has its own governing body.

#### Educational considerations

Governing bodies, Headteachers and staff have worked hard to sustain education in Weardale. Whilst some schools have low numbers of pupils the quality of education in each is at least Good.

Primary schools have to date benefitted from the formula funding protection given to small schools. The secondary school at Wolsingham has however experienced significant financial difficulty. This has required both staff reductions, suspension of the post 16 offer, and exceptionally a subsidy from the county council beyond the formula funding of some millions of pounds. This arrangement is beyond the scope of the Delegated Schools Grant regulations. Whilst it has sustained the school it cannot continue as a drain on the wider county council finances.

#### Progress in the review

Both informal discussions with head teachers and more formal discussions with chairs of governors have been taking place over the past three terms. These meetings have served to develop a shared awareness of the difficult demographics in the area, the funding changes consequent on new national funding arrangements, and the need to consider a more formal co-operation through partnership working and governance.

#### Present position and options

Status Quo – There is a national debate about the vulnerability of small rural schools; we recognise that low and falling pupil rolls coupled with a new, less generous National Funding model will threaten the delivery of the education in Weardale and Wolsingham. A reduced educational offer will impact generally on pupils and staff.

Going forward there are three options being considered: soft federation, hard federation, or reorganisation with school closure at Wolsingham Secondary school.

Soft Federation – This option would enable a simple model of staff and governance with its associated strengths and efficiencies. Its key weakness is the voluntary basis of the federation partnership, it can be undone if one or more partner withdraws. It is recognised that there will be variations in staff and governor travel time should this option be adopted. Pupils would continue to access education at their chosen school.

Hard Federation- structured partnership or a co-operative based trust across the family of Weardale schools offers economies of scale for governance, staff, curriculum specialism and in delivering a sustainable educational offer across each member school.

Closure of Wolsingham school- On this option the existing parental choice of school would be reduced for all pupils. Places would be made available at other secondary schools within County Durham for those pupils currently attending Wolsingham and for future pupils. Some parents may elect to transfer their child to alternative provision. Staff would be relocated, redeployed or made redundant. There would be a need for fewer governors across the area.

Chairs of governors are broadly in favour of a soft federation of voluntary partnership working. The county council is of the opinion that partnership on a voluntary basis provides only a fragile basis for future education in the locality.

The county council strongly advocates a hard federation, based on formal agreement to an integrated staff team with a reduced and simplified system of governance.

**Next Steps**

Meetings of all interested parties should take place into the Autumn Term 2018. Reports to the County Council Cabinet meeting in November could lead to the publication of notices early in 2019; proposing significant changes to be implemented from September 2019.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

- Pupils
- Parents/Carers
- Headteachers/Teachers/All staff employee in these schools
- Governors
- Trade Unions
- Local Communities

**Screening**

Is there any actual or potential negative or positive impact on the following protected characteristics?

Protected Characteristic	Negative Impact Indicate: Y = Yes, N = No, ? = unsure	Positive Impact Indicate: Y = Yes, N = No, ? = unsure
Age	?	N
Disability	?	N
Marriage and civil partnership (workplace only)	N	N
Pregnancy and maternity	N	N

Race (ethnicity)	?	N
Religion or Belief	N	N
Sex (gender)	?	N
Sexual orientation	N	N
Transgender	N	N

Please provide brief details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

Initial analysis of potential equality impact of the review options are as follows:

Any diminution in the quality of education across the Weardale schools will be associated with particular impact on pupils who have learning difficulties, SEN or who are already disadvantaged in their educational attainment. The situation at Wolsingham School where the council has provided an exceptional subsidy will be particularly acute for pupils who have protected characteristics.

The central weakness and main potential equalities impact on protected groups and individuals lies in the voluntary nature of a soft federation. Any random and arbitrary withdrawal from the partnership would pose significant risk to those pupils and staff who are vulnerable.

The mitigating impact of schools co-operating in a hard federation would be particularly strong. A fixed, reliable and secure planning framework of governance, staffing and finance would enable the delivery of a resilient education to protected groups. It is proposed that these benefits would extend to pupils, staff and governors. Recognition should be given to some variation in staff contracts, changed travel times and potential for some impact on hours worked. It will be important to negotiate mitigation in these areas.

In turn there may be opportunities for and a need to review governance, governor representation, meetings, venues and travel times. Again there will be an important opportunity to mitigate the impact of these changes on protected individuals.

School closures at Wolsingham would impact particularly and directly on pupils and staff in protected groups. Whilst the impact of relocation can be mitigated through degree through careful planning, it is clear; travel times to and from school may increase, there may be disruption to routine; some use of unfamiliar staff and new environments would pose challenges.

For vulnerable pupils there is maybe a need for a personal educational plan or a revised Education and Health Plan. Structure changes to transport arrangements, and to support staff continuity would be required as part of equalities mitigation.

Wolsingham school is frequently used by the community for sport, leisure and a range of community activities and closure of the facility would have potential negative impacts across the protected groups in particular age, gender and disability.

Critical challenge, feedback and advice should come from future public consultations from professional associations, unions and other interested parties.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

We recognise the need to treat all those involved in the review fairly; in particular we have had regard to the named 'protected' characteristic and our specific duty to carry out our discussions and decision making in ways that eliminate discrimination, advance equality of opportunity and foster good relations; for people who share a relevant protected characteristic; and those who do not.

A fixed, reliable and secure planning framework of governance, staffing and finance as offered by a hard federation option would enable the delivery of a resilient education. This will be particularly positive for more vulnerable groups such as pupils and staff with disabilities. Recognition should be given to some variation in staff contracts, changed travel times and potential for some impact on hours worked. It will be important to negotiate mitigation in these areas.

We have sought to review over an extended period in order to be inclusive and have encouraged the involvement of as many people as possible from protected groups. Reasonable adjustments have been made where required.

## Evidence

What evidence do you have to support your findings?

Please outline your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

Initial scoping

The initial scoping exercise covered the following areas:

- Ofsted Reports on School Performance
- School improvement service monitoring reports
- Financial information on dedicated schools grant, and individual school budgets
- Demographic analysis for the area with housing and pupil projections
- Staffing analysis

The information informed a series of local consultations with Headteachers and governors of the school in the review as follows:

- Blessed John Ducket
- Frosterley Primary
- Hamsterley Primary
- Howden-le-Wear Primary
- Rookhope Primary
- St John's Chapel Primary
- Stanhope Barrington CE Primary
- Tow Law Millennium Primary
- Wearhead Primary
- Witton-le- Wear Primary
- Wolsingham Primary
- Wolsingham School

The initial scoping gathered evidence across a wide spectrum. More detailed analysis both drilled into the potential equality implications of specific groups and drew on wider national and regional comparators. The key groups identified included:

- Pupils who are Looked After
- Pupils who have learning difficulties / SEND
- Pupils who are disadvantaged and in receipt of Pupil Premium support
- Pupil ethnicity
- Staff who may have protected characteristics
- Governors who have protected characteristics

We have used and are using this information to support and inform the continuing public consultations.

We recognise that through public consultation our awareness of the equalities impact of the proposals will develop and may change as we review more evidence, advice and opinion.

### Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	Y
No evidence of actual or potential impact on some/all of the protected characteristics?	

## Sign Off

Lead officer sign off: Head of Education	Date: Updated November 2018
Service equality representative sign off: Equality and diversity team leader	Date: November 2018

If carrying out a full assessment please proceed to section two.

If not proceeding to full assessment please return completed screenings to your service equality representative and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

If you are unsure of potential impact please contact the corporate research and equalities team for further advice at [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

## Section Two: Data analysis and assessment of impact

Please provide details on impacts for people with different protected characteristics relevant to your screening findings. You need to decide if there is or likely to be a differential impact for some. Highlight the positives e.g. benefits for certain groups, advancing equality, as well as the negatives e.g. barriers for and/or exclusion of particular groups. Record the evidence you have used to support or explain your conclusions. Devise and record mitigating actions where necessary.

Protected Characteristic: Age																																		
What is the actual or potential impact on stakeholders?	Record of evidence to support or explain your conclusions on impact.	What further action or mitigation is required?																																
<p>Potential impact <i>Soft federation</i> Due to voluntary nature of a soft federation any random and arbitrary withdrawal from the partnership would pose a risk to both pupils and staff.</p> <p><i>Hard federation</i> A fixed, reliable and secure planning framework of governance, staffing and finance would enable the delivery of a resilient education to protected groups. It is proposed that these benefits would extend to pupils, staff and governors. Recognition should be given to some variation in staff contracts, changed travel times and potential for some impact on hours worked. It will be important to negotiate mitigation in these areas.</p> <p><i>Closure of Wolsingham School</i> School closures at Wolsingham would impact directly on pupils and staff. Whilst the impact of relocation can be mitigated through degree through careful planning, it is clear; travel times to and from school may increase, there</p>	<p>Age Profile of employees</p> <table> <tr> <td>16-24</td> <td>12</td> </tr> <tr> <td>25-44</td> <td>83</td> </tr> <tr> <td>45-66</td> <td>122</td> </tr> </table> <p>The age profile of all employees across the primary and secondary schools within the Wolsingham area identifies a larger proportion of employees (45-66). Therefore any future proposals may have a potential disproportionate impact on this group of employees.</p> <p>Pupils Age Range – Numbers of Roll</p> <table> <tr> <td>Reception</td> <td>54</td> </tr> <tr> <td>Year 1</td> <td>65</td> </tr> <tr> <td>Year 2</td> <td>48</td> </tr> <tr> <td>Year 3</td> <td>53</td> </tr> <tr> <td>Year 4</td> <td>67</td> </tr> <tr> <td>Year 5</td> <td>65</td> </tr> <tr> <td>Year 6</td> <td>61</td> </tr> <tr> <td>Year 7</td> <td>133</td> </tr> <tr> <td>Year 8</td> <td>120</td> </tr> <tr> <td>Year 9</td> <td>110</td> </tr> <tr> <td>Year 10</td> <td>82</td> </tr> <tr> <td>Year 11</td> <td>92</td> </tr> <tr> <td>Year 13</td> <td>63</td> </tr> </table>	16-24	12	25-44	83	45-66	122	Reception	54	Year 1	65	Year 2	48	Year 3	53	Year 4	67	Year 5	65	Year 6	61	Year 7	133	Year 8	120	Year 9	110	Year 10	82	Year 11	92	Year 13	63	<p>Post Cabinet decision – update of equality analysis based on forward plans.</p> <p>The EIA will be updated as the proposals develop and the mitigating actions will be updated.</p> <p>As during any restructure or reorganisation of staffing, the relevant HR policies and procedures will be followed,</p>
16-24	12																																	
25-44	83																																	
45-66	122																																	
Reception	54																																	
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Year 10	82																																	
Year 11	92																																	
Year 13	63																																	

<p>may be disruption to routine; some use of unfamiliar staff and new environments would pose challenges.</p> <p>For vulnerable pupils there is maybe a need for a personal educational plan or a revised Education and Health Plan. Structure changes to transport arrangements, and to support staff continuity would be required as part of equalities mitigation.</p> <p>Wolsingham school is frequently used by the community for sport, leisure and a range of community activities and closure of the facility would have potential negative impacts across the protected groups.</p>	<p>Activities currently timetabled at the community swimming pool and sports hall (potential disproportionate age impact):</p> <ul style="list-style-type: none"> <li>• Under 4's</li> <li>• Rookie lifeguards</li> <li>• Parent and toddler</li> <li>• Family swim</li> <li>• Junior badminton</li> </ul>	
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Protected Characteristic: Disability		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>Potential impact: <i>Soft federation</i> Due to voluntary nature of a soft federation any random and arbitrary withdrawal from the partnership would pose a risk to both pupils and staff. This is likely to have a greater impact on pupils and staff with disabilities.</p>	<p>Employee Data – Disability profile</p> <p>Disabled employees- less than 5.</p> <p>Non Disabled 135,</p>	<p>As above</p> <p>We will ensure that Reasonable adjustments will be made where required.</p> <p>The EIA will be updated as the proposals develop</p>

<p><i>Hard federation</i> A fixed, reliable and secure planning framework of governance, staffing and finance would enable the delivery of a resilient education to protected groups. It is proposed that these benefits would extend to pupils, staff and governors. Recognition should be given to some variation in staff contracts, changed travel times and potential for some impact on hours worked. It will be important to negotiate mitigation in these areas.</p> <p><i>Closure of Wolsingham School</i> School closures at Wolsingham would impact directly on pupils and staff. Whilst the impact of relocation can be mitigated through degree through careful planning, it is clear; travel times to and from school may increase, there may be disruption to routine; some use of unfamiliar staff and new environments would pose challenges.</p> <p>For pupils with disabilities or additional needs there may be a need for a personal educational plan or a revised Education and Health Plan. Structure changes to transport arrangements, and to support staff continuity would be required as part of equalities mitigation.</p> <p>Wolsingham school is frequently used by the</p>	<p>Due to low numbers of employees disclosing whether or not they have a disability, it is difficult to determine whether the proposals will have a potential impact on disabled employees. For those who have declared themselves as disabled, reasonable adjustments will be considered throughout the process.</p> <p>Pupils</p> <p>11 pupils are identified as having a disability.</p> <p>A variety of activities are currently timetabled at the community swimming pool and sports hall where there is evidence of disabled people accessing these facilities</p>	<p>and the mitigating actions will be updated.</p> <p>As during any restructure or reorganisation of staffing, the relevant HR policies and procedures will be followed.</p> <p>Schools will follow the correct procedures and ensure that all pupils with a disability are considered during the process, to meet their needs particularly if they are expected to travel further. There may be the need for a revised personal education plan or an education and health plan.</p>
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community for sport, leisure and a range of community activities and closure of the facility would have potential negative impacts across the protected groups. There is likely to be a greater negative impact on people with disabilities as they rely more on local services and may have restricted transport options.	.	
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Protected Characteristic: Marriage and civil partnership (workplace only)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No anticipated impact	Employee data – not disclosed	

Protected Characteristic: Pregnancy and maternity		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No anticipated impact	Employee data – not disclosed	

Protected Characteristic: Race (ethnicity)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No anticipated impact	<p>Employee Data – Ethnicity profile</p> <p>White British 172  Other ethnic 3  White Irish 1  White NI 3  ASIANB IND 1  Not disclosed 37</p> <p>Based on the ethnicity staff profile, it is not thought that</p>	<p>The EIA will be updated as the proposals develop and the mitigating actions will be updated.</p> <p>As during any restructure or reorganisation of staffing, the relevant HR</p>

	<p>the proposals will have a significant impact, as the larger proportion of employees declared themselves as White British.</p> <p>Pupils</p> <table> <tr><td>White British</td><td>967</td></tr> <tr><td>White/Asian</td><td>7</td></tr> <tr><td>White Traveller/Irish</td><td>3</td></tr> <tr><td>White other</td><td>2</td></tr> <tr><td>Other Asian</td><td>4</td></tr> <tr><td>Other Mixed</td><td>2</td></tr> <tr><td>Other Ethnic</td><td>2</td></tr> <tr><td>Black African</td><td>1</td></tr> <tr><td>White Irish</td><td>2</td></tr> <tr><td>White any other</td><td>6</td></tr> <tr><td>Gypsy/Roma</td><td>3</td></tr> </table>	White British	967	White/Asian	7	White Traveller/Irish	3	White other	2	Other Asian	4	Other Mixed	2	Other Ethnic	2	Black African	1	White Irish	2	White any other	6	Gypsy/Roma	3	<p>policies and procedures will be followed.</p>
White British	967																							
White/Asian	7																							
White Traveller/Irish	3																							
White other	2																							
Other Asian	4																							
Other Mixed	2																							
Other Ethnic	2																							
Black African	1																							
White Irish	2																							
White any other	6																							
Gypsy/Roma	3																							

Protected Characteristic: Religion or belief		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No anticipated impact	Employee data – not disclosed	

Protected Characteristic: Sex (gender)		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
<p>Potential impact:</p> <p><i>Soft federation</i></p> <p>Due to voluntary nature of a soft federation any random and arbitrary withdrawal from the partnership would pose a risk to both pupils and staff.</p> <p><i>Hard federation</i></p>	<p>Gender profile of employees</p> <p>40 Male</p> <p>177 female</p> <p>The gender profile of all employees across the primary and secondary schools within</p>	<p>The EIA will be updated as the proposals develop and the mitigating actions will be updated.</p> <p>As during any restructure or</p>

<p>A fixed, reliable and secure planning framework of governance, staffing and finance would enable the delivery of a resilient education to protected groups. It is proposed that these benefits would extend to pupils, staff and governors. Recognition should be given to some variation in staff contracts, changed travel times and potential for some impact on hours worked. It will be important to negotiate mitigation in these areas.</p> <p><i>Closure of Wolsingham School</i> School closures at Wolsingham would impact directly on pupils and staff. Whilst the impact of relocation can be mitigated through degree through careful planning, it is clear; travel times to and from school may increase, there may be disruption to routine; some use of unfamiliar staff and new environments would pose challenges.</p> <p>Wolsingham school is frequently used by the community for sport, leisure and a range of community activities and closure of the facility would have potential negative impacts across the protected groups. This may have a disproportionate negative impact on women who, as main carers in many instances, may rely more on local services.</p>	<p>the Wolsingham area identifies a larger proportion of female employees. Therefore any future proposals may have a potential disproportionate impact on this group of employees.</p> <p>Pupils</p> <p>Male 499</p> <p>Female 522</p> <p>Activities currently timetabled at the community swimming pool and sports hall (potential disproportionate gender impact):</p> <ul style="list-style-type: none"> <li>• Under 4's</li> <li>• Parent and toddler</li> <li>• Family swim</li> </ul>	<p>reorganisation of staffing, the relevant HR policies and procedures will be followed.</p>
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Protected Characteristic: Sexual orientation		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No anticipated impact	Employee data- not disclosed	

Protected Characteristic: Transgender		
What is the actual or potential impact on stakeholders?	Explain your conclusion considering relevant evidence and consultation	What further action or mitigation is required?
No anticipated impact	Employee data – not disclosed	

### Section Three: Conclusion and Review Summary

Please provide a brief summary of your findings stating the main impacts, both positive and negative, across the protected characteristics.

From the process of equalities impact assessment it is evident that there would be potential or actual impact on protected groups of pupils, staff and governors and members of the community consequent on implementation of the Weardale/Wolsingham Review. In particular there are potential impacts in relation to age, disability and gender to varying degrees depending on the outcome of the preferred option taken forward.

Will this promote positive relationships between different communities? If so how?

### Action Plan

Action	Responsibility	Timescales for implementation	In which plan will the action appear?
Post Cabinet decision – update of equality analysis based on forward plans.			

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**Review**

Are there any additional assessments that need to be undertaken? (Y/N)	N
When will this assessment be reviewed? Please also insert this date at the front of the template	

**Sign Off**

Lead officer sign off: Julien Kramer, Interim Head of Education	Date: November 2018
Service equality representative sign off: Equalities team leader	Date: November 2018

Please return the completed form to your service equality representative and forward a copy to [equalities@durham.gov.uk](mailto:equalities@durham.gov.uk)

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**Cabinet**

**13 March 2019**

**Forecast of Revenue and Capital  
Outturn 2018/19 – Period to 31  
December 2018**



**Ordinary Decision**

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**Report of Corporate Management Team**

**John Hewitt, Corporate Director of Resources**

**Councillor Alan Napier, Portfolio Holder for Finance**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To provide Cabinet with information on the:
  - (a) updated forecast revenue and capital outturn for 2018/19;
  - (b) updated forecast for the council tax and business rates collection fund position at 31 March 2019;
  - (c) updated forecast use of earmarked, cash limit and general reserves and estimated balances to be held at 31 March 2019.
- 2 To seek approval of the budget adjustments and proposed sums outside of the cash limit.

**Executive summary**

- 3 The 2018/19 updated projected revenue outturn is a cash limit underspend of £3.530 million plus an overachievement of core government grant and underspend on all other budgets of £3.144 million. This total net underspend of £6.674 million represents 1.6% of the net expenditure budget of £417.762 million.

- 4 Total earmarked and cash limit reserves (excluding school reserves) are forecast to reduce by £6.188 million in 2018/19, from £201.284 million to £195.096 million.
- 5 The updated projected capital outturn is £103.819 million.
- 6 The estimated outturn for the Council Tax Collection Fund is a surplus of £1.704 million, which is broadly in line with the surplus declared in November of £1.716 million. Durham County Council's share of this forecasted surplus is £1.437 million, which is broadly in line with the declared share of £1.447 million and available to support the 2019/20 budget.
- 7 The estimated outturn for the Business Rates Collection Fund is a surplus of £1.648 million Durham County Council's share (49%) of this estimated surplus is £0.808 million which is available to support the 2019/20 budget.

## **Recommendations**

- 8 It is recommended that Cabinet:
  - (a) note the council's overall financial position for 2018/19;
  - (b) agree the proposed 'sums outside the cash limit' for approval;
  - (c) agree the revenue and capital budget adjustments;
  - (d) note the forecast use of earmarked reserves;
  - (e) note the forecast end of year position for the cash limit and general reserves;
- 9 note the position on the capital programme and the Collection Funds in respect of Council Tax and Business Rates.

## **Background**

- 10 In accordance with the council's constitution, Council agreed the Medium Term Financial Plan (MTFP), which incorporates the revenue and capital budgets for 2018/19, on 21 February 2018.
- 11 The constitution also states that the Chief Finance Officer must report to Cabinet on the overall council budget monitoring position on a quarterly basis.
- 12 This report provides an updated forecast of the revenue and capital outturn for 2018/19, based upon expenditure and income up to 31 December 2018. This is the third report on forecast financial performance against the 2018/19 budgets this financial year.

## **Revenue Outturn Forecast – Based on Position to 31 December 2018**

- 13 The following table compares the forecast of outturn with the revised budget. Further detail is provided in Appendices 2 and 3.
- 14 The following adjustments have been made to the original budget agreed by Council on 21 February 2018:
  - (a) agreed budget transfers between service groupings;
  - (b) additions to budget for items outside the cash limit (for Cabinet consideration and recommended approval);
  - (c) planned use of or contribution to earmarked reserves (please refer to Appendix 4).

## Forecast of Revenue Outturn 2018/19

	Original Budget 2018/19	Budget - incorporating adjustments	Service Groupings Forecast of Outturn	Forecasted Variance
	£'000	£'000	£'000	£'000
Adult and Health Services	130,822	120,622	116,306	-4,316
Children and Young People's Services	106,563	123,728	126,391	2,663
Regeneration and Local Services	126,987	136,355	134,995	-1,360
Resources	15,635	16,318	15,898	-420
Transformation and Partnerships	11,944	12,768	12,671	-97
<b>Cash Limit Position</b>	391,951	409,791	406,261	-3,530
Contingencies	3,737	1,011	1,011	0
Corporate Costs	3,844	4,051	3,842	-209
<b>NET COST OF SERVICES</b>	399,532	414,853	411,114	-3,739
Capital charges	-56,650	-56,650	-56,650	0
Interest and Investment income	-1,900	-1,900	-3,079	-1,179
Interest payable and similar charges	43,113	45,255	43,755	-1,500
Levies	16,193	16,204	16,207	3
<b>Net Expenditure</b>	400,288	417,762	411,347	-6,415
<b>Funded By:</b>				
Council tax	-209,712	-209,712	-209,712	0
Use of earmarked reserves	-4,711	-11,909	-11,909	0
Estimated net surplus on Collection Fund	-7,506	-7,506	-7,506	0
Business Rates	-51,889	-51,889	-51,889	0
Top up grant	-70,350	-70,350	-70,350	0
Revenue Support Grant	-41,860	-41,860	-41,860	0
New Homes Bonus	-6,504	-6,504	-6,504	0
Section 31 Grant	-7,723	-7,723	-7,982	-259
Forecast contribution to/from(-) Cash Limit Reserve	-33	-9,409	-5,879	3,530
Forecast contribution to/from (-) General Reserves	0	-900	2,244	3,144
<b>TOTAL</b>	0	0	0	0

- 15 The above table identifies a forecast cash limit underspend of £3.530 million plus a forecast overachievement of core government grant and underspend on all other budgets of £3.144 million. This total net underspend of £6.674 million represents 1.6% of the net expenditure budget of £417.762 million.

- 16 Approval is being sought for the following sums to be funded from, or transferred to general contingencies. These sums are deemed to be outside of service grouping cash limits.

<b>Service Grouping</b>	<b>Proposal</b>	<b>Amount £ million</b>
AHS	Transforming Care	0.459
CYPS	Children's Social Care Pressures	0.502
REAL	Concessionary Fares	-0.046
All	Job Evaluation	0.148
<b>TOTAL</b>		<b>1.063</b>

- 17 After adjusting the budgets and reserves as detailed above, the forecast outturn for cash limit reserves and the general reserve are summarised in the following table.

<b>Type of Reserve</b>	<b>Opening Balance as at 1 April 2018</b>	<b>Budgeted use at 1 April 2018</b>	<b>Movement during 2018/19</b>		<b>2018/19 Forecast of Outturn</b>
			<b>Planned contribution to (-) or use of reserve</b>	<b>Contribution to (-) or use of reserve</b>	
	<b>£ million</b>	<b>£ million</b>	<b>£ million</b>	<b>£ million</b>	<b>£ million</b>
<b>Service Grouping Cash Limit</b>					
Adult and Health Services	-8.238	0.000	4.312	-4.316	-8.242
Children and Young People's Services	-1.248	0.000	-1.415	2.663	0.000
Regeneration and Local Services	-6.155	0.033	4.057	-1.360	-3.425
Resources	-2.231	0.000	2.195	-0.420	-0.456
Transformation and Partnerships	-0.415	0.000	0.227	-0.097	-0.285
<b>Total Cash Limit Reserve</b>	<b>-18.287</b>	<b>0.033</b>	<b>9.376</b>	<b>-3.530</b>	<b>-12.408</b>
<b>General Reserve</b>	<b>-24.500</b>	<b>0.000</b>	<b>0.900</b>	<b>-3.144</b>	<b>-26.744</b>

- 18 The forecasted cash limit and general reserves position is a prudent one given the forecasted levels of savings the council needs to make of £39.5 million over the period 2019/20 to 2022/23 with the delivery of further savings becoming ever more challenging to achieve. The previously forecast negative cash limit position for CYPS has been addressed through a transfer from general reserves, in recognition of the significant financial pressures experienced in this area over recent years.
- 19 The reasons for the major variances against the revised budgets are detailed below by each service grouping.

## Adult and Health Services (AHS)

- 20 The 2018/19 updated projected outturn for AHS is a cash limit underspend of £4.316 million, representing circa 3.6% of the total budget for AHS. This is broadly in line with the quarter 2 forecast of outturn position, where a £4.356 million cash limit underspend was anticipated.
- 21 The projected outturn takes into account adjustments for sums outside the cash limit including redundancy costs which are met from the corporate reserve, capital accounting entries and use of / contributions to earmarked reserves.
- 22 The outturn is a managed position, reflecting the proactive management of activity by Heads of Service across AHS to remain within the cash limit and to prepare for 2019/20 MTFP savings requirements. The outturn position is accounted for as follows:
- (a) early achievement of a number of future years' MTFP savings from management and support service proposals across the Adult Care and related areas, together with the careful management and control of vacant posts and supplies and services budgets across the service, particularly in County Durham Care and Support Services, has created a net underspend for the year of £1.181 million.
  - (b) net spend on adult care packages is £3.135 million under budget. This area of spend is being closely monitored to assess the impact of demographic and procedural/operational changes, where significant MTFP savings have been taken over recent years and where a £2 million saving is built into the 2019/20 budget as part of MTFP(9).
  - (c) net expenditure on Public Health-related activity is in line with grant allocations.
- 23 In arriving at the forecast outturn position, a net £6.375 million relating to contributions to and from reserves and contingencies has been excluded from the outturn. £0.473 million has been drawn from Corporate Contingencies to meet the costs associated with hospital discharges linked to the transforming care agenda and salary adjustments along with £0.698 million from the ER/VR Reserve. There has also been a contribution of £6.865 million to the Adult Social Care Reserve linked to system wide integration and associated NHS contributions and a contribution to the Adults cash limit reserve of £0.681 million to help fund the SSID replacement capital project.

- 24 Taking the projected outturn position into account, including the transfer to/from reserves in year, the transfer of £0.137 million to REAL and the transfer of £4.139 million to corporate reserves, the estimated cash limit reserve to be carried forward for AHS is forecast to be £8.242 million.

### **Children and Young People's Services (CYPS)**

- 25 The 2018/19 projected outturn for CYPS is a cash limit overspend of £2.663 million, representing circa 2.4% of the total budget for CYPS. This takes into account adjustments for sums outside the cash limit, such as redundancy costs, which are met from the strategic reserve, year end capital entries and contributions to and from earmarked reserves. The position forecast at quarter 2 was a cash limit overspend of £2.303 million for CYPS.
- 26 The outturn position is accounted for as follows:
- (a) The Education Service is forecast to be £0.897 million under budget. This underspend primarily relates to alternative funding arrangements for the nursery sustainability service and vacancies in the early years team (£0.844 million saving) offset by a projected overspend on the Home to School Transport budget of £0.250 million. Early achievement of MTFP savings totalling £0.303 million within operational support make up the balance of the forecast outturn underspend position.
  - (b) Children's Services is forecast to be £3.560 million over budget for the year. This is primarily related to costs associated with Children's placements, both those who have a legal status of looked after and those young people in permanent placements that are financially supported by the council, details as follows:
    - (i) Young people requiring to be looked after is a volatile and high cost area of activity within CYPS and current external demographic demands are creating a strain on the service in terms of financial resource allocation. It was anticipated that LAC numbers and costs would have stabilised by 2018/19 and that the budget augmented by £3.9 million of base growth and £0.5 million of demographic growth would meet demand in 2018/19. The current forecast indicates an in year overspend on placement costs of £1.983 million primarily driven by the requirement for expensive single residential and secure welfare placements to meet the care needs of particular young people.
    - (ii) Interagency adoption fees are forecast to overspend by circa £0.773 million as a result of successfully placing young

people in permanent adoptive placements outside of the county.

- (iii) Prior to 2018/19 the service had made a commitment to use agency staff only in areas where staff vacancies existed. Unfortunately due to service pressure and demands, unbudgeted agency staff costs in excess of savings accrued through vacancies are forecast to be circa £0.649 million. Increased cost of DCC employed staff at the in-house provided residential homes has also led to significant levels of overtime being payable of circa £0.261 million as a result of sickness and other absences.
- (iv) Income is however forecast to over achieve budget by £0.530 million primarily as a result of the service accessing additional non recurrent income (£0.615 million) in 2018/19. This one off funding is mitigating under achievement of budgeted income in relation to the non achievement of interagency income from the sale of DCC adoptive placements £0.122 million to other local authorities.
- (v) External transportation (taxi and volunteer drivers) costs are currently forecast to overspend by £0.446 million as a result of court direction on the frequency of supervised contact for Looked after children, combined with the continuing high numbers of children currently looked after.

27 The need to increase the budget in children's social care has been prevalent over the last three years, as the number of children in the care system has increased significantly whilst their needs have become more complex. This budget was increased by £5.5 million in 2018/19 however a forecast overspend in children's social care has arisen again this year.

28 A further increase in the base budget of £6.5 million was approved by County Council on 20 February 2019 to cover anticipated care costs as well as additional costs for staffing in order to meet the challenges and pressures identified for 2019/20. This is in addition to the £0.5 million demographic pressures already built into the MTFP. In 2019/20 a non-recurrent provision of £0.393 million has also been factored into the budgets next year to enable additional support for case management workloads.

29 Taking the outturn position into account, the cash limit reserve (£1.763 million) will be insufficient to cover the forecast overspend for Children and Young People's Services at 31 March 2019 and there will be a £0.900 million negative cash limit position at year end.

- 30 The council's financial procedure rules state that where a service groupings cash limit reserve is in deficit, the relevant service is required to make savings / underspends the following year to bring the reserve back into balance. In this case, given the financial pressures and issues facing CYPS, the service grouping will not be held to this and instead a transfer from General Reserves will be actioned at year end to reduce the CYPS cash limit Reserve to zero.

## **Regeneration and Local Services (REAL)**

- 31 The updated forecast revenue outturn for 2018/19 is a cash limit underspend of £1.360 million to year end, after taking account of the forecast use of reserves and items outside the cash limit. This compares with a £1.506 million forecast underspend based on the position at quarter 2.
- 32 The forecast underspend reflects the proactive management of activity by Heads of Service across Regeneration and Local Services to remain within the cash limit, but it should also be noted that the underspend includes £0.500 million of 2019/20 MTFP savings that have been achieved early, meaning that the underlying underspend is closer to £0.860 million. A number of services within REAL are also using reserves to support their budget. The main reasons accounting for the outturn position are as follows:
- (a) Direct Services is forecast to be broadly break even, with a small £3,000 underspend forecast. There are overspend due to reduced income of £61,000 at the Joint Stocks landfill site, £22,000 additional business rates at the waste transfer stations and unachieved Fleet MTFP savings of £0.205 million. There are also unachieved Clean & Green MTFP savings of £73,000, a negotiated five year standby settlement with Refuse staff of £0.171 million, and overspends on Waste contracts of £0.316 million relating mainly to the downturn in the materials recycling market. These overspends are however largely offset by additional garden waste income of £0.259 million, that will help towards 2019/20 MTFP savings and £0.592 million additional income in Building Services due to additional construction works being secured.
  - (b) Culture & Sport is forecast to overspend by £0.122 million. There has been additional income relating to a change in the VAT treatment of Leisure income (£0.530 million), but this has been offset by budgetary pressures (£0.650 million) at the Gala Theatre, primarily linked to theatre and cinema income being below budgeted levels and a compensation to the third party contractor that operates Peterlee Leisure Centre. The compensation is as a

result of an income shortfall due to refurbishment works at the facility.

- (c) The Bowes Museum approached the council for advances of £0.275 million to assist them with their cash flow in the current financial year. Discussions are on-going with the museum in relation to their future financial projections and their anticipated 2018/19 outturn position.
- (d) Technical Services is forecast to be £41,000 overspent. There is a net overspend of £0.451 million in Highways Services, which is a combination of an overspend of £1.185 million due to additional policy led expenditure on highways maintenance, mainly in relation to Category 1 and 2 defects and footway maintenance, offset by additional surpluses generated within Highways Services Trading Accounts of £0.831 million. Within Design Services and Project Management there is a net overspend of £41,000 due to reduced income that is partially offset by employee savings. Strategic Highways has a net underspend of £0.457 million due to employee savings of £0.364 million and additional income of £0.244 million that is partially offset by increased spend on professional fees and software costs. There is a net overspend of £7,000 on staff costs in other service areas.
- (e) Business Support is forecast to be £0.183 million underspent due to savings on vacant posts and reduced hours and increased income, which is offsetting additional supplies costs.
- (f) Transport is forecast to be £0.603 million underspent. This is mainly due to underspends in Sustainable Transport of £0.481 million and efficiency savings and increased income in Care Connect of £0.174 million, which is partially offset by increased costs within Strategic Traffic of £38,000.
- (g) Planning and Assets is forecast to be £0.814 million underspent, mainly resulting from additional planning fee income of £0.680 million, staffing underspends of £0.271 million due to delays in filling vacant posts and additional income of £0.118 million at Freemans Hydro. This is offset by additional costs relating to; £50,000 on an Archaeology collection relocation from Bowes Museum, £55,000 for corporate property health checks, and £0.150 million for the 'Powered by People' campaign.
- (h) Economic Development and Housing is forecast to be overspent by £0.149 million. Economic Development is overspent by £0.156 million largely on the employment and skills contract, due to lower than expected outcome payments. Physical Development is

overspent by £16,000 due to additional project development costs. There are combined net underspends on staff in other service areas of £24,000. In addition, Business Durham is underspent by £0.117 million due to a net increase in rental income and reduced costs, but this surplus will be taken to an earmarked reserve to provide additional resources for important business growth projects. Also Housing Solutions is underspent by £0.190 million due to savings on staff, savings on GRT site costs, and additional income in Housing Initiatives but this surplus will be taken to an earmarked reserve to provide additional resources for important initiatives relating to preventing homelessness.

- (i) Environment, Health and Consumer Protection is forecast to underspend by £60,000. This is mainly due to a number of vacant posts resulting in an underspend of £66,000, £23,000 over achieved licensing income and a £31,000 underspend on transport. These underspends are partially offset by £60,000 costs relating to the Evenwood fire.

33 In arriving at the forecast outturn position, £1.157 million relating to net use of earmarked and cash limit reserves has been excluded from the outturn. The major items being:

- (a) £0.427 million contribution to reserves relating to Economic Development for Business Durham and Housing Solutions;
- (b) £74,000 contribution to reserves in respect of Clean & Green, and Neighbourhood Protection;
- (c) £0.288 million use of reserves in respect of Repairs & Maintenance;
- (d) £0.335 million use of reserves relating to Culture & Sport, the majority of which relates to funding the in-year one off expenditure on Bowes;
- (e) £0.810 million use of reserves relating to Transport;
- (f) £0.170 million use of reserves relating to Winter Maintenance.

34 Taking the projected outturn position into account, and including the transfer to/from reserves in year, the estimated cash limit reserve to be carried forward for Regeneration and Local Services is £3.425 million.

## **Resources**

35 The 2018/19 updated forecast revenue outturn for Resources is a cash limit underspend of £0.420 million. This takes into account adjustments

for sums outside the cash limit such as redundancy costs which are met from corporate reserves and use of / contributions to earmarked reserves. The cash limit underspend forecast at quarter 2 was £0.271 million.

- 36 The Heads of Service across Resources continue to proactively manage activity to remain within the cash limit. The projected under budget position is the net effect of the following items:
- (a) Corporate Finance and Commercial Services is forecast to be under budget by £82,000, primarily due to a managed underspend on employee costs in Financial Systems (£76,000). There are also a number of other minor variances in this service area.
  - (b) Finance and Transactional Services is forecast to be under budget by £0.232 million, primarily due to an underspend in employee costs in Revenues & Benefits (£0.300 million) and additional income / employee underspends in Financial Management (£83,000) and additional income in Revenues and Benefits (£0.119 million), offset by a £50,000 revenue contribution to capital to support the development of the HR/Payroll system as part of our Digital Workforce transformation objectives. There is an overspend of £0.252 million on supplies and services, primarily linked to associated with the use of outsourced work packages to maintain benefit processing performance and a number of other minor variances across this service area.
  - (c) Digital and Customer Services is forecast to be over budget by £31,000. There are underspends on employee related expenditure totalling £0.295 million in ICT Services and £0.153 million in Customer Services and on supplies and services of £30,000 in ICT Services and £47,000 in Customer Services. This has been offset by a forecast overspend on central expenses (£0.581 million) in ICT Services, mainly due to a £0.560 million revenue contribution to support various ICT capital schemes. There are also a number of other minor variances in this service area.
  - (d) Internal Audit, Risk and Corporate Fraud is forecast to be under budget by £40,000, comprising of a managed overspend of £13,000 on employee related expenditure and £21,000 on supplies and services, offset by additional income £74,000.
  - (e) Legal and Democratic Services is forecast to be under budget by £0.122 million, which includes a £37,000 managed overspend on employees and £51,000 on supplies and services, offset by an

over achievement of income of £0.181 million. There are also a number of other minor variances in this service area.

- (f) People and Talent Management is forecast to be over budget by £14,000, which includes a £19,000 managed overspend on employees and £17,000 on supplies and services, offset by an overachievement of income of £15,000. There are also a few other minor variances in this service area.
- (g) Service Management is forecasting a £12,000 over budget position, which is a minor variance against employee costs.

37 The forecast cash limit outturn shows the position after some £0.479 million of contributions from reserves and cash limits have been applied to finance the following items:

- (a) £89,371 contribution from the Resources cash limit reserve towards funding the development of robotics automated data processing in Finance & Transactional Services and Customer Services;
- (b) £45,595 from reserves to promote the take-up of welfare benefits;
- (c) £15,000 from reserves to meet the budget pressures from the ongoing impact of welfare reforms;
- (d) £90,000 from the ICT Reserve to support ICT developments and additional costs of software licences;
- (e) £30,656 from Corporate Contingencies in respect of the HPO Pay Review impact in 2018/19;
- (f) £25,000 from the Human Resources Reserve in respect of the Durham Manager Programme;
- (g) £15,794 from the Equal Pay Reserve to meet the cost of claims;
- (h) £0.167 million from the Microsoft Office 365 Reserve to support the roll out of the new software.

38 Taking the outturn position into account, including items outside the cash limit and transfers to and from earmarked reserves, the transfer of £2.097 million to corporate reserves, the cash limit reserve to be carried forward for Resources is forecast to be £0.456 million.

### **Transformation and Partnerships (T&P)**

39 The updated forecast revenue outturn for 2018/19 is a cash limit underspend £97,000 for the year after taking account of the forecast

use of reserves and items outside the cash limit. The cash limit underspend forecast at quarter 2 was £40,000.

40 The forecast underspend is a managed position, reflecting the proactive management of activity by Heads of Service across T&P to remain within the cash limit. A summary of the forecast outturn position across the service is provided below:

- (a) Partnership and Community Engagement is forecast to be underbudget by £52,000, primarily due to a managed overspend on employee costs of £72,000 and donations of £0.106 million, which has been more than offset by a managed underspend on supplies and services of £99,000 and additional income generated of £0.122 million. There are also a number of other minor variances in this service area.
- (b) Strategy is forecast to be underbudget by £25,000, primarily due to a managed underspend on employee costs.
- (c) Communications and Marketing is forecast to be underbudget by £56,000, primarily due to a managed underspend on employee costs of £80,000 and supplies and services of £36,000, offset by a forecast of unachievable income of £54,000. There are also a number of other minor variances in this service area.
- (d) Transformation is forecast to be over budget by £35,000, primarily due to a managed overspend on employee costs.

41 In arriving at the forecast cash limit outturn position, a net £0.578 million relating to contributions to and from reserves and cash limits have been excluded from the outturn and include:

- (a) £0.122 million contribution to the Transformation Programme Reserve. The contribution reflects the forecast underspend on employee costs in 2018/19 associated with the Transformation Team;
- (b) £0.105 million from reserves in respect of early retirement / voluntary redundancy costs associated with MTFP savings;
- (c) £0.122 million from the Youth Work Support Grant Reserve to support services for young people;
- (d) £58,915 contribution to reserves to support the work of the Local Safeguarding Adults Board;

- (e) £10,011 further contribution from the T&P cash limit reserve to offset the effect of the MTFP savings that won't be achieved in the current financial year;
- (f) £29,000 contribution from the T&P cash limit reserve towards the costs of producing the Durham County News;
- (g) £19,099 from reserves in respect of undertaking consultation with residents;
- (h) £0.169 million from the Celebrating Durham Reserve to help Durham raise its profile both regionally and nationally so it can continue to attract inward investment and build a bright and stable economic future;
- (i) £53,155 from the My Future is Durham Reserve to support various initiatives to promote the Council's successes and career opportunities for the next generation;
- (j) £1,500 from reserves to support the 'Modern Ways of Working' project;
- (k) A net £0.200 million from the Community Reserve in respect of costs associated with the spending on community buildings awaiting disposal;
- (l) £6,500 from reserves to support the work of the Area Action Partnerships;
- (m) £35,000 from reserves in respect of promoting social inclusion in communities;
- (n) £8,779 from Corporate Contingencies in respect of the HPO Pay Review impact in 2018/19.

42 Taking the projected outturn position into account, including items proposed to be treated as outside the cash limit, the total cash limit reserve forecasted to be carried forward for T&P at 31 March 2019 is £0.285 million.

## **Corporate Costs**

43 The forecast revenue outturn for 2018/19 for Centrally Administered Costs is a cash limit underspend of £0.209 million. This takes into account adjustments for sums outside the cash limit such as the use of / contribution to earmarked reserves and compares with the previously forecast position to maintain spending within its cash limit at quarter

one. A number of MTFP savings totalling £0.150 million were applied to the above budgets in 2018/19.

- 44 The forecast outturn position reflects increased expenditure in respect of expenses associated with raising loans to achieve the MTFP savings from agreeing up front interest rates prior to borrowing, which has been more than offset by increased income from de-minimis capital receipts.

## **Central Budgets**

### **Interest Payable and Similar Charges - Capital Financing**

- 45 The budget of £43.738 million has been increased by £1.517 million to £45.255 million, mainly as a result of service decisions to fund capital schemes by contributions of £1.523 million from reserves. Against this budget there is forecast spend of £43.755 million, that leaves a forecast underspend of £1.500 million, arising from MRP savings that are partially offset by a contribution to support the capital programme that was agreed by Cabinet.

### **Interest and Investment Income**

- 46 The forecast at this stage is an achievement of income of £3.079 million, which is £1.179 million higher than the £1.900 million budgeted returns on loan investments and council commercial activities.

### **Council Earmarked Reserves Forecast**

- 47 Earmarked reserves are funds set aside for specific, known or predicted future expenditure. Appendix 4 details the council and school earmarked reserves showing the opening balance at 1 April 2018, the forecast movement on reserves during the year and the forecast closing balance as at 31 March 2019.
- 48 A summary of the latest forecast of council reserves (excluding school reserves) is shown below. The summary highlights that the total earmarked and cash limit reserves are forecast to reduce by £6.188 million in 2018/19, from £201.284 million to £195.096 million. The movement in earmarked reserves is explained in the service grouping commentaries. This utilisation is to be expected as these funds are applied to the expenditure for which they were earmarked.

	<b>Earmarked £ million</b>	<b>Cash Limit £ million</b>	<b>Total £ million</b>
Opening Earmarked Balances as at 1 April 2018	-182.997	-18.287	-201.284
Adjusted for increase (-) / use of Earmarked Reserves	0.309	5.879	6.188
<b>Forecasted Earmarked Reserve Balances as at 31 March 2019</b>	<b>-182.688</b>	<b>-12.408</b>	<b>-195.096</b>

## Dedicated Schools Grant and Schools

- 49 The Dedicated Schools Grant (DSG) allocation for 2018/19 is £384.144 million. A sum of £90.084 million is deducted from this figure and paid directly to academies by the Education Skills Funding Agency (ESFA) and likewise a sum of £4.400 million is deducted and paid directly by the ESFA to High Needs providers. The balance of £289.660 million is the sum paid to the council and includes both the delegated schools budget and the centrally retained DSG budget.
- 50 Maintained schools budgets and carry forward accumulated surpluses and deficits from one year to the next. At the end of 2017/18 the net balances carried forward by schools totalled £18.415 million:

	<b>31 March 2018 £ million</b>
Maintained Schools	18.063
Communities of Learning	0.384
Loans to Schools	(0.032)
<b>Total (Net Surplus)</b>	<b>18.415</b>

- 51 The Communities of Learning balance is unspent amounts allocated to clusters of schools to support collaborative provision for Special Educational Needs. This balance was moved to the Local Authority balances during quarter 1.
- 52 Loans to Schools are the remaining loans made to schools under the old loan scheme, which ended in 2013. Schools are now able to obtain loans from a new scheme, financed by the council.
- 53 For maintained schools, the balances carried forward form part of the available resources available to school to fund future year's activity. The retained balances supplement the budget share determined by the current formal, Pupil Premium and other income.

- 54 All schools have delegated budgets and carry forward under or over spends to the following financial year as either a surplus or deficit. At 31 March 2018, 20 schools had a deficit balance, where their spending had exceeded their accumulated balances in previous years, totalling £5.634 million:

<b>Schools with deficits at 31 March 2018</b>		
	<b>No.</b>	<b>£ million</b>
Nursery	1	(0.010)
Alternative provision	-	-
Primary	13	(0.330)
Secondary	5	(5.220)
Special	1	(0.074)
<b>TOTAL</b>	<b>20</b>	<b>(5.634)</b>

- 55 At the time the budgets were set, with the exception of three schools where the Corporate Director of Resources (in his capacity as section 151 officer) had granted permission to set a deficit budget and the nursery school, all of these schools were forecast to clear their deficits in 2018/19.
- 56 Since the start of the financial year five schools have converted to academies. Excluding the balances for these former maintained schools, the total net maintained school balances brought forward to 2018/19 are £16.420 million.
- 57 After accounting for the identified funding and budgeted activity at the end of quarter 3, the revised forecast balances at 31 March 2019 are for an overall net surplus balance of £11.345 million to be carried forward to 2019/20, as summarised in the tables below. Seven additional primaries, one additional secondary and one additional special school are now forecast to have a deficit balance as at 31 March 2019 – in addition to the three secondary and one nursery schools the section 151 officer granted permission to set a deficit budget.

<b>Forecasts of school balances at 31 March 2019 (£ million)</b>				
	<b>Surplus balance of at least 2.5% of funding</b>	<b>Surplus balance below 2.5% of funding</b>	<b>Deficit balance</b>	<b>Total</b>
Nursery	0.572	-	-	0.572
Alternative Provision	-	-	-	-
Primary	14.171	0.213	(0.153)	14.230
Secondary	0.659	0.573	(6.213)	(4.981)
Special	1.614	0.016	(0.106)	1.524
<b>TOTAL</b>	<b>17.017</b>	<b>0.801</b>	<b>(6.472)</b>	<b>11.345</b>

- 58 In previous years schools have at this stage also been planning to spend significant retained balances in year that hasn't materialised. Experience in previous years is that schools often achieve efficiencies through restructuring and other initiatives which reduces the need to rely on use of their retained balances. At quarter 3 2017/18 schools were forecasting reserves in hand at the end of the year of £12.6 million, but in the outturn there was actually £18.1 million. If the same pattern were to manifest itself this year then the actual use of balances would be lower than currently forecast and the year-end net balance would be circa £16 million.

59 The numbers of schools in each category are shown below:

<b>Forecasts of school balances at 31 March 2019 (no of schools)</b>				
	<b>Surplus balance of at least 2.5% of funding</b>	<b>Surplus balance below 2.5% of funding</b>	<b>Deficit balance</b>	<b>TOTAL</b>
Nursery	10	1	-	11
Alternative Provision	-	1	-	1
Primary	161	26	7	194
Secondary	4	4	5	13
Special	7	1	1	9
<b>TOTAL</b>	<b>182</b>	<b>33</b>	<b>13</b>	<b>228</b>

60 The significance of balances above or below 2.5% of funding is that the council views a balance of at least 2.5% as being appropriate in terms of the ability of schools to cope with unforeseen expenditure during the year.

61 The School Funding Team continues to work with schools to support and provide advice about budget issues. Budget reviews are currently underway in preparation for budget-setting in spring 2019. Where there are concerns about a school's financial viability this is shared with the Education Service so that a joined-up approach to resolving these issues can be adopted.

### **PFI Re-financing**

62 Following the discussion with the PFI provider and in light of favourable market conditions, additional one off income relating to a re-financing gain share of £2.881 million has been received. In light of the significant pressures being experienced in the High Needs DSG block, this income, net of the re-financing transaction costs, will be credited to the centrally retained DSG reserves in year.

## Dedicated Schools Grant Centrally Retained block

- 63 The quarter 3 financial forecasts for the DSG budget show an overspend of £8.278 million against a total budget of £51.943 million to year end, which represents a 16% over spend.

<b>DSG Block</b>	<b>Budget £ million</b>	<b>Forecast £ million</b>	<b>Over / (Under) Spend £ million</b>
Schools	0.617	1.067	0.450
High Needs	17.954	24.962	7.008
Early Years	30.544	31.364	0.820
Central Schools Services	2.828	2.828	0.000
<b>TOTAL</b>	<b>51.943</b>	<b>60.221</b>	<b>8.278</b>

- 64 The forecast overspend position mainly relates to spending against the High Needs Block, which is forecast to overspend by £7.008 million. The pressure on the High Needs block is driven by increasing demand to meet the requirement of young people with special education needs and disabilities. This is a demand driven volatile area of activity, for which the council has a statutory duty to provide. This overspend will result in the Centrally Retained DSG reserve being exhausted.
- 65 To address this issue in 2019/20, the council sought permission from the Secretary of State (DfE) to top-slice the schools DSG budgets, although this was not supported by the Schools Forum. The maximum top slice that could have been applied for is circa 1.8%, however following feedback and discussion with schools, the council submitted an application for a smaller 0.5% top slice totalling circa £1.5 million on the 30 November 2018.
- 66 Unfortunately the Secretary of State (DfE) did not support the application for the 0.5% top slice, citing the lack of support from the Schools Forum as a major determining factor in this decision. Subsequently on 28 January the Schools Forum were advised of the Secretary of State (DfE) decision and were asked to reconsider the previous decision not to support the top slice. After due consideration the Schools Forum felt they were still unable to support the 0.5% top slice
- 67 In 2019/20 it is forecast that the High Needs Dedicated Schools Grant funding will increase by £2.4 million which includes the £1.057 million announced by the DfE on 17 December. Assuming no further

inflationary or demographic pressures arising next year, there is a forecast £5.6 million budget shortfall in 2019/20. In December, Cabinet agreed to meet the shortfall of £4.1 million from the General Fund Budget Support Reserve on a one off basis. However, the decision by the Secretary of State to refuse the council's top slice application has resulted in a requirement to include the full £5.6 million budget shortfall in the 2019/20 general fund budget on a one-off basis. This was agreed by Cabinet on 6 February 2019 and factored into the budgets agreed by County Council on 20 February 2019.

- 68 The inclusion of this significant education cost pressure in the general fund budget is a one-off measure which will provide time for a longer term solution to this issue to be found. A review of high needs spending is currently underway, whilst it is also hoped that the intense lobbying upon the DfE will result in increased funding from the 2020/21 Comprehensive Spending Review. This position will be kept under constant review.
- 69 An urgent review of service delivery is underway to make efficiencies to balance the budget next year.
- 70 The following table shows the DSG earmarked reserve position as at 1 April 2018 and the projected position as at 31 March 2019 taking into account the projections in this report and the transfer of £0.384 million from school reserves in relation to Communities of Learning funding. In December 2018 Cabinet agreed to a transfer of £2.881 million in relation to PFI refinancing, which reduces the projected deficit on the high needs reserve to £2.325 million.

<b>DSG Reserves</b>	<b>High Needs Block £ million</b>	<b>Early Years Block £ million</b>	<b>Schools Block £ million</b>	<b>Total DSG £ million</b>
<b>Balance as at 1 April 2017</b>	<b>6.070</b>	<b>2.361</b>	<b>2.728</b>	<b>11.159</b>
Use (-) / Contribution in 2017/18	-4.652	-0.286	-1.488	-6.426
<b>Balance as at 31 March 2018</b>	<b>1.418</b>	<b>2.075</b>	<b>1.240</b>	<b>4.734</b>
Planned Use (-) / Contribution in 2018/19	-7.008	-0.820	-0.450	-8.278
Transfer from COLs	0.384	0.000	0.000	0.384
Transfer from PFI re-financing	2.881	0.000	0.000	2.881
<b>Projected balance as at 31 March 2019</b>	<b>-2.325</b>	<b>1.255</b>	<b>0.790</b>	<b>-0.279</b>

## Capital

### Background

- 71 On 11 July 2018 Cabinet received a report which provided details of the final outturn position of the 2017/18 Capital Programme. This included details of budgets of £45.094 million that were reprofiled from 2017/18 to 2018/19. Adding these to the new 2018/19 capital allocations approved by Council on 21 February 2018 and the existing 2018/19 budget gives the original budget for 2018/19 that is shown in the table below.
- 72 The council's Member Officer Working Group (MOWG) that closely monitors the capital programme has since considered further revisions to the capital programme, taking into account additional resources received by the authority and further requests for reprofiling as Service Management Teams continue to monitor and review their capital schemes.

## Current Position

73 The following table summarises the latest capital budget alongside the original budget. The table also shows the forecast outturn for each service and the actual capital spend as at 31 December 2018.

Service Grouping	Original Budget 2018/19 as at May MOWG £ million	Revised Budget 2018/19 Quarter 2 £ million	Amendments recommended by MOWG £ million	Revised Budget 2018/19 Quarter 3 £ million	Projected Outturn 2018/19 £ million	Actual Spend to 31 December 2018 £ million
Adult and Health Services	0.232	0.232	-0.200	0.032	0.032	0.000
Children and Young People's Services	33.144	25.364	-6.369	18.995	18.995	11.892
Regeneration and Local Services	91.604	79.129	-3.337	75.792	75.792	48.901
Resources	6.989	7.135	-2.098	5.037	5.037	3.809
Transformation and Partnerships	5.085	4.330	-0.367	3.963	3.963	1.008
<b>TOTAL</b>	<b>137.054</b>	<b>116.190</b>	<b>-12.371</b>	<b>103.819</b>	<b>103.819</b>	<b>65.610</b>

74 Further to the revised quarter 2 2018/19 budget that was agreed by Cabinet on 14 November 2018, the MOWG has considered a number of variations to the capital programme which are a result of additions and reductions in resources received by the council. The variations of note are as follows:

### Additions/Deletions

- (a) **AHS** - £0.200 million Public Health Grant will have to be paid back to Public Health England re the Low Newton Recovery housing scheme which is no longer going ahead.
- (b) **CYPS** – budget increases of £2.511 million are required for a variety of schemes. Tudhoe Colliery Primary School have provided £100,000 toward a two classroom extension. A sum of £0.473 million in relation to S106 monies and £0.450 million of capital receipts will be used to help fund the Bowburn Primary School new build scheme. Direct revenue funding of £0.165 million will be used by six schools toward capital projects. £1.323

million direct revenue funding will be used to fund additional costs for the replacement of the Social Services Information Database.

- (c) **REAL – Highways** – In November 2018 the government announced additional funding of £5.269 million for highways authorities to tackle potholes, repair damaged roads, and invest in keeping bridges open and safe.
- (d) **REAL – Direct Services, Street Scene** – a budget increase of £97,000 is proposed for three play area refurbishment schemes. This will be funded by S106 agreements.
- (e) **REAL - Economic Development and Housing** – In December the government announced additional funding of £55 million toward the Disabled Facility costs of English authorities. The council has been informed that its share of this allocation is £0.607 million and has written to the MHCLG to accept the offer of additional funds. A report to Cabinet in October 2018 asked for approval for a £2.5 million increase in the capital budget for HQ and car park provision. A sum of £1.3 million will be drawn from the Capital Reserve toward this additional cost in quarter 3 with £1.2 million already drawn from capital contingencies. S106 contribution of £0.363 million income will be used to support County Durham Housing Group to build 195 affordable houses across the county and Riverside Homes to build 50 affordable houses in Bishop Auckland. Private sector contributions of £9,000 will be used toward three group repair schemes at Craghead, Wembly and Dawdon.
- (f) **REAL – Planning and Assets** - £4,000 has been contributed by Stanhope Parish Council for the refurbishment of War Memorials countywide.
- (g) **REAL – Culture and Sport** - £0.275 million has been recovered from a developer in relation to the Thornley Waste Transfer scheme. It is proposed to use this receipt towards the Peterlee Library Leisure Centre Co-Location Project.
- (h) **T&P** – £23,000 has been contributed from Direct Revenue Financing toward Members Neighbourhood schemes and £6,000 toward AAP capital schemes.

75 Budget managers continue to challenge and review the programming and phasing of works, which has resulted in the re-profiling of the following budgets in line with anticipated activity in 2018/19:

- (a) **CYPS** - The service has reviewed its budget and proposes the net reprofiling of £8.916 million from 2018/19 to future years, of which

£4.181 million relates to the new build at Bowburn Primary School, £0.360 million relates to four Building Schools for the Future (BSF) schemes, £1.903 million to work at Bishop Barrington School and £2.655 million relates to the replacement Social Services Information Database (SSID) system.

- (b) **REAL** – The service has identified net budgets of £11.499 million that will need to be re-profiled from 2018/19 to future years. The most significant are detailed below:-
  - (i) **REAL – Economic Development and Housing** - The most significant amount is £2.672 million for the Finance Durham Investment Fund, this is due to the slower than forecast uptake of the scheme. Another significant amount (£2.128 million) concerns the New Headquarters where the project has been delayed due to planning issues.
  - (ii) **REAL- Planning and Assets** – Slower than forecast progress with the Beamish Museum project require budget re-profiling of £1.403 million.
  - (iii) **REAL – Transport and Contracted Services** - £1.711 million relating to the A19/A182 Hawthorn Junction scheme will need to be re-profiled into 2020/21 as designs will depend on what is needed for the nearby Jade Development.
- (c) **Resources** – re-profiling to future years, totalling £2.098 million, has been identified of which £0.840 million relates to the Customer Relation Management system and £0.610 million to the Office Accommodation project.
- (d) **T&P** – there has been a net re-profiling of budget of £0.121 million from 2018/19, most of which relates to the delay in the Durham History Centre scheme.

## Capital Financing

76 The following table summarises the recommended financing of the revised capital programme:

<b>Financed By:</b>	<b>Original Budget 2018/19</b>	<b>Revised Budget 2018/19 - Quarter 2</b>	<b>Amendments recommended by MOWG</b>	<b>Revised Budget 2018/19 - Quarter 3</b>
	<b>£ million</b>	<b>£ million</b>	<b>£ million</b>	<b>£ million</b>
Grants and Contributions	52.857	59.109	4.535	63.644
Revenue and Reserves	45.186	46.135	-15.224	30.911
Capital Receipts	22.439	9.263	0.000	9.263
Borrowing	16.572	1.683	-1.683	0.000
<b>TOTAL</b>	<b>137.054</b>	<b>116.190</b>	<b>-12.371</b>	<b>103.819</b>

## Council Tax and Business Rates Collection Funds

### Council Tax

- 77 Council Tax is charged for all residential dwellings in bandings agreed by the Valuation Office Agency, which is part of Her Majesty's Revenues and Customs (HMRC). Exemptions, reliefs and discounts are awarded dependent upon the state of the property, its use and occupiers' personal circumstances.
- 78 The collection rate at 31 December 2018 was slightly below the profiled target of 84.76%, and 0.55% points below the same position in 2017/18, reflecting an increased trend of Council Taxpayers choosing to pay over twelve monthly instalments rather than the traditional ten statutory instalment periods.
- 79 The in-year collection rates at the end of quarter three for the current and last two financial years, are shown below:

<b>Billing Year</b>	<b>Position at 31 December Each Year %</b>
2018/19	84.15
2017/18	84.70
2016/17	84.76

- 80 The current overall collection rate for 2017/18 council tax liabilities is now 98.15% (compared to 96.83% at 31 March 2018), and for 2016/17 the rate is now 98.63% (compared to 96.69% at 31 March 2017). The council continues to recover council tax from earlier years, and currently the collection rate for all years excluding the current year is 99.65%, which is line with our medium term financial plan forecasts.
- 81 The income shown in the Council Tax Collection Fund is the amount collectable from Council Tax payers in the long run, rather than the actual cash collected in the year the charges are raised. Likely bad debts are accounted for by maintaining a bad debt provision. The amount estimated to be collectable is estimated each year by reference to the actual council tax base for all domestic properties in the county (schedule of all properties, discounts and reliefs) with an allowance for non-collection.
- 82 Due to changes in the number of properties (including new build and demolitions), eligibility of discounts and reliefs during the year, the actual amount collectable increases or decreases from the estimate on a dynamic day to day basis. In addition, adjustments for previous billing years take place during each accounting year. All of these adjustments mean that the actual amounts collected will always differ from the estimate.
- 83 Such differences at the end of each accounting year, after taking into account the calculated change required in the 'bad debt' provision, determines whether a surplus or deficit has arisen, which is then shared proportionately between the council and its major preceptors, being Durham Police Crime and Victim's Commissioner and County Durham and Darlington Fire and Rescue Authority.
- 84 At 31 December 2018, the estimated outturn for the Council Tax Collection Fund is a surplus of £1.704 million as shown in the table below, which takes into account the undeclared surplus as at 31 March 2018 of £0.976 million. Durham County Council's share of this forecasted surplus is £1.437 million, which is broadly in line with the declared surplus position and which is available to support the 2019/20 budget.

	<b>£ million</b>
Net Bills issued during Accounting Year 2018/19	319.673
LCTRS and previous years CTB adjustments	-55.015
Calculated change in provision for bad debts required and write offs	-2.672
<b>Net income receivable (a)</b>	<b>261.986</b>
<b>Precepts and Demands</b>	
Durham County Council	209.712
Parish and Town Councils	12.544
Durham Police Crime and Victim's Commissioner	25.087
County Durham and Darlington Fire and Rescue Authority	13.915
<b>Total Precepts and Demands (b)</b>	<b>261.258</b>
<b>Net Surplus / (-) Deficit for year (a) – (b)</b>	<b>0.728</b>
<b>Undeclared Surplus Brought Forward from 2017/18</b>	<b>0.976</b>
<b>Estimated Year end surplus</b>	<b>1.704</b>

- 85 Prior to each year, the estimated surplus / deficit on the Collection Fund Council Tax Account is notified to the two major preceptors for inclusion in the budget setting process for the following year as an additional income or expenditure item.
- 86 The council is required to determine and declare the forecast surplus or deficit on the Council Tax Collection Fund for 2018/19 by 31 January 2019. This will then need to be taken into account in the budget setting process for 2019/20. Any difference between this and the actual surplus at 31 March 2019 will be carried forward to next financial year and taken into account in estimating the surplus / deficit position for 2019/20, which will need to be taken into account for 2020/21 budget setting.
- 87 Over the last five years, the Council Tax provision for bad debts has been increasing steadily. This managed approach has been necessary to minimise the risk of the Council Tax Collection Fund moving into deficit whilst securing the robustness of the levels of provision held. The position has now been reached where maintaining the provision at a prudent level does not prevent the declaration of a surplus.

## Business Rates

- 88 2013/14 was the first year of the new Business Rates Retention Scheme whereby the council has a vested budget interest and stake in the level of business rate yield, as income generated from Business Rates is now shared between Central Government (50%), Durham County Council (49%) and County Durham and Darlington Fire and Rescue Authority (1%). Therefore, it is not only the accuracy and timeliness of bills levied and collected that is monitored and audited, but the level of income anticipated for the year is important and new monitoring procedures have been devised for this purpose.
- 89 In 2017/18, following consultation, the Government implemented the first revaluation of Business Rates since April 2010.
- 90 The revaluation of the rateable values of all Business Properties was undertaken by the Valuation Office Agency and, along with national changes to Multipliers, Relief Thresholds and Transitional Arrangements, came into effect from April 2017. The overall effect of the revaluation on the Collection Fund saw a decrease of an estimated £9.3 million in rates yield/ liability when compared to 2016/17. The revaluation should be cost neutral to Durham County Council and County Durham and Darlington Fire and Rescue Authority, therefore compensation arrangements are to be made through adjustments to Section 31 grants and Top Ups for their shares of losses of income.
- 91 Bills raised, exemptions and reliefs awarded are examined together with local knowledge of anticipated changes in reliefs such as Mandatory Charitable Relief and Discretionary Rate Relief on a monthly basis to enable a comparison with the January 2018 estimate of 2018/19 Business Rates income that was used for budget setting purposes.
- 92 At 31 December 2018, the estimated outturn for the Collection Fund Business Rates is a surplus of £1.648 million, after taking into account the undeclared deficit position as at 31 March 2018 of £1.724 million, as calculated in the following table.

	<b>£ million</b>
Net rate yield for 2018/19 including previous year adjustments	116.622
Estimate of changes due to appeals lodged and future appeals	-5.697
Estimated losses in Collection – Provision for Bad Debts and Write-offs	-1.179
<b>Net income receivable (a)</b>	<b>109.746</b>
Agreed allocated shares	
Central Government (50%)	51.784
Durham County Council (49%)	52.840
County Durham and Darlington Fire and Rescue Authority (1%)	1.057
Cost of Collection Allowance and Renewable Energy (paid to Durham County Council)	0.693
<b>Total fixed payments (b)</b>	<b>106.374</b>
<b>Net surplus for year (a) – (b)</b>	<b>3.372</b>
<b>Undeclared Deficit brought forward from 2017/18</b>	<b>-1.724</b>
<b>Estimated year end Surplus</b>	<b>1.648</b>

- 93 The in-year estimated surplus of £3.372 million is offset by the undeclared deficit brought forward from 2017/18, which leaves an estimated net surplus of £1.648 million at 31 March 2019. The surplus / deficit at 31 March in any year are shared proportionately between Durham County Council, Central Government and County Durham and Darlington Fire and Rescue, Durham County Council's share being 49%. Durham County Council's share of the estimated year end surplus will therefore be £0.808 million.
- 94 The payment profile on collection performance is changing due to more businesses opting to spread their payments over 12 months rather than ten. The major business rates payers have all opted to take up this opportunity to re-profile their cash flow. The in-year collection rates at the end of quarter three for the current and last two financial years, are shown below:

<b>Billing year</b>	<b>Position at 30 September Each Year %</b>
2018/19	83.01
2017/18	83.52
2016/17	83.04

- 95 In year performance to 31 December 2018 shows a collection rate of 83.01%, which is below the profiled target by 0.58%points.
- 96 The current overall collection rate for 2017/18 business rate liabilities is now 99.33% (compared to 98.42% at 31 March 2018) and for 2016/17 business rate liabilities is now 99.67% (compared to 97.78% at 31 March 2017). The council continues to recover business rates from earlier years and currently, the collection rate for all years excluding the current year is 99.40%, which is line with our medium term financial plan forecasts.

### **Section 31 Grant - Small Business Rate Relief**

- 97 Small business ratepayers with properties with rateable values under £15,000 benefit from relief on their rates payable. The Government has awarded local authorities a Section 31 grant to cover their share of the shortfall in business rates that these small business ratepayers would have paid had the relief scheme not been in place.
- 98 Small business ratepayers with properties with rateable values up to £12,000 are now being granted full relief, and properties with rateable values between £12,000 and £15,000 have a tapered relief applied to them ranging from 100% down to 0%.
- 99 The Government has agreed to pay Section 31 grant for any additional small business rate relief in respect of business rates bills and adjustments thereof relating to the period commencing 1 April 2013. Any adjustments that relate to bills for years prior to this will be dealt with as part of the normal rate retention shares. At 31 December 2018, the gross small business relief awarded against 2018/19 business rates bills and adjustments to 2017/18, 2016/17, 2015/16, 2014/15 and 2013/14 bills is £14.365 million, and the council will receive £4.775 million in Section 31 grant, including the capping adjustment and threshold change adjustments, in this regard.

## Other Section 31 Grants

- 100 In the Autumn Statement 2016, Spring Budget 2017 and Autumn Statement 2018 additional business rate relief schemes were announced on which Section 31 grants would be payable. These relief schemes include Rural Rate Relief and Local Newspaper Reliefs, Supporting Small Business, Local Discretionary Relief Scheme, Pub Relief and Retail Relief Schemes. Funding for these schemes is provided through Section 31 grants.
- 101 When assessing estimated outturn income from business rates, due regard must also be given on the effect that changes in estimated reliefs will have on the Section 31 grants. At 31 December 2018, the increase in Durham County Council's Section 31 grants (including small business rate relief) was £0.278 million.

## Other useful documents

- County Council – 21 February 2018 – Medium Term Financial Plan 2018/19 to 2021/22 and Revenue and Capital Budget 2018/19.
- Cabinet – 11 July 2018 - 2017/18 Final Outturn for the General Fund and Collection Fund.
- Cabinet – 12 September 2018 – Forecast of Revenue and Capital Outturn 2018/19 – Period to 30 June 2018.
- Cabinet – 14 November 2018 – Forecast of Revenue and Capital Outturn 2018/19 – Period to 30 September 2018.

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## **Appendix 1: Implications**

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### **Legal Implications**

The consideration of regular budgetary control reports is a key component of the council's Corporate and Financial Governance arrangements. This report shows the forecast spend against budgets agreed by Council in February 2018 in relation to the 2018/19 financial year. The forecasts contained within this report have been prepared in accordance with standard accounting policies and procedures.

### **Finance**

The report details the 2018/19 forecast of outturn position for Revenue and Capital and details the forecast movement on reserves.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

None.

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

None.

### **Accommodation**

None.

### **Risk**

The figures contained within this report have been extracted from the General Ledger, and have been scrutinised and supplemented with information supplied by the Service Management Teams and budget holders. The projected outturn has been produced taking into consideration spend to date, trend data and market intelligence, and includes an element of prudence. This, together with the information supplied by Service Management Teams

and budget holders, helps to mitigate the risks associated with achievement of the forecast outturn position.

**Procurement**

None.



## Appendix 3: Revenue Summary by Expenditure / Income for the period ended 31 March 2019

	Original Budget 2018/19	Revised Budget	Proposed Budget Revisions	Contribution to / Use of Cash Limit Reserve	Contribution to / Use of Earmarked Reserves	Budget - incorporating adjustments	Service Groupings Forecast of Outturn	Corporate Costs Forecast of Outturn	Forecast of Outturn (including Corporate Costs)	Forecasted Variance (including Corporate Costs)	Forecasted Variance - Corporate Costs
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Employees	528,594	528,050	708	10	859	529,627	524,285	394	524,679	-4,948	0
Premises	52,813	52,765	299	0	302	53,366	53,150	0	53,150	-216	0
Transport	41,597	41,174	13	0	-42	41,145	42,242	0	42,242	1,097	0
Supplies & Services	123,450	125,000	-867	-34	780	124,879	127,587	1,430	129,017	4,138	-1
Agency & Contracted	358,765	360,422	1,592	-681	3,785	365,118	370,934	2,124	373,058	7,940	29
Transfer Payments	190,369	218,341	60	0	792	219,193	210,631	0	210,631	-8,562	0
Central Costs	86,462	84,268	34	0	-17	84,285	86,019	295	86,314	2,029	0
DRF	710	1,055	0	0	0	1,055	1,665	0	1,665	610	0
Other	0	0	0	150	-150	0	0	0	0	0	0
Capital Charges	56,650	56,650	0	0	0	56,650	56,650	0	56,650	0	0
<b>GROSS EXPENDITURE</b>	<b>1,439,410</b>	<b>1,467,725</b>	<b>1,839</b>	<b>-555</b>	<b>6,309</b>	<b>1,475,318</b>	<b>1,473,163</b>	<b>4,243</b>	<b>1,477,406</b>	<b>2,088</b>	<b>28</b>
<b>Income</b>											
Government Grants	613,492	617,857	-119	0	1,792	619,530	613,133	14	613,147	6,383	0
Other Grants and Contributions	74,807	74,862	45	0	10,296	85,203	86,983	0	86,983	-1,780	0
Sales	10,439	9,687	-268	0	0	9,419	9,064	400	9,464	-45	-250
Fees and Charges	112,372	106,951	868	0	564	108,383	106,134	-23	106,111	2,272	23
Rents	8,358	8,609	0	0	0	8,609	9,090	0	9,090	-481	0
Recharges To Other Services	215,198	223,964	285	0	-89	224,160	235,657	10	235,667	-11,507	-10
Other	8,949	6,195	-44	0	21	6,172	6,841	0	6,841	-669	0
<b>Total Income</b>	<b>1,043,615</b>	<b>1,048,125</b>	<b>767</b>	<b>0</b>	<b>12,584</b>	<b>1,061,476</b>	<b>1,066,902</b>	<b>401</b>	<b>1,067,303</b>	<b>-5,827</b>	<b>-237</b>
<b>NET EXPENDITURE</b>	<b>395,795</b>	<b>419,600</b>	<b>1,072</b>	<b>-555</b>	<b>-6,275</b>	<b>413,842</b>	<b>406,261</b>	<b>3,842</b>	<b>410,103</b>	<b>-3,739</b>	<b>-209</b>

## Appendix 4: Earmarked Reserves Position as at 31 December 2018

	EARMARKED RESERVES AND CASH LIMIT RESERVES	SERVICE GROUPING	2017/18	USE OF	CONTRIBUTION	TRANSFERS	TOTAL	2018/19
			CLOSING BALANCE	RESERVES	TO RESERVES	BETWEEN RESERVES	MOVEMENT ON RESERVES	CLOSING BALANCE AS AT 31 DEC 2018
			£'000	£'000	£'000	£'000	£'000	£'000
1	T&P AAP/Members Reserve	T&P	-1,850	229	-139	39	129	-1,721
2	T&P Grant Reserve	T&P	-1,224	168	0	-139	29	-1,195
3	T&P Operational Reserve	T&P	-1,573	427	-108	-1,050	-731	-2,304
4	T&P Transformation Reserve	T&P	-2,147	454	0	0	454	-1,693
5	Social Care Reserve	AHS	-21,235	1,032	-7,009	2,276	-3,701	-24,936
6	Public Health Reserve	AHS	-2,943	1,276	0	0	1,276	-1,667
7	Children's Services Reserve	CYPS	-1,875	845	-563	-200	82	-1,793
8	Education Reserve	CYPS	-14,285	3,919	-178	1,226	4,967	-9,318
9	Env. Health and Consumer Protection Reserve	REAL	-735	153	0	0	153	-582
10	Neighbourhoods AAP Reserve	REAL	-71	33	0	0	33	-38
11	Direct Services Reserve	REAL	-2,905	880	0	0	880	-2,025
12	Culture and Sport Reserve	REAL	-3,680	396	-120	-150	126	-3,554
13	Technical Services Reserve	REAL	-2,798	420	0	0	420	-2,378
14	Business Growth Fund Reserve	REAL	-743	160	0	0	160	-583
15	Economic Development Reserve	REAL	-1,501	131	-9	-10,622	-10,500	-12,001
16	Planning Reserve	REAL	-1,573	74	0	0	74	-1,499
17	North Pennines AONB Partnership Reserve	REAL	-1,302	0	0	0	0	-1,302
18	Employability and Training Reserve	REAL	-57	9	0	0	9	-48
19	REAL Match Fund Programme Reserve	REAL	-1,653	215	0	0	215	-1,438
20	Housing Regeneration Reserve	REAL	-1,086	110	0	413	523	-563
21	Housing Solutions Reserve	REAL	-1,680	222	-460	0	-238	-1,918
22	Restructure Reserve	REAL	-114	0	0	114	114	0
23	Transport Reserve	REAL	-1,065	1,013	0	-176	837	-228
24	Funding and Programmes Management Reserve	REAL	-480	31	0	0	31	-449
25	Customer Services Reserve	Resources	-346	12	0	0	12	-334
26	Resources Corporate Reserve	Resources	-890	0	0	890	890	0
27	Resources DWP Grant Reserve	Resources	-2,233	165	-134	142	173	-2,060
28	Resources System Development Reserve	Resources	-412	0	0	0	0	-412
29	Resources Housing Benefit Subsidy Reserve	Resources	-820	0	0	320	320	-500
30	Resources Revenue and Benefits Reserve	Resources	-980	167	0	205	372	-608
31	Resources Legal Reserves	Resources	-354	0	0	-25	-25	-379
32	Resources Elections Reserve	Resources	-709	0	0	0	0	-709
33	Resources ICT Reserves	Resources	-1,326	367	0	0	367	-959
34	Resources Registrars Trading Reserve	Resources	-200	0	0	0	0	-200
35	Resources Human Resources Reserve	Resources	-426	138	0	0	138	-288
36	Equal Pay Reserve	Corporate	-19,509	0	0	4,500	4,500	-15,009
37	Insurance Reserve	Corporate	-11,485	0	0	1,500	1,500	-9,985
38	Performance Reward Grant Reserve	Corporate	-38	0	0	38	38	0
39	ER/VR Reserve	Corporate	-7,507	4,026	0	-6,164	-2,138	-9,645
40	Office Accommodation Project Support Reserve	Corporate	-77	0	0	77	77	0
41	Budget Support Reserve	Corporate	-30,000	340	0	0	340	-29,660
42	Office Accommodation Capital Reserve	Corporate	-31,731	144	0	0	144	-31,587
43	Inspire Programme Reserve	Corporate	-1,379	759	0	0	759	-620
44	Commercialisation Support Reserve	Corporate	-4,000	0	0	0	0	-4,000
45	Capital Reserve	Corporate	0	0	0	-2,000	-2,000	-2,000
46	Feasibility Study Reserve	Corporate	0	0	0	-500	-500	-500
	<b>Total Earmarked Reserves</b>		<b>-182,997</b>	<b>18,315</b>	<b>-8,720</b>	<b>-9,286</b>	<b>309</b>	<b>-182,688</b>
	<b>Cash Limit Reserves</b>							
47	Adult and Health Services		-8,238	36	-4,316	4,276	-4	-8,242
48	Children and Young People's Services		-1,248	0	2,663	-1,415	1,248	0
49	Regeneration and Local Services		-6,155	733	-1,360	3,357	2,730	-3,425
50	Resources		-2,231	98	-420	2,097	1,775	-456
51	Transformation and Partnerships		-415	227	-97	0	130	-285
	<b>Total Cash Limit Reserves</b>		<b>-18,287</b>	<b>1,094</b>	<b>-3,530</b>	<b>8,315</b>	<b>5,879</b>	<b>-12,408</b>
	<b>Total Council Reserves</b>		<b>-201,284</b>	<b>19,409</b>	<b>-12,250</b>	<b>-971</b>	<b>6,188</b>	<b>-195,096</b>
	<b>Schools' Balances</b>							
Sch 1	Schools' Revenue Balance	CYPS	-18,415	6,132	0	455	6,587	-11,828
Sch 2	DSG Reserve	CYPS	-4,734	5,397	0	-384	5,013	279
	<b>Total Schools and DSG Reserve</b>		<b>-23,149</b>	<b>11,529</b>	<b>0</b>	<b>71</b>	<b>11,600</b>	<b>-11,549</b>

**Cabinet**

**13 March 2019**

**Update on the delivery of the Medium Term  
Financial Plan 8**

Ordinary Decision



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**Report of Corporate Management Team**

**Lorraine O'Donnell, Director of Transformation and Partnerships**

**Councillor Simon Henig, Leader of the Council and all Cabinet  
collectively**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 This report provides an update on the progress made at the end of December 2018 on the delivery of the 2018/19 Medium Term Financial Plan (MTFP8)

**Recommendation**

- 2 Cabinet is recommended to note the contents of this report and the progress made in delivering MTFP8.

## **Background**

- 3 Cabinet has received regular updates on the progress made by the Council in delivering the financial targets within the MTFP since 2011/12.
- 4 MTFP8 savings were agreed by Council in February 2018 and set a savings target of just under £15 million. This brings the overall savings target for the period from 2011/12 to 2020/21 to circa £251 million. MTFP9 savings of just over £10 million were agreed by Cabinet in February 2019.

## **Progress to date**

- 5 The delivery of the MTFP is being managed with a very robust programme management approach being adopted to ensure we take into account:
  - (a) our duties under the Equality Act;
  - (b) appropriate consultation;
  - (c) the HR implications of the change including consultation with employees and trade unions;
  - (d) communication of the change and the consultation results;
  - (e) sound risk management.
- 6 Through this robust approach we continue to take in managing the programme to deliver the savings required, the plans for 2018/19 are being successfully delivered.
- 7 By the end of December 2018, 99% of the savings target for MTFP8 had already been delivered with in excess of £14.6 million of savings having been achieved. This brings the total to end of December 2018, since 2011 we have now made over £223.8 million of savings including Public Health.
- 8 Members have been advised of the careful planning and monitoring of the savings that is carried out, on occasions plans need to change which could delay when savings are made, but through the ongoing management of the process we are able to smooth out delivery of savings using cash limits, ensuring we haven't missed our overall savings targets. Assurance can however be given that the remaining 1% is expected to be achieved by the end of the financial year as planned.

- 9 During the last quarter cash limits to the value of £376,000 have been used to ensure that savings have been delivered. Assurances are in place that for future years, robust plans have been made for the recurrent savings which limits the use of these cash limits to the 2018/19 financial year.

## **Consultation**

- 10 There has not been any public consultation on MTFP (8) proposals in the last quarter.

## **HR Implications**

- 11 Equality data relating to staff leaving through voluntary redundancy, early retirement and ER/VR during the first three quarters of MTFP8 showed that 81% were female and 19% were male. In terms of race, 24% of leavers had not disclosed their ethnicity and the remaining 76% stated that they were white British. Regarding disability status 4% said they had a disability, 32% had no disability and 64% did not disclose their disability status.
- 12 The numbers of those leaving through compulsory redundancy are too low to effectively analyse.

## **Equality Impact Assessments**

- 13 Equality impact assessments (EIA) form a key part of the ongoing MTFP process. A number of initial screenings for new savings and updated EIAs for ongoing savings were provided to Cabinet ahead of the budget setting decision in February 2018 and will continue for those identified for MTFP9. EIA's are updated regularly throughout the year to take account of consultation responses and additional evidence and progress against the savings; the updates also include information on any mitigating actions.
- 14 The impact assessments and action plans are considered during decision making processes, for example, updated EIAs are provided where Cabinet receives a report ahead of consultation and where a further report is received with any final recommendations.

## **Developing a New Approach**

- 15 MTFP savings are monitored and managed through a recognised and robust approach utilising service based savings targets and associated project plans for their delivery.
- 16 Through the Transformation Programme, a number of savings for future years will become more Council Wide and non-service specific due to cross cutting nature of both efficiency and income generation. In order to accommodate the changing nature of the savings, the way in which

savings will be monitored and managed will be refreshed for 2019/20 to include an additional element relating to Council Wide initiatives and progress towards their achievement. The process will remain transparent and robust with regular updates to cabinet on progress.

## **Conclusion**

- 17 We are continuing to plan on the basis that the government's austerity plan will continue for several more years. The Council remains in a strong position to meet the ongoing financial challenges through an updated and refreshed robust programme management process.
- 18 For MTFP8 the council has already delivered in excess of £14.6 million of the savings required (99%) and in total we have delivered over £223.8 million in savings since 2011.
- 19 Future MTFP monitoring will include an additional element to monitor progress against Council Wide Transformation based efficiency savings and income targets.

## **Recommendation**

- 20 Cabinet is recommended to:
  - (a) note the contents of this report and the progress made in delivering MTFP8.

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**Contact:** Andy Palmer

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## **Appendix 1: Implications**

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### **Legal Implications**

The legal implications of any decisions required are being considered as part of the delivery of the proposals.

### **Finance**

The delivery of the MTFP involves cumulative saving of approximately £251million over the period from 2011 to 2021 of which over £223.8 million has been delivered to date.

### **Consultation**

A full consultation with a range of stakeholders was undertaken on the MTFP prior to its agreement and again in 2013 and 2018. In addition, where appropriate for individual proposals, internal and external consultation plans are developed so that consultation informs the decision making process.

### **Equality and Diversity / Public Sector Equality Duty**

An Equality Impact Assessment (EIA) was undertaken for the original 4 year MTFP plan and additional screening was undertaken for proposals which have been identified for subsequent MTFPs, together with any other changes made to the original plan. In addition, for each proposal an EIA is undertaken as part of the decision-making before the proposal is implemented.

### **Human Rights**

N/A.

### **Crime and Disorder**

N/A.

### **Staffing**

Where the proposals affect staff, full consultation is undertaken and the trade unions consulted. Wherever possible, staff reductions are done through voluntary means. In addition, there has been a proactive management of vacancies to lessen the impact on staff and the Council has a redeployment process which continues to find alternative employment for a number of staff.

### **Accommodation**

As proposals are planned the impact on accommodation is ascertained, with staff being consulted on any moves as part of the process. The loss of over 2,800 posts from the Authority will mean a requirement for less

accommodation and the Office Accommodation Team has built this into the Office Accommodation Strategy.

### **Risk**

The delivery of the MTFP is highlighted as one of the Council's strategic risks and is monitored through the corporate risk management process. In addition, risks for individual proposals are being monitored through the work undertaken to deliver the proposal.

### **Procurement**

A number of the proposals involve the changing of existing contracts and this work is being taken forward through the Council's agreed procurement processes.

**Cabinet**

**13 March 2019**

**Quarter Three 2018/19  
Performance Management Report**

**Ordinary Decision**



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**Report of Corporate Management Team**

**Lorraine O'Donnell, Director of Transformation and Partnerships**

**Councillor Simon Henig, Leader of the Council**

**Electoral division(s) affected:**

Countywide.

**Purpose of the Report**

- 1 To present progress towards achieving the key outcomes of the council's corporate performance framework.

**Performance Report for quarter three, 2018/19**

- 2 The performance report for quarter three, 2018/19 is attached at Appendix 2. It is structured around a set of key questions aligned to the six priority themes of the Altogether framework and includes the key performance messages from data available this quarter along with visual summaries and data tables for each priority theme.

**Future Performance Reporting**

- 3 As our current vision, which forms the basis of this performance report, is over nine years old and many of the original aims have been achieved, we are developing a new set of proposed ambitions that better reflect the needs and opportunities of County Durham. Consequently, from quarter one, 2019/20, the format and content of this performance report will change to align it to the new vision.

## Executive summary

4 Key performance messages for quarter three, by priority theme:

### **Altogether Wealthier**

- (a) The medium-term employment rate remains positive and there are early indications of further improvement, although productivity in the county remains sluggish and is constrained by relatively large numbers of people of working age on state benefits or with low earnings. Inward investment into the county is continuing (£17 million during quarter three) and an estimated £1.5 million in economic benefit was realised from our four latest tourism and cultural events (Tour Series, Brass Festival, Book Festival and North Pennines Stargazing Festival). Turning to housing, as fewer households than anticipated contacted us through 'duty to refer', we have enhanced communications to ensure all relevant public bodies are aware of their obligation to refer those who are homeless or threatened with homelessness to Housing Solutions.

### **Altogether Better for Children and Young People**

- (b) Finalised data have confirmed educational improvements across all key stages. However, we remain concerned by the widening gap between disadvantaged and non-disadvantaged pupils in GCSE attainment, and the proportion of secondary schools rated as 'requires improvement' or 'inadequate'. There have been improvements in children's social care but vulnerabilities remain in relation to some staff caseloads remaining high and inconsistencies in the quality of casework. The implementation of our new case management system (Liquid Logic) is positive and will support further improvement. We have noted variation in the under-18 conception rate across the county and have implemented a new Teenage Pregnancy Prevention Framework to address this.

### **Altogether Healthier**

- (c) 44% of children and young people are physically active, but there is evidence that inactivity and poor nutrition are leading to unhealthy weight gain for some children, with more than 37% of all 10-11 year olds now at an unhealthy weight. Although smoking prevalence is better than both the England and regional average, mothers smoking at time of delivery remains a concern. A smoking in pregnancy steering group has been established to reduce smoking in pregnancy to 6% by 2022. To reduce the suicide rate across the county, which is worse than both the regional and England averages, a new suicide prevention action plan is now in place which includes; an early warning system to

flag up people at risk, review of the referral processes and out-of-hours crisis provision, and an audit of the support provided by the community and voluntary sector.

### **Altogether Safer**

- (d) The change in crime recording practices continues to impact the crime and anti-social behaviour (ASB) levels, as many incidents previously recorded as ASB are now recorded as crimes. Overall crime levels have increased, but reported anti-social behaviour incidents have decreased by a similar number. Although our substance misuse service was rated as 'requires improvement', the Care Quality Commission also recognised many areas of good practice. A rise in recorded domestic violence incidents of 6% has been noted if compared with 2017 and is being further investigated; improvements in support have been made with Operation Encompass (addressing the impact of domestic abuse on children) now in every County Durham school.

### **Altogether Greener**

- (e) The slight increase in reported enviro-crime is due to increases in litter, graffiti and most notably bonfires. There were fewer reported fly-tips. Although there has been an increase in household waste re-used, recycled or composted, we are concerned about the level of contamination (especially plastic bags) in the waste. Our strategy towards single use plastics has now been finalised and we are assessing the implications of the newly released Resources and Waste Strategy for England. We continue our flood prevention programme with a £6 million investment to open up a 90 metre stretch of the Cong Burn below the market place at Chester-le-Street.

### **Altogether Better Council**

- (f) Attendance management is performing better than target, but remains a focus. We are tackling the main causes, 'musculo-skeletal' and 'mental health' problems, through targeted interventions and the implementation of specific actions across the authority. Our new performance appraisal scheme is underway, and now includes the offer of a coach or mentor. The appraisal also requires a discussion on health and wellbeing. We are working toward gold award status (better health at work) with the launch of a new employee health and wellbeing survey in early 2019. We continue to develop our Customer Relationship Management (CRM) system to enhance customer experience, with more services becoming available online, including the ability to book, cancel and amend appointments at our Customer Access

Points, more customers utilising digital channels and the launch of a Member Portal. The Freedom of Information (FOI) request backlog has now been cleared and we have introduced a more streamlined sign off process.

## **Risk Management**

- 5 Effective risk management is a vital component of the council's agenda. The council's risk management process sits alongside our change programme and is incorporated into all significant change and improvement projects. Appendix 3 summarises key risks in delivering the ambitions for each priority theme and how we are managing them.

## **Recommendation**

- 6 That Cabinet:
- (a) considers the overall position and direction of travel in relation to quarter three performance, and the actions being taken to address areas of underperformance.
  - (b) discusses measures which have not progressed accordingly and determine if further action to improve performance, including further analysis or reviews, is required.

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**Contact:** Jenny Haworth

Tel: 03000 268071

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## **Appendix 1: Implications**

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### **Legal Implications**

Not applicable.

### **Finance**

Latest performance information is being used to inform corporate, service and financial planning.

### **Consultation**

Not applicable.

### **Equality and Diversity / Public Sector Equality Duty**

Equality measures are monitored as part of the performance monitoring process.

### **Human Rights**

Not applicable.

### **Crime and Disorder**

A number of performance indicators and key actions relating to crime and disorder are continually monitored in partnership with Durham Constabulary.

### **Staffing**

Performance against a number of relevant corporate health indicators has been included to monitor staffing issues.

### **Accommodation**

Not applicable.

### **Risk**

Reporting of significant risks and their interaction with performance is integrated into the quarterly performance management report.

### **Procurement**

Not applicable.

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*Altogether better*

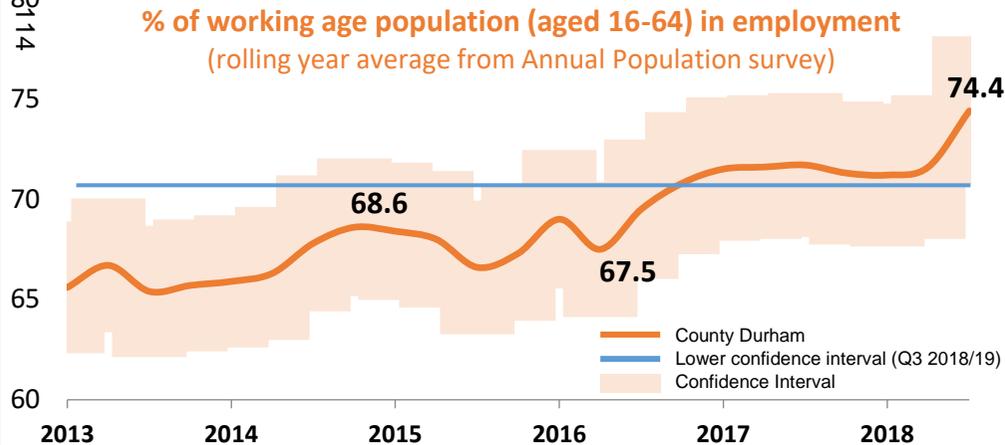


# Durham County Council Performance Management Report

## Quarter Three, 2018/19



Page 14  
Do residents have good job prospects?



**Key employment stats for the county**

<b>79.3%</b>	male employment
<b>69.8%</b>	female employment
<b>73.5%</b>	of employed people work in the private sector
<b>28.0%</b>	of employed people work part-time
<b>56.9%</b>	employment in 16 to 24 age group
<b>85.0%</b>	employment in 25 to 49 age group
<b>67.2%</b>	employment in 50 to 64 age group
<b>9.5%</b>	employment in 65+ age group
<b>82.9%</b>	employment rate for those without a disability
<b>49.4%</b>	employment rate for those with an Equality Act core or work limiting disability

❖ Additional employment rate information available [here](#)

**Work and Health Programme**

*For those prevented from working due to a health condition*

Throughout 2018,

- **794** referrals received
- **582** people engaged
- **80** people moved into full-time employment

**North Durham Assist and South Employability Mentoring**

*Services to help people aged 25+ into employment / start their own business.*

Launched during quarter, and to date,

- **39** people engaged
- **5** people moved into employment

**Wheels to Work (W2W)**

*Moped loan scheme to help people into employment, education or training that would otherwise be inaccessible due to poor transport connections or out-of-hour work*

Since 2016 launch, **89** people helped,

- **74** into employment
- **12** into apprenticeships
- **3** into education

Area Action Partnership funded until June 2019. Looking at other funding sources to retain the scheme and expand countywide

## **Altogether Wealthier**

- 1 The priority theme of Altogether Wealthier is structured around the following five key questions:
  - (a) Do residents have good job prospects?
  - (b) Is County Durham a good place to do business?
  - (c) Do residents have access to decent and affordable housing?
  - (d) Is it easy to travel around the county?
  - (e) How well do tourism and cultural events contribute to our local economy?

### **Do residents have good job prospects?**

- 2 Since quarter two, the employment rate has increased by 2.8 percentage points and is above the 73% target in the Regeneration Statement. However, as the rate is an estimate from a sample survey it is possible that this increase is due to random sample variation, although the increase does remain within the estimated confidence intervals (+/- 2.9%). We will know if this is the case at the next data release in April.
- 3 The employment gap across County Durham between those with an Equality Act core or work limiting disability and those without a disability increased from 37 percentage points in 2014 to 46.6 percentage points in 2016. However, this has now fallen to 33.5 points, while the national gap has remained stable at around 27 points.

### **Is County Durham a good place to do business?**

- 4 County Durham has historically suffered from the lower wage economy compared to national averages and has the fifth lowest GVA per filled job in its peer group areas in the North East of England (out of seven NE areas<sup>1</sup>), when comparisons of productivity are made. Productivity in the county continues to rise at a similar rate to regional and national productivity growth, while still being constrained by the relatively large number of persons of working age in the county on state benefits and low earnings (compared nationally). However, it still remains below UK productivity levels by 14.6%.
- 5 During quarter three, five inward investment projects, valued at more than £17 million, came to fruition. These projects include VBites, which has purchased the

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<sup>1</sup> Productivity comparisons are calculated using Nomenclature of Territorial Units for Statistics (NUTS), this is a hierarchical classification of administrative areas, used across the European Union (EU) for statistical purposes. Further information is available on the [Office for National Statistics](https://www.ons.gov.uk) website.

former Walkers crisp factory at Peterlee and intends to create 300 jobs, and a plastic recycling plant for Biffa in Seaham.

- 6 'Finance Durham', which helps deliver business and economic growth across the county by supporting Small and Medium-sized Enterprises (SMEs) struggling to access the growth finance needed to develop their businesses, completed three investment deals. Dyer Engineering, based at Annfield Plain, received £750,000 to support its growth plans and exploit new business opportunities. Parsons Containers, based at Sedgfield, received £500,000 to support its growth plans, enhance its digital presence and support the business to open four new sites for its self-storage brand 'U hold the Key'. G20 Water Technology received £200,000 to help increase its Research and Development facilities at its laboratory at NETPark.
- 7 During quarter two, Business Durham applied to the European Regional Development Fund (ERDF) for a £6 million capital grant. This application has now been approved and will provide grants of up to 40% to businesses investing at least £100,000 in capital equipment or new premises to support their growth.
- 8 Due to ERDF funding, businesses which have been trading for less than 12 months can now apply for funding of up to £10,000 (previously £2,500) through the 'Durham City Incubator', an initiative with Durham University and New College Durham for business owners and entrepreneurs across the County. This is in addition to a six-month programme of support, advice and training to help the new businesses thrive.
- 9 During quarter three, in advance of a showcasing event for engineering and manufacturing companies (EMCON 2018), 21 small and micro businesses from across the county accessed 'The Incubator Zone', a support package for first time exhibitors. The support package included help and advice on exhibiting at large events as well as basic exhibition materials, designed and printed ready for the show.
- 10 Business Durham has launched its 'Powered by People' campaign, the objective of which is to give businesses, influential developers, employers and partners, the ability to promote County Durham and grow business and jobs across the county. The council, with Durham University, hosted a regional business event on 31 January, bringing together businesses, key partners and groups from across the county and wider North East to look at the role of the North East in delivering the UK economy.
- 11 We also launched the annual Future Business Magnates competition, themed 'Made in County Durham, sold to the world'. Pupils from local schools will develop a product or service that can be made using skills found within the county and exported around the world. The competition will be judged by Business Durham in July.

- 12 December saw the return of 'free after 3pm' for all council owned parking. The initiative, now in its sixth year, encourages people to shop locally and support local businesses during the festive period. In addition, to support 'Small Business Saturday' on 1 December, all council owned parking was free after 10am.

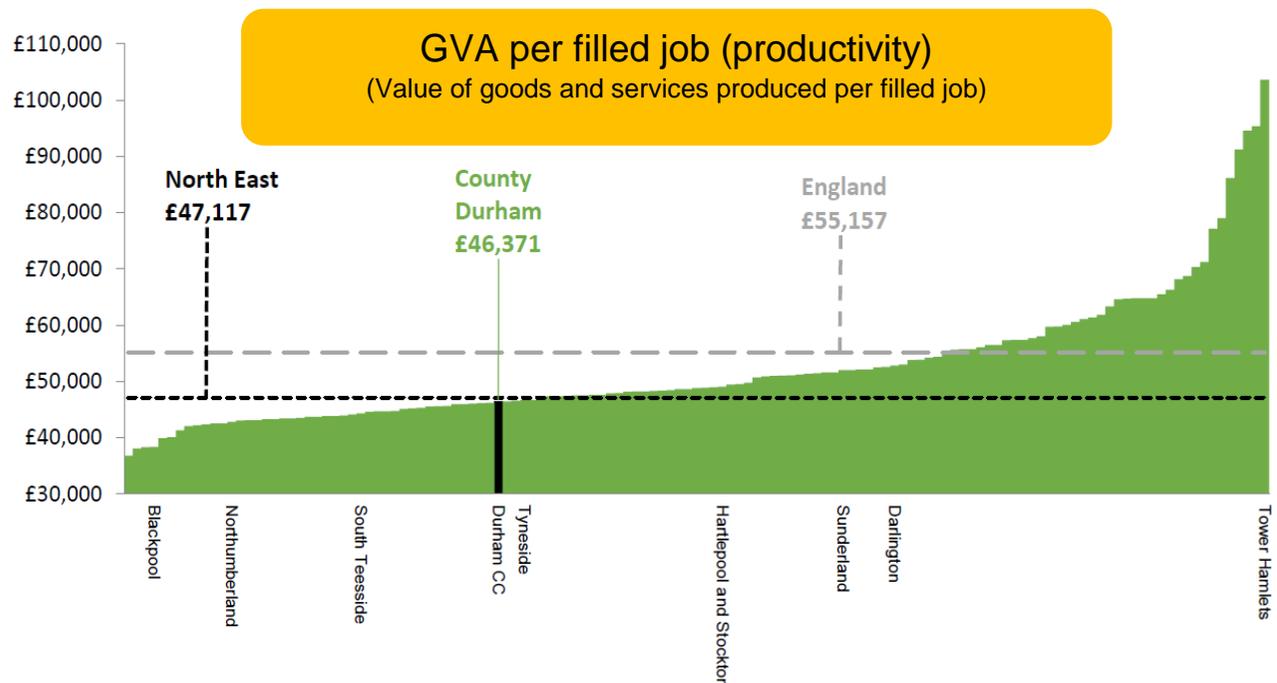
### **Do residents have access to decent and affordable housing?**

- 13 The duty to refer, a statutory obligation on certain public bodies such as the NHS or the police to refer those who are homeless or threatened with homelessness to Housing Solutions, was introduced in October 2018. Consequently, we expected an increase in the number of households accessing Housing Solutions during quarters three and four. However, this was fewer than anticipated (87 clients). We will enhance our communications to ensure public bodies are aware of and adhering to the duty.
- 14 We are consulting on both the Housing Strategy and Homelessness Strategy, alongside the County Durham Plan, until 8 March.
- 15 We are preparing a business case to widen selective licensing across the county. If approved, this will require private landlords to obtain a licence for each of their properties. Licensing should lead to improved housing standards, reliable longer-term tenancies, fewer empty properties, reduced anti-social behaviour and reduced homelessness.
- 16 Our partnership with Keepmoat Homes has delivered almost 2,000 homes since its establishment in 2001.

### **Is it easy to travel around the county?**

- 17 Our Strategic Cycling and Walking Delivery plan for 2019-2029 has now been approved by Cabinet. The plan is supported by a five-year action plan which will be translated into a work programme, so progress can be monitored.
- 18 Initial work on the new £10 million railway station at Horden is due to start during February with the station expected to open to passengers in spring 2020.

Is County Durham a good place to do business?



County Durham	↑ £38,575 (2009) ↑ <b>£46,371 (2017)</b>
National	↑ £46,276 (2009) ↑ <b>£55,157 (2017)</b>
Comparison	Co. Durham +20% ★ National +19%

❖ An explanation of how GVA per filled job is calculated can be found [here](#)

County Durham Plan

Changes made following the most recent consultation include;

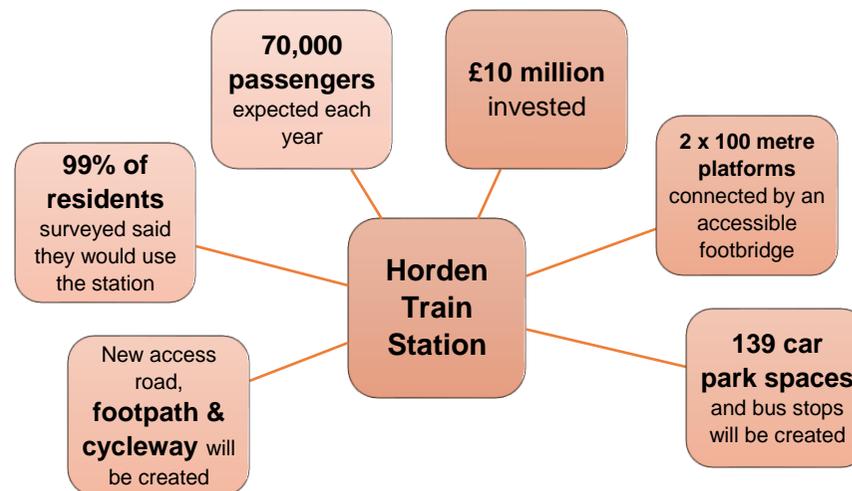
- fewer proposed housing sites (43 to 28)
- safeguarding two potential routes for a possible Northern Relief Road
- more flexibility in town centre policy, recognising the full spectrum of town centre uses

We are now consulting on the pre-submission draft of the Plan until 8 March 2019.

Business Durham Activity		Compared to Q2
<b>5</b>	inward investments secured	↑ 4
<b>£17m</b>	value of inward investments	
<b>£6m</b>	ERDF grant approved	
<b>84%</b>	Business Durham floor space occupied	↑ 1.4pp
<b>765</b>	jobs created (472) or safeguarded (293)	↑ 192%
<b>£19.2m</b>	GVA from jobs created/safeguarded	↑ 11.5m

3. Do residents have access to decent and affordable housing? 4. Is it easy to travel around the county?

Decent and affordable housing (Oct-Dec 18)		Compared to Q2
411	Properties improved / adapted / brought back into use	↓ 12%
2,929	households accessed Housing Solutions	↓ 6%
269	households helped to stay in their homes through homelessness prevention work	↓ 7%
336	households helped to move to alternative accommodation	↑ 21%



Eden Field  
Newton Aycliffe

- Phase three completed
- 94 new properties;
  - 69 completions
  - 12 affordable homes
  - 13 lets



Chester-le-Street

- In partnership with Keepmoat Homes, we have begun work on a 78 home residential development.
- includes affordable homes for rent and sale

Cycling and Walking Delivery Plan 2019-29

Actions include:

- Requiring new developments and roads to include cycling and pedestrian routes
- Completing construction of the Great North Cycleway
- Constructing Cycling Super Routes linking key settlements within 5 miles of Durham City.
- Implementing practices that enforce safety and attractiveness of cycling / walking
- Supporting 20mph zones
- Encouraging installation of cycle parking and electric charging points within easy reach of workplaces.
- Providing Health Walks for adults (Walk Durham)

## **How well do tourism and cultural events contribute to our local economy?**

- 19 Durham Town Hall is now open to visitors every Saturday from 10am to 3pm, to showcase its heritage, its collections and its history. During the first three months of its opening, there were 942 visitors.
- 20 Lumiere Durham, which is set to return in 2019 to celebrate its 10-year anniversary, was awarded 'Best Creative Lighting Event' at this year's darc awards which celebrates the best in lighting design from across the world.
- 21 Plans to create a new history centre bringing together archive and heritage services for the county have been approved. County Durham and Darlington's archives will be housed alongside Durham's historic registration records, environment and archaeology records, local studies collection and the DLI collection. Construction on the new History Centre, including restoration and refurbishment of the Grade II listed Mount Oswald Manor, is expected to start 2020 and the multi-use venue where visitors can access collections, talks and behind the scenes tours will be fully open during 2022.

# ALTOGETHER WEALTHIER

## 5. How well do tourism and cultural events contribute to our local economy?

### North Pennines Stargazing Festival



<b>£118,748</b>	estimated economic benefit
<b>1,512</b>	people attending (↑ 50% from 2017)
<b>30</b>	events held from 20 October-4 November
<b>25%</b>	of festival goers stayed overnight (↑ 7% from 2017)
<b>4.4</b>	average number of nights stayed
<b>£8.50</b>	ROI for every £1 spent

**14,834**  
people attended heritage open day events in September 2018

↑ **15%**  
compared to the previous year

### 2018 Tour Series (May 2018)

- **10,000** visitors
- **£326,471** gross expenditure impact
- **£158,036** net visitor expenditure
- **£144.03** average spend per 24 hours by overnight visitors (13% of visitors stayed overnight)
- **£81.03** average spend by day visitors



### Brass Festival (July 2018)

- **23,757** visitors
- **£492,383** net visitor spend
- **£23.88** average individual spend
- **£873,732** total net economic impact
- **£115,000** DCC investment
- **760%** ROI



### Durham Book Festival (October 2018)

- **7,983** visitors
- **£104,868** net visitor spend
- **£548,256** total net economic impact
- **£75,000** DCC investment
- **731%** DCC ROI



**280**  
tourism businesses are participating in the Scheme

↑ **64**  
businesses compared to Q3 2016/17 (30%)

**82%**  
retention rate

**179**  
renewals

**101**  
new partners



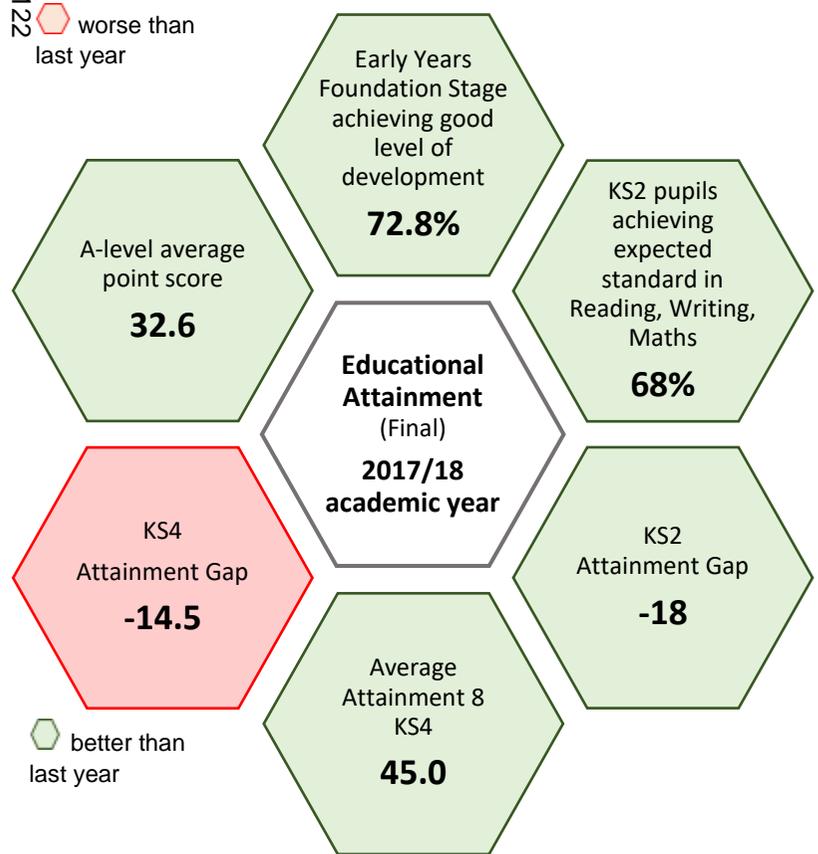
**3,384**  
visitors from Apr–Oct 2018

### Binchester Roman Fort

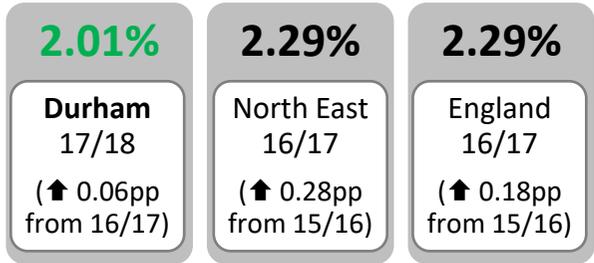
Major enhancements include:

- installation of electricity to allow modernisation of the ticketing system and the extension of the opening season.
- a new timber building to protect the Roman Bath House.

**Are children, young people and families in receipt of (1) universal services and (2) early help services appropriately supported?**

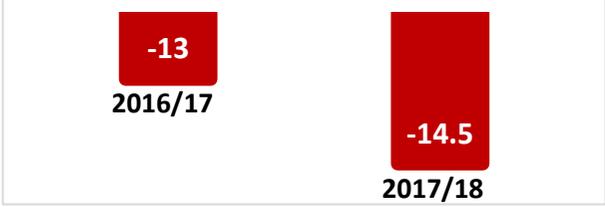


**% of children with at least one fixed term exclusion**

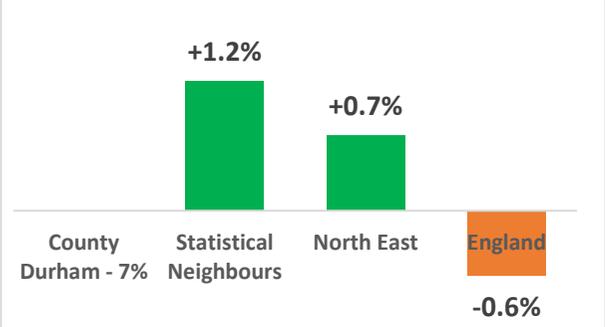


\*provisional

**Disadvantaged County Durham pupils Attainment 8 score compared to non-disadvantaged pupils in England**



**% of County Durham 16-17 year olds who are NEET/NK - comparison**



Click [here](#) for the relationship between **secondary school Ofsted ratings and indices of deprivation**.

Schools judged **good or outstanding** (as at 31 December 2018)



**Education Health & Care Plans**

**84%** plans issued within 20 week timescale

Improvement on last year, but not achieving target

- For the first time in two years, under 18 conceptions increased; to 190 (Oct 16-Sep 17) from 181 in the same period last year
- Rate of teen pregnancy is lower than in North East but higher than in England

**Teenage Pregnancy Prevention Framework**  
 is encouraging healthy relationships

**2,134** cases open to **One Point** (as at 17 October 2018)

**93%** of **One Point** assessments completed within 45 working day timescale (Apr-Sep 2018)

## **Altogether Better for Children and Young People**

- 22 The priority theme of Altogether Better for Children and Young People is structured around the following four key questions:
- (a) Are children, young people and families in receipt of universal services appropriately supported?
  - (b) Are children, young people and families in receipt of early help services appropriately supported?
  - (c) Are children, young people and families in receipt of social work services appropriately supported and safeguarded?
  - (d) Are we being a good corporate parent for looked after children?

### **Are children, young people and families in receipt of universal services appropriately supported?**

- 23 Final data confirms our attainment 8 score for state-funded schools, which measures pupil achievement across eight different subjects, as 45.0. Whilst this has improved from 44.6 last year, evidencing a positive direction of travel, it is below the national average for state-funded schools (46.4) and places the county in the third quartile of all local authorities. The data also identifies a widening gap between our disadvantaged pupils and non-disadvantaged pupils nationally. County Durham's disadvantaged pupils did however achieve the second-highest attainment 8 score of all disadvantaged pupils across our regional neighbours in 2018.
- 24 Work is ongoing regarding exclusions. We have agreed with Head Teachers that once a school has taken in the equivalent of 1% of pupils within a year group, they will not be required to take any more pupils who have been permanently excluded or who have had two or more managed moves.
- 25 The proportion of secondary schools in the county rated as 'requires improvement' or 'inadequate' by Ofsted remains a concern, with an additional school (The Hermitage Academy) rated as 'inadequate' this quarter. It should be noted that latest published data identifies almost three-quarters of secondary pupils in County Durham (72%) are taught in 'outstanding' or 'good' secondary schools, which remains above the regional average (67%). Ofsted announced plans to overhaul school inspections so greater focus is given to the quality of education<sup>2</sup>. Consultation regarding the proposed changes to the education inspection framework closes 5 April 2019.
- 26 The government is reviewing safeguarding and contact with electively home educated children. It is being proposed nationally that parents who choose to

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<sup>2</sup> [Ofsted consultation](#) (Sep 18–Apr 19)

educate their children this way must register their child's details with their home local authority, including information on the education being provided. Our Children's scrutiny committee has scheduled a local review on elective home education as part of their work programme.

- 27 We are developing a new Special Educational Needs and Disability (SEND) Strategy, based on feedback from people across the county who have SEND. The strategy sets out where we would like to be four years from now and is accompanied by a one-year action plan.
- 28 During quarter three, 4.5% of County Durham young people aged 16-17 were recorded as not in education, employment or training (NEET). However, this figure cannot be reviewed in isolation due to the proportion of this age group whose destination is not known (NK). As some are likely to be NEET, the two cohorts (NEET and NK) must be considered together.
- 29 NEET young people aged 16-24 in County Durham are offered support from DurhamWorks (an European funded, Durham County Council led partnership programme). As of the end of December 2018, the programme had offered support to 5,292 verified participants. 2,792 young people have completed the DurhamWorks programme, with 2,513 (90.0%) progressing to education, employment, training, gaining a qualification or receiving an offer of education employment or training.

### **Are children, young people and families in receipt of early help appropriately supported?**

- 30 As at 31 December 2018, 6,923 families were attached to the Stronger Families Programme, which is much higher than the original programme target of 4,360 by May 2020. To date 1,730 families (40% of our target) have achieved significant and sustained outcomes as described in the County Durham Family Outcome Framework, with an additional 364 families awaiting certification (which would increase the number to 2,094, 48% of our target).
- 31 We recently submitted our first Stronger Families Earned Autonomy assurance update to the government which was followed by a monitoring visit on 4 February 2019. Early Help services are available across the whole county but as part of stronger families pilots, we are setting up 'Early Help Panels' within three localities identified as having high demand for both statutory children's services and early help, as well as specific issues such as school readiness, school attendance and exclusions.
- 32 The panels will ensure key early help services such as schools, child health and the voluntary and community sector work closely in a co-ordinated and effective way. We will also co-ordinate evidence-based interventions such as Family

Network meetings, Family Group Conferencing and targeted parenting and empowerment programmes. Best practice will be rolled out to other parts of the county.

- 33 Variation in the under-18 conception rate across the county (some wards are consistently 20% higher than the countywide average) has led to the implementation of a Teenage Pregnancy Prevention Framework. The framework aims to prevent unplanned pregnancy and develop healthy relationships by co-ordinating preventative interventions such as a mobile sexual health service, young person's portal, relationship sex education (RSE) programmes and the young parent pathway.
- 34 We are also supporting secondary schools to review their RSE provision, so it can be accessed by all pupils in an educational setting. From December 2018, we have been supporting primary education, particularly in relation to the transition between Key Stages two and three, and a greater emphasis will be placed on vulnerable groups and developing networks to support more schools.

### **Are children, young people and families in receipt of social work services appropriately supported and safeguarded?**

- 35 As at 3 January, our statutory social work teams were supporting more than 3,800 children, including 434 children on a child protection plan and 839 looked after children.
- 36 In early January, we received a focused visit from Ofsted. Inspectors recognised our improvement journey, the improvements we have made and the impact this is starting to make. They told us that we have good understanding of our challenges, appropriately focused improvement plans and good support from the council. They recognised that the pace of change has stepped up over recent months and that we need to continue to maintain and increase this pace of change. We will continue to implement the changes we have planned as well as addressing any additional recommendations following the focused visit<sup>3</sup>.
- 37 We have noted a recent increase in statutory re-referrals and are undertaking further analysis to determine the reasons for this. An update will be provided at year-end.
- 38 The council's child protection processes continue to be closely monitored. The proportion of an Initial Child Protection Conferences (ICPCs) held within 15 days of

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<sup>3</sup> [Ofsted focused visit summary](#) (10-11 January 2019)

a strategy meeting is a concern. The number of Section 47 investigations<sup>4</sup> remains relatively high historically but has stabilised this financial year following sharp increases between 2015/16 and 2017/18.

- 39 These concerns reflect the complexity of our case work and the additional demand on social workers and independent reviewing officers. We are to review the child protection conference process and an additional two Independent Reviewing Officers are to be appointed.
- 40 Social worker caseloads remain a priority issue, mainly within our Families First Teams. Actions are in place to address this issue by improving case progression and recruiting and retaining staff. These include: expanding the Integrated Clinical Service (ICS), introducing social work assistants, increasing staffing in the Supervised Contact Service, recruiting an additional 12 newly qualified social workers, creating a new enhanced social work practitioner grade for 12 posts.
- 41 The introduction of a Recruitment and Retention Allowance for 'hard to fill' social worker posts should reduce agency workers across the Families First Teams by encouraging people to apply for permanent roles within the council.
- 42 Following our 2016 Children's Services Ofsted inspection, we received a recommendation to 'continue with the plan to review existing recording systems to ensure that children's case records are organised in such a way that they present a coherent, accurate and easily accessible picture of a child's journey'. Our new case management system (Liquid Logic) successfully went live on 1 February 2019. It provides a much-enhanced system to support staff practice and allows high quality recording of every child's journey. The initial implementation was very positive, but much work remains to fully realise the benefits of it in work practices.

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<sup>4</sup> If we have reasonable cause to suspect that a child who lives, or is found, in our area is suffering, or is likely to suffer, significant harm, we carry out a Section 47 investigation to determine whether any action should be taken to safeguard that child.

# ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE

## 3. Are children, young people and families in receipt of social work services appropriately supported and safeguarded?

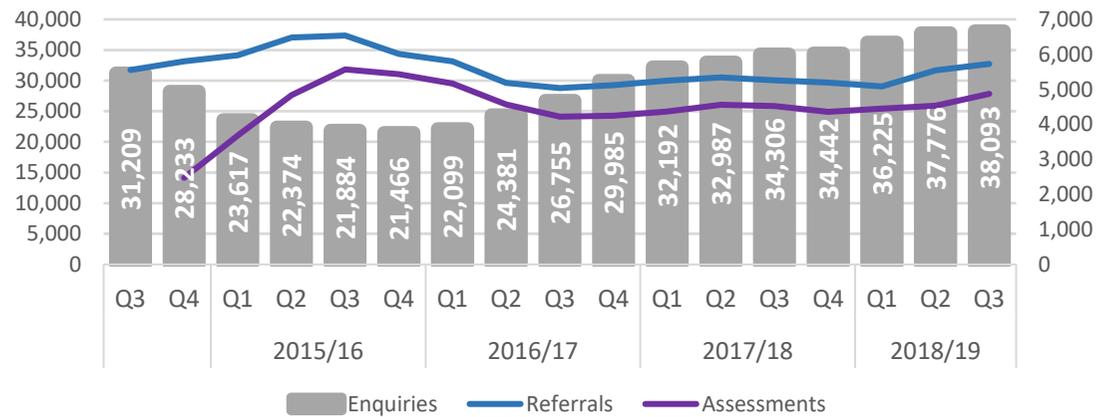
Journey of a child

**11%** increase in enquiries compared to Dec 2017

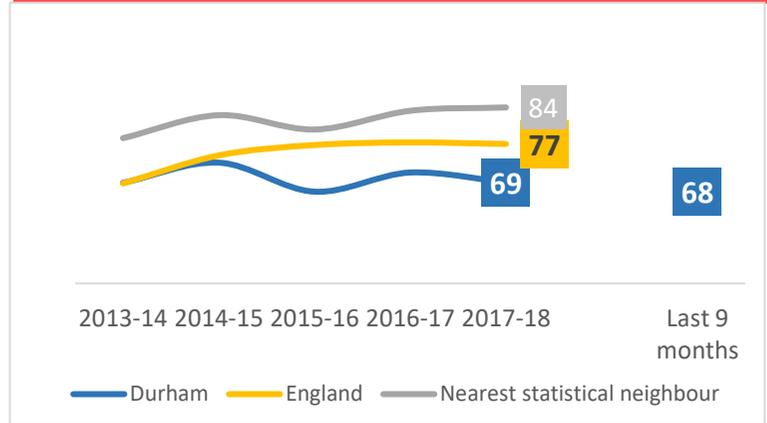
**9%** increase in referrals compared to Dec 2017

**8%** increase in single assessments compared to Dec 2017

Enquiries, Referrals and Assessments (rolling 12 months)



### % of Initial Child Protection Conference's held within 15 days of a Section 47 investigation beginning



Number of children on a Child Protection Plan (CPP)



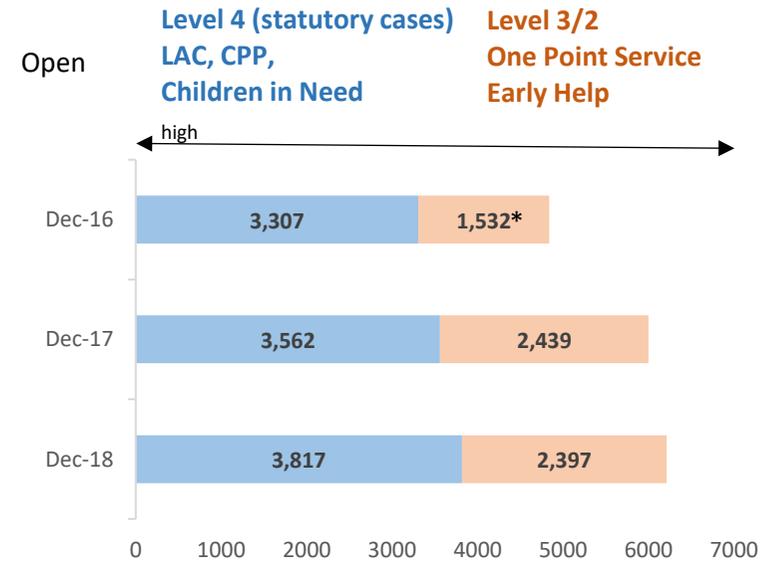
**20% fewer** children on a CPP than Dec 2017

**Statutory case file audit: Score of 6 or above**

**80%** 40 of 50 case files given a scaling score of 6 or above. Achieved target (80%).



### Number of children by level of need



\* 2016 One Point data not comparable due to the data transfer

Page 128  
 . Are we being a good corporate parent to Looked After Children (LAC)?

Number of LAC

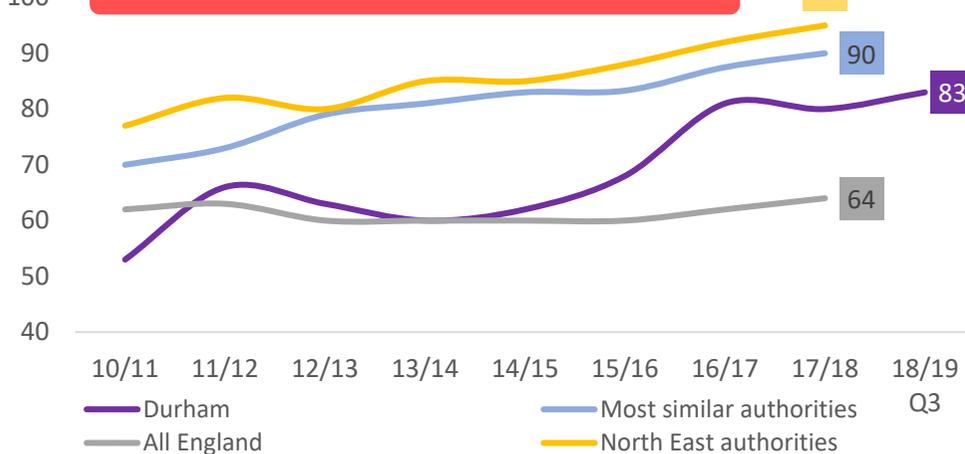


% of children looked after continuously for 12 months or more who had:



The Local Authority has successfully slowed the increase in LAC to just over 800: over the last 21 months there has been a 3% increase compared to 32% the two years prior to that.

Rate of LAC per 10,000 population under 18



Our LAC rate is **lower** than regional and most similar authority averages, but higher than national average.

South Durham is one of four designated family judge areas in the country meeting the 26 week care proceedings target.

Click [here](#) for more information about average duration of care applications (Section 31) by Designated Family Judge area in England.



**207** foster carer enquiries received (Apr-Dec 18)

Foster care recruitment drive in January 2019

Fostering & Adoption

- **Fewer** children adopted from care
- Campaign to recruit new adopters continues
- Fewer children in **foster care**
- **Fewer** looked after children in **external residential placements**

## **Are we being a good corporate parent to Looked After Children (LAC)?**

- 43 The current number of LAC is high by historical standards, but growth has slowed over the last couple of years. In the two years between March 2015 and March 2017, the number of LAC increased by 32% but in the 21 months since then the number increased by 3%.
- 44 The regional Association of Directors of Children's Services is investigating increases in LAC. Local analysis is also scheduled to take place and will incorporate age profiles, length of time they are looked after and reasons for ceasing to be looked after. The local and regional increases mirror trends seen elsewhere across the country.
- 45 The confirmed high rate of LAC has impacted upon the stability of placements. Some placement moves are because it will be positive for the child, others are due to the rise in numbers, complexity of children in care, loss of support services, increases in emergency placements and placement breakdowns. Our Placement Stability Strategy aims to address these issues and an action plan is being developed.
- 46 We are continuing our foster care recruitment campaign to increase in-house capacity. Our January campaign aimed to take advantage of the increased interest in fostering seen in January on an annual basis.
- 47 We feel that care proceedings take too long for some children. Children and Family Court Advisory Support Service (CAFCASS) data identifies variance in performance between the North and South courts which we use. Children's Social Care continue to work closely with the council's Legal Team to ensure the best outcomes for children in the most efficient and effective way. The average number of weeks for care proceedings in Durham remains lower than the England average.
- 48 We are continuing to work jointly with colleagues in County Durham and Darlington NHS Foundation Trust to ensure initial health assessments are undertaken within 20 days of a child becoming looked after. Workshops have been held with council and health colleagues to review the process.
- 49 Fewer children were adopted in the year to date than last year and we are continuing to focus upon our Adopter Recruitment Strategy. There is a lot of activity ongoing with potential adopter assessments, second-time adopters coming forward, and nine completing training in January and 14 starting. Training is also booked for new adopters in March and June. Work is also progressing on developing Foster to Adopt arrangements for five children. Development of a new training programme is ongoing in line with the development of the Regional Adoption Agency (RAA).

# ALTOGETHER HEALTHIER

## 1. Are our services improving the health of our residents?

### Smoking Quitters (Apr-Sep 2018)

**1,104** supported to quit via SSS

Did not meet target **1,150** ✘

fewer than last year **1,315** ↓

### % of mothers smoking at time of delivery



### Suicide Rate (2015-17)

**12 per 100,000 pop'n (166 people)**

- Slight decrease since 2014-16 ↓
- Worse than England average (9.6) ✘
- Worse than NE average (10.8) ✘

### Children and Young People Participation in Physical Activity

#### County Durham

Active **43.6%**

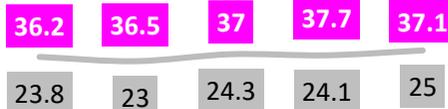
Less Active **32.6%**

#### England

Active **43.3%** ✓

Less Active **32.9%** ✓

### % children at an unhealthy weight (based on BMI)



2013/14 2014/15 2015/16 2016/17 2017/18  
— 4-5 yr olds — 10-11 yr olds

Click [here](#) for more detailed analysis of unhealthy weight and contributing factors in County Durham.



Data Academic Year 2017/18

### Prevalence of children aged 10-11 at an unhealthy weight (based on BMI)

Less than 28 28 to <32 32 to <38 38 and over

**North East**  
We are ranked **4<sup>th</sup> lowest**  
Sunderland is highest

**England**  
We are **worse than** England average (34.3%) ✘

### Active 30 Campaign

- **139** of 256 schools (**54%**) have pledged to be more active
- Can choose to commit 10,20 or 30 minutes

## **Altogether Healthier**

- 50 The priority theme of Altogether Healthier is structured around the following two key questions:
- (a) Are our services improving the health of our residents?
  - (b) Are people needing adult social care supported to live safe, healthy and independent lives?

### **Are our services improving the health of our residents?**

- 51 The Clinical Commissioning Groups (CCGs) have set up a task and finish group to reverse the recent decline in referrals to the Stop Smoking Service. The group is amending processes for Long Term Condition reviews and streamlining the referral process. We will also be working closely with County Durham and Darlington NHS Foundation Trust (CDDFT) to increase referrals from secondary care.
- 52 We have evaluated the incentive scheme to reduce smoking at the time of delivery where those who commit to quit are offered high street shopping vouchers. We found a small increase in the rates of those women who quit as part of the scheme, however the scheme has now been discontinued.
- 53 A Smoking in Pregnancy steering group has been established, based on the outcomes of a local multi-agency workshop, to achieve the regional ambition of reducing smoking in pregnancy to 6% by 2022. The first meeting was in February 2019 and focused on developing a multi-agency strategic plan for the County.
- 54 Our Adults, Wellbeing and Health Overview and Scrutiny Committee (AWHOSC) has reviewed the measures put in place by the council and its partners to improve mental health and wellbeing of residents. A Suicide Prevention Alliance Action Plan has been developed which includes an extension to the early alert system to refer family members to bereavement support post suicide. We use intelligence gathered to look at the potential of multiple suicides and plan an appropriate response.
- 55 The AWHOSC report recommends a multi-agency approach to learn from suicides, along with the flagging system for self-harm/attempted suicide across all visitors to A&E departments. The paper also calls for reviews of the referral processes to mental health services and accessibility of out-of-hours crisis provision, as well as an audit of current support within the community and voluntary sector.
- 56 Sport England has carried out the first ever Active Lives Children and Young People Survey, which shows that nationally one in three children are not active, i.e. doing less than 30 minutes of physical activity a day, which is half the amount recommended by government guidelines (this equates to 2.3 million children aged 5 to 16). The survey also found that the gap between girls' and boys' activity levels

widens from the end of primary school and there are inequalities in activity levels based on family income. A second report is due to be published in March 2019 with data about the attitudes of children and young people towards physical activity.

- 57 A range of initiatives to increase levels of physical activity and improve food that children eat are now in place. Active Durham's 'Active 30' Campaign to support schools to increase physical activity opportunities for all pupils, every school day, was launched in September 2018.
- 58 Work is being developed by the Child Poverty Action Group to address child poverty - a specific focus of the group is to address opportunity and food poverty experienced by families during school holidays throughout the year. Work is continuing with Area Action Partnerships and the voluntary sector to develop a coordinated approach to provision during 2019, and a bid for funding has been submitted (in early February) to the Department for Education's Holidays Activities with Food Programme. The outcome of the bid is expected in March.
- 59 Across County Durham, funding from the Soft Drinks Industry Levy has been used to improve school kitchen and dining environments, purchase school outdoor play equipment and develop school outdoor sports facilities. An allocation of funding has also been used for schools to bid for matched funding to develop facilities, e.g. trim trails, green gym facilities, hard court and sports hall markings, changing facilities, bike sheds and the development of school growing clubs. To date 25 primary and 12 secondary schools have taken advantage of this funding.
- 60 We are consulting, as part of the County Durham Plan until 8 March, on the Hot Food Takeaway Policy, which seeks to restrict applications for new premises within 400m of school or college buildings or in areas where the proposal would result in hot food takeaways making up more than 5% of premises.

### **Are people needing adult social care supported to live safe, healthy and independent lives?**

- 61 #NextStepHome is a County Durham Integrated Community Care Partnership campaign launched in November, it is designed to improve patient flow especially in the winter months when demand increases. It promotes the use of a 'perfect discharge' pathway, a helpful tool for both hospital and community colleagues to identify key steps in assessing patients for discharge and planning for home. By improving patient flow, we can help manage the pressure on the emergency departments, and it is hoped that by working together in this way we will be able to embed this good practice across the system for the longer term.

**ALTOGETHER HEALTHIER**

**2. Are people needing adult social care supported to live safe, healthy and independent lives?**



**583.7**

adults aged 65+  
(per 100,000 population)  
admitted to residential or  
nursing care on a permanent  
basis  
(Apr-Dec 2018)

**Increase compared to  
last year (533.8)**



**684,681**

Bed days commissioned  
for 65+ in residential or  
nursing care  
(Apr-Dec 2018)

**Increase compared to  
last year (679,583)**



**2.5**

Daily delayed transfers of  
care, per 100,000 population  
(Nov 2018)

**Better than national  
(9.3) and regional (6.4)**



**86.1%**

of patients discharged into  
reablement/ rehabilitation  
services were still at home  
after 91 days  
(Jan-Sep 2018)

**Better than target  
(85.9%)**

**No. of  
Excess  
Winter  
Deaths**

**33,092  
England**

Across England death rate increases by 19%  
during winter months

**1,686  
North East**

County Durham rate of excess winter deaths is 20.6  
North East (19.5) England (21.6)

**365  
Co. Durham**

In many northern European countries with much colder  
weather than ours a rise of such magnitude is not observed

**County  
Durham Cold  
Weather Plan  
2018-19 will  
remain active  
until 31 March**

Latest data  
published by Public  
Health England is  
available  
[here](#)

Data - Aug 16-Jul 17

- 62 The County Durham Cold Weather Plan 2018/19 was activated in line with the Met Office Cold Weather Health Watch Service on 1 November 2018 and will remain active until 31 March. Elements of the plan, such as the provision of emergency accommodation and support for those who are homeless during periods of exceptionally cold weather, will be activated as needed.
- 63 Permanent admissions aged 65+ to residential or nursing care per 100,000 have risen by 9.5% when compared to the same period in 2017/18. This increase is not equally reflected in the number of bed days commissioned, which has only risen by 0.8%. The much smaller rise in bed days commissioned demonstrates that the admissions indicator's focus on the entry point into the system does not demonstrate true activity.

## **Altogether Safer**

- 64 The priority theme of Altogether Safer is structured around the following five key questions:
- (a) How effective are we at tackling crime and disorder?
  - (b) How effective are we at tackling anti-social behaviour?
  - (c) How well do we reduce misuse of drugs and alcohol?
  - (d) How well do we tackle abuse of vulnerable people, including domestic abuse, child exploitation and radicalisation?
  - (e) How do we keep our environment safe, including roads and waterways?

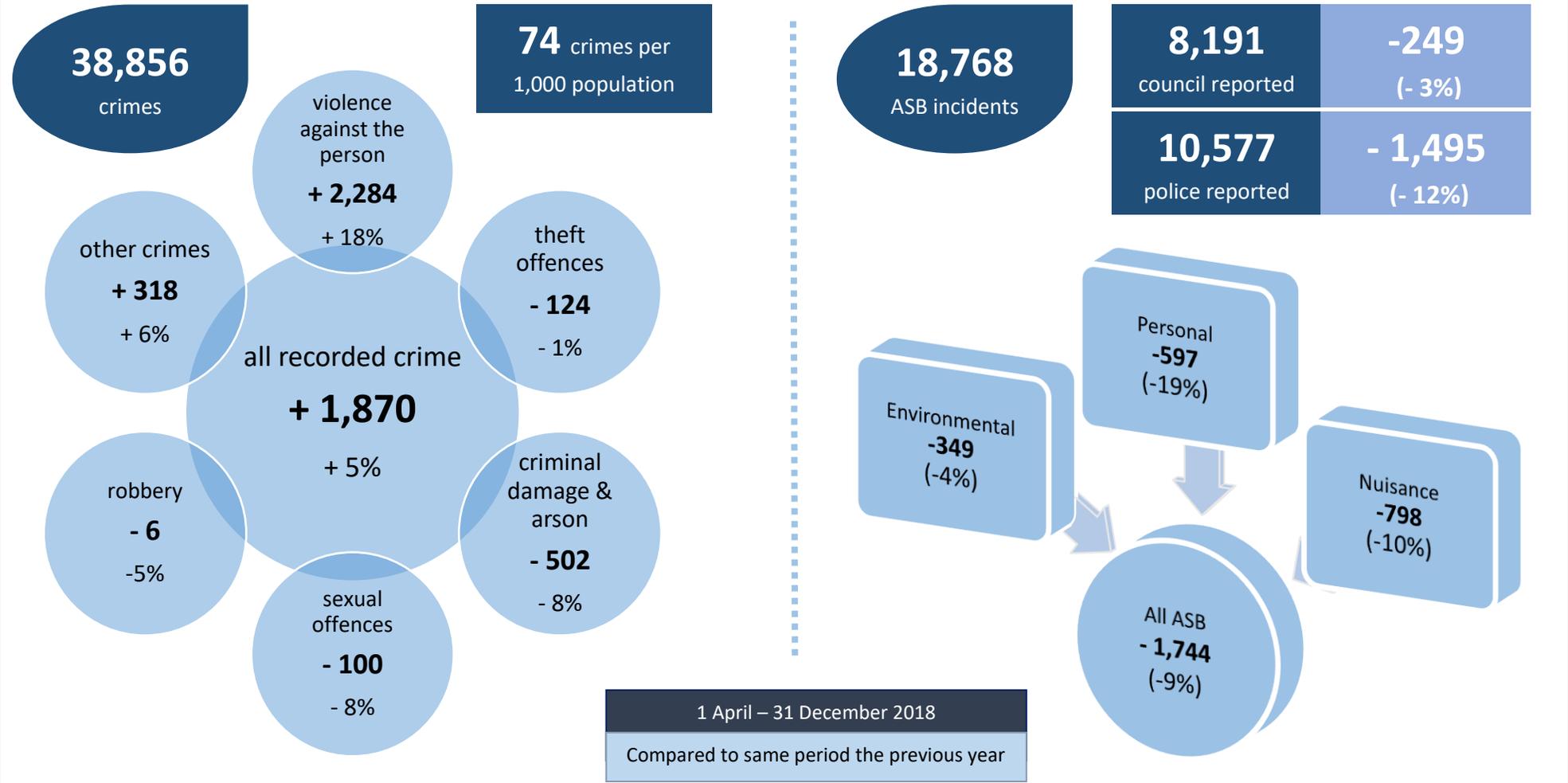
## **How effective are we at tackling crime and disorder, and Anti-Social Behaviour (ASB)?**

- 65 The increase in crime and decrease in ASB incidents can be partly attributed to the change in crime recording practices. Many incidents that were previously recorded as ASB would now be recorded as crimes.
- 66 Within the category of 'violence against the person', which accounts for 36% of all recorded crime, most of the increase could be attributed to the sub-category of 'violence without injury'. This is consistent across the county and can be explained by an improved compliance with National Crime Recording Standards, particularly in relation to harassment.
- 67 Although there has been an overall improvement in theft offences, there have been increases in the underlying categories of 'theft from vehicles' (+4%), 'theft from the person' (+7%) and 'shoplifting' (+22%).

# ALTOGETHER SAFER

How effective are we at tackling (1) crime and disorder, and (2) anti-social behaviour?

**50%** of respondents to National Crime Survey think Council & Police are dealing with ASB and crime issues that matter to the local area (September 2018)



- 68 There was an increase in 'shoplifting' across some localities: Bishop Auckland, Crook, Newton Aycliffe, Spennymoor, Chester-le-Street and Stanley. Further analysis is being carried out, in conjunction with the Police, to determine if there is any link between these increases and the rollout of Universal Credit.
- 69 The Police and Local Council ASB confidence indicator continues to decline (although the latest figure remains within the 5.5% confidence level). The Safe Durham Partnership is establishing a joint tasking group to better understand the reasons for this decline, and to implement plans to improve performance.

### **How well do we reduce misuse of drugs and alcohol?**

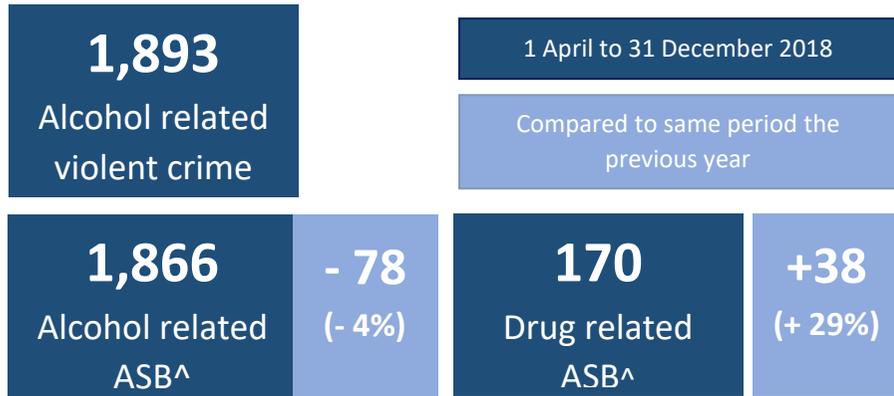
- 70 Following a Care Quality Commission (CQC) inspection, our Substance Misuse Service, Centre for Change, received an overall rating of 'requires improvement'.<sup>5</sup> This was because staff did not always record safety related information within client care records, despite the potential serious risks associated with people with drug and alcohol addictions. Staff did not record sufficient information about clients who use the service which meant that care was not always person-centred, patients were not routinely involved in decisions about their care and treatment and staff were not up to date with their mandatory training (only 65% had completed their e-learning).
- 71 An action plan outlining remedial action for each concern has been developed and has been submitted to the CQC. Ongoing progress against the action plan will be reported to the County Durham Drug and Alcohol Recovery Services Contract Review Group. The e-learning training issue has since been addressed and improvements highlighted in the case management process are being developed.
- 72 The CQC also highlighted areas of good practice including: sufficient numbers of skilled and experienced staff to deliver safe care and treatment; clients are treated in a kind, caring and compassionate manner; staff monitor and address the physical healthcare of clients; service users can give feedback; care and intervention treatments following national guidance on best practice; information is accessible to those with dyslexia, literacy issues, visual impairment and for those whom English was not a first language and the service proactively engages with the local community.

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<sup>5</sup> [CQC report](#) (01/01/2019)

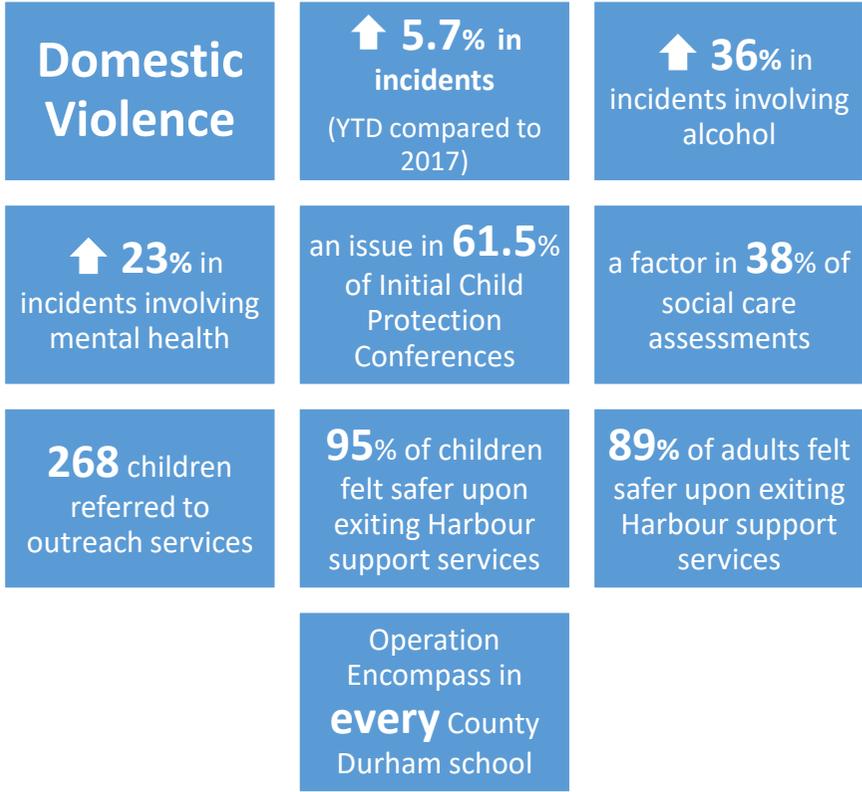
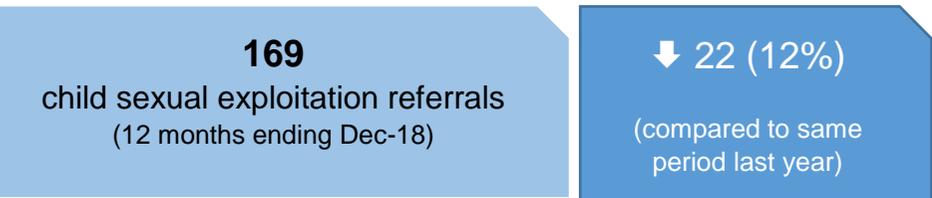
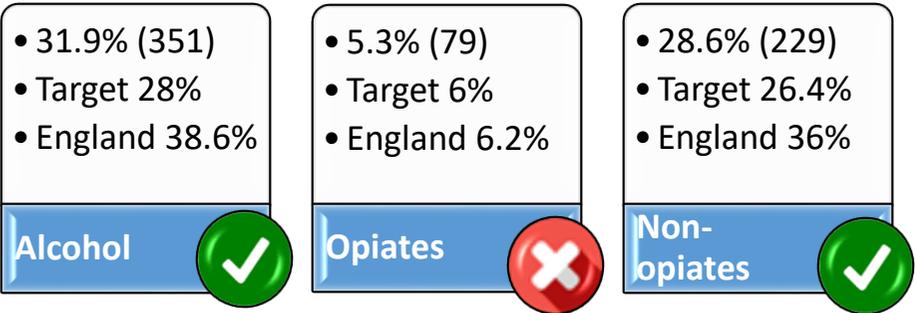
# ALTOGETHER SAFER

How well do we (3) reduce misuse of drugs and alcohol, and (4) tackle abuse of vulnerable people?



^police figures only

## Successful Completion of treatment... (May 17 to Apr 18 with reps to Oct 18)



**Preventing Modern Day Slavery** We have approved a new Modern Slavery Charter which outlines our commitment to preventing modern slavery in County Durham

To find out more about the charter, click [here](#).

## **How well do we tackle abuse of vulnerable people, including domestic abuse, child sexual exploitation and radicalisation?**

- 73 A Joint Targeted Area Inspection (JTAI) of the multi-agency response to domestic abuse in County Durham was carried out during quarter two.
- 74 The Local Safeguarding Children Board (LSCB) Executive Group and its partners have worked closely together to develop a detailed action plan to address the areas inspectors identified as requiring improvement. The LSCB Executive Group will hold responsibility for the overall monitoring of the action plan. By receiving quarterly reports, they will hold to account, challenge and scrutinise the actions of individual partner agencies and partnership groups to ensure our actions are having the desired impact on outcomes for children in County Durham.
- 75 The LSCB held a number of activities as part of National Safeguarding Week (26-30 November 2018), focusing on CSE and Prevent. We launched a joint social media campaign which aimed to highlight safeguarding issues, encourage conversations about keeping children safe and improving understanding of safeguarding in the community.

## **How do we keep our environment safe, including roads and waterways?**

- 76 In January 2019, the Cleveland and Durham Strategic Road Safety Partnership Board was established to oversee the strategic direction of casualty reduction. Membership includes the local authorities, Police and Fire and Rescue services. The group is supported by the Cleveland and Durham Operational Delivery Group, previously the County Durham and Darlington Casualty Reduction Forum.
- 77 We continue to plan for countywide delivery of the 'dying to be cool' water safety campaign, which includes school assemblies. Monitoring assessments and new open water safety risk assessments were undertaken throughout the quarter, some of which were in response to concerns raised by elected members and the public. There were no significant incidents throughout quarter three.
- 78 During quarter three, a multi-agency meeting took place at Bowlees Visitor Centre at Middleton-in-Teesdale to discuss safety concerns relating to access to Low Force and the misuse of the listed Wynch Bridge structure. It was agreed to issue information to recreational groups using the river and remind them of the Low Force river code of conduct during quarter four.
- 79 In December 2018, via the City Safety Group, we launched the national 'Don't Drink and Drown' open water safety campaign.

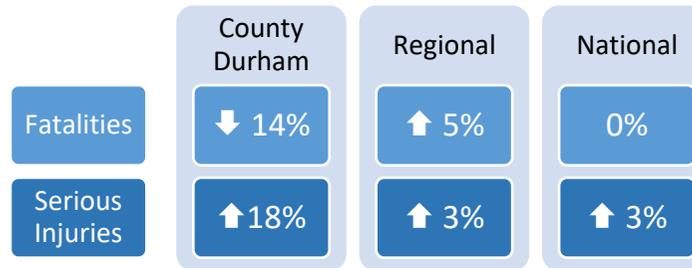
- 80 The group also looked at the recommendations, previously provided by an independent Royal Society for the Prevention of Accidents (RoSPA) study, relating to the design of the new Riverwalk development, and the Riverwalk manager provided an update of safety control measures being put in place. City Safety Group members will tour the development prior to the final opening to ensure that all safety concerns relative to water safety and the river have been addressed.

**ALTOGETHER SAFER**

**5. How do we keep our environment safe including roads and waterways?**

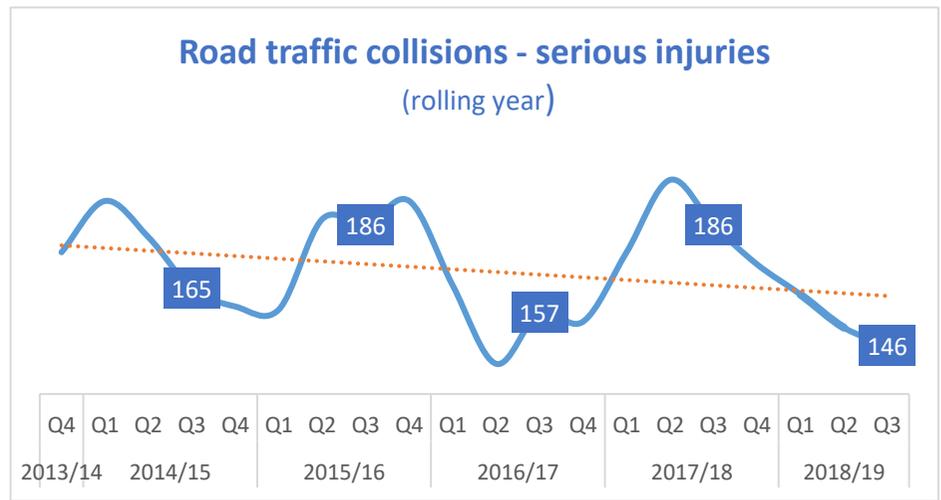
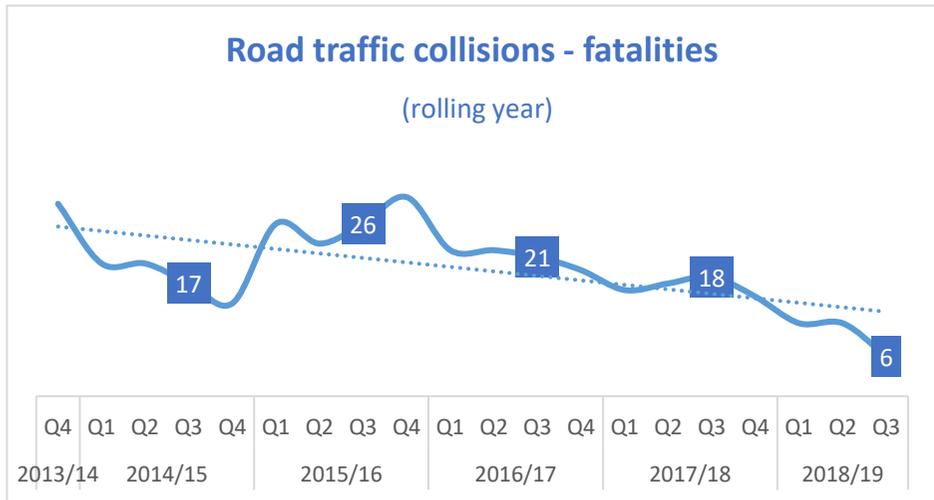
Killed or seriously injured in road traffic collisions*	<b>152</b> people 6 fatalities 146 injuries	<b>-52</b> (25%)
	<b>16</b> children 0 fatalities 16 injuries	<b>-2</b> (11%)
Jan-Dec 2018	Compared to Jan-Dec 2017	

**DfT Road User Casualty Statistics:  
change from 2016 to 2017**



National and regional figures were lowest recorded since records began in 1979. Some of lowest figures recorded over last five years

Information about the Royal Lifesaving Society's 'Don't Drink and Drown' campaign can be found [here](#).

\* CRASH recording system allows casualty information to be updated throughout the year, therefore numbers and severity of injury can change. 2018/19 data verified February 2019. 2017 casualty data verified June 18.

# ALTOGETHER GREENER

## 1. How clean and tidy is my local environment?

**7,259** Reported fly-tipping incidents

**-681**  
(-9%)

Jan - Dec 18

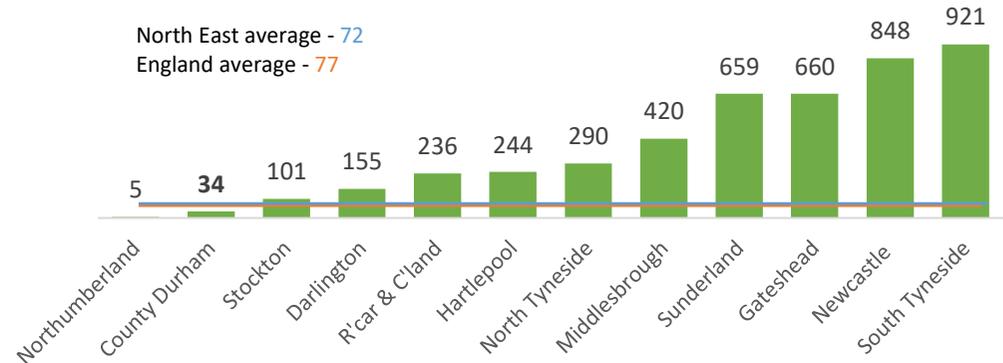
Compared to Jan - Dec 17



Year	Q1	Q2	Q3	Q4
2015/16				
2016/17				
2017/18				
2018/19				

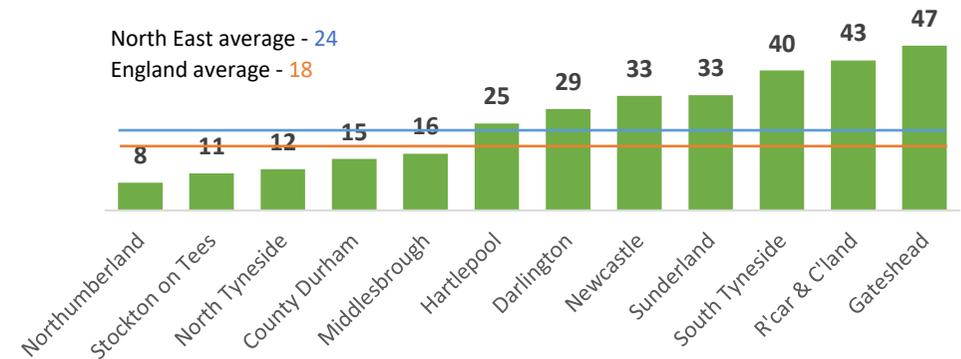
### Proportion of fly tipping incidents per 1000 hectares 2017/18

North East average - 72  
England average - 77



### Proportion of fly tipping incidents per 1000 population 2017/18

North East average - 24  
England average - 18



### Quarter 3, 2018/19

**12** cameras deployed

**8** incidents caught on CCTV

**8** stop & search operations

**5** duty of care warning letters

**3** producers issued

**371** further investigations

**6** PACE Interviews

**1** prosecution

**451** FPNs

### Operation Spruce Up (since November 2016...)

**24** areas have benefitted from a 'spruce up'

Has involved more than **4,000** children and young people: planting, litter picking and designing campaign posters

Winner of 'Campaign of the Year' at the Keep Britain Tidy Awards 2018

Finalist in the Local Government Chronicle 2018 Environmental Services Award

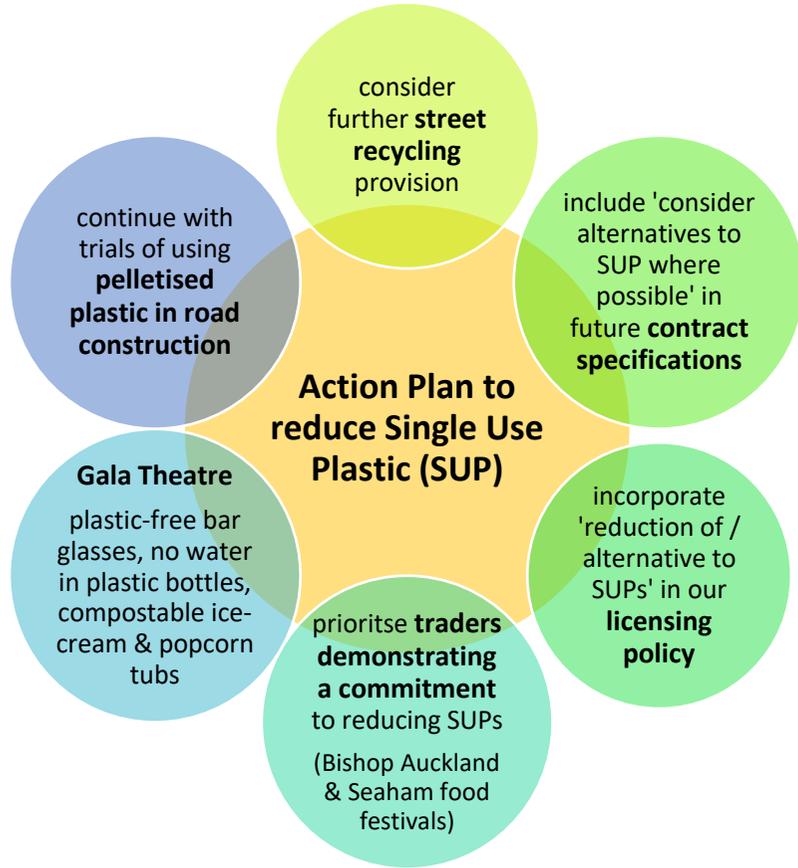
## **Altogether Greener**

- 81 The priority theme of Altogether Greener is structured around the following three key questions:
- (a) How clean and tidy is my local environment?
  - (b) Are we reducing carbon emissions and adapting to climate change?
  - (c) How effective and sustainable is our collection and disposal of waste?

### **How clean and tidy is my local environment?**

- 82 During quarter two, analysis of the environmental cleanliness survey results highlighted issues with industrial estates and business parks. Targeted interventions to improve these areas has been undertaken.
- 83 Between 1 January and 31 December 2018, reported enviro-crime incidents increased by 1%. Increases were noted in litter, graffiti and most notably bonfires which increased by 117% (148 in 2017 to 321 in 2018).
- 84 There were fewer reported fly-tips, with decreases seen in green waste, white goods and other commercial waste. In relation to size of the fly-tips, decreases in single black bags and significant / multiple loads were balanced by increases in car boot loads and tipper lorry loads. Overall, the weight of fly-tipped waste has reduced. During the first half of 2018/19, there was an 18.6% reduction (144 tonnes) compared to the same period last year.
- 85 We continue to tackle fly-tipping using covert CCTV in hotspot areas and enforcement actions. During quarter three, we utilised our powers for the second time in six months and seized a van used for fly-tipping. In addition to the forfeiture of the vehicle, the individual was also fined £350. The vehicle will be sold at auction and the proceeds ring-fenced to fund future fly-tipping interventions.
- 86 As part of the multi-agency Community Action Scheme, between 8 October and 23 December, we tackled a range of housing and environmental problems in Easington Colliery in an area covering approximately 1,000 properties. 16 referrals were made to Neighbourhood Wardens, mostly in relation to detritus and fly-tipping. Additional patrols were carried out in the six dog fouling hotspots identified. 53 notices were served in relation to properties, 29 of which were complied with and 13 where works were carried out in default. We brought 15 empty properties back into use.
- 87 The Community Action Scheme programme will then progress to Cockton Hill Road (21 January to 7 April), Grange Villa (22 April to 7 July), Crook Central (8 July to 22 September) and Eldon (14 October to 24 December).

- 2. Are we reducing carbon emissions and adapting to climate change?
- 3. How effective and sustainable is our collection and disposal of waste?



**96.3% of municipal waste diverted from landfill**  
(Oct 17–Sep 18)

**-0.4pp**  
(same period last year)

**42.2% of household waste re-used, recycled or composted**  
(Oct 17–Sep 18)

**+2.9pp**  
(same period last year)

**Recycling Matters Campaign**

- At quarter three, **18%** of recycling we collected could not be reprocessed due to contamination (**↑ 2.9pp** from 2017/18 total).
- Implemented in response to this increase, the campaign aims to re-educate residents about what can / cannot be recycled and reduce contamination.
- We are adding a 'no black bag' sticker to all recycling bins to remind residents these cannot be recycled.

**Metal Matters Campaign**

- Each year, our residents use more than **287 million** cans, foil trays and aerosols.
- **Less than half** of these items are recycled.
- If all metal used across the county was recycled, each year we would reduce carbon dioxide by **7,773 tonnes**, this is the equivalent to 1,650 fewer cars on the road.



Flood Prevention

• **£6 million scheme is about to start**

• Expected completion in March 2020

• Opens a 90 metre stretch of the Cong Burn, underneath Chester-le-Street market place

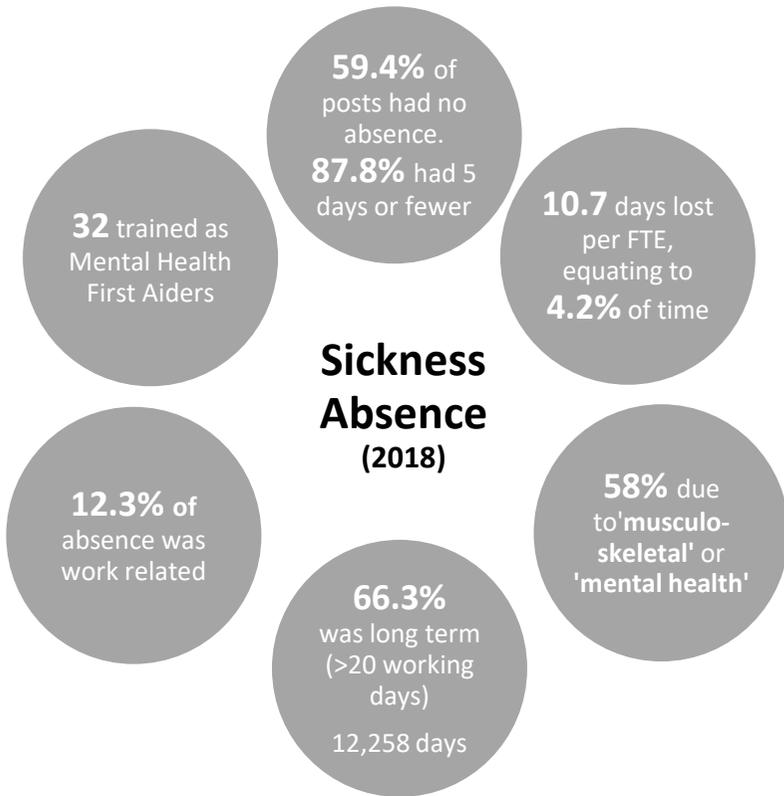
## **Are we reducing carbon emissions and adapting to climate change?**

- 88 The resulting transformation of the market place in Chester-le-Street, following the £6 million flood prevention scheme, will also create a location that could host festival and events, providing an economic boost to the town centre.
- 89 We have submitted a £798k bid to the ERDF fund to extend the Business Energy Efficiency Project (BEEP) which currently runs until July 2019. If successful, the BEEP will be extended for a further three years.

## **How effective and sustainable is our collection and disposal of waste?**

- 90 There have been increases in recycling at both our Household Waste Recycling Centres (HWRCs) (up 4.7%), mainly due to additional tonnages in green waste and wood, and at the kerbside (up 0.7%). We continued with several campaigns including Metal Matters as part of the wider Recycling Matters. A Plastic Matters campaign is planned for the coming months.
- 91 The new Stainton Grove HWRC, due to re-open in December, has been delayed to early March. This is due to delays caused by utilities not being as per site plans, areas of acute hard ground and re-profiling deliveries to accommodate.
- 92 An action plan, which sets out the council's future strategy towards single use plastics (SUP), considering the wider implications and alternatives, has been approved.
- 93 Unfortunately, our funding bid to the Department for Transport ADEPT Innovation Fund for further road surfacing trials using plastics was unsuccessful.
- 94 The Department for Environment, Food and Rural Affairs (DEFRA) has released a Resources and Waste Strategy for England. This strategy sets out how we will preserve material resources by minimising waste, promoting resource efficiency and moving towards a circular economy. The implications for the council are currently being assessed and an update will be provided to Environment and Sustainable Communities Overview and Scrutiny Committee.

1. How well do we look after our people?



**Dry January**  
**243** members of staff signed up.  
 Benefits include weight loss and saving money.  
 DCC had more staff sign-ups than any other Local Authority

Health and Safety (2018)	
<b>1,493</b>	Incidents <ul style="list-style-type: none"> <li>- 315 behavioural (21%)</li> <li>- 217 physical violence &amp; aggression (14%)</li> <li>- 200 slips, trips and falls (13%)</li> </ul>
<b>7,793</b>	Days lost due to work related accidents

**Council Flu Immunisation Programme 2018**

- Eligible staff defined as those who routinely provide up close and personal care to clients at risk of flu complications.
- Vaccinations provided at **22 onsite clinics** in October.

**Onsite flu vaccinations**

- **127** of 717 eligible staff members vaccinated (18%)

**Flu vouchers**

- **78** staff vaccinated from 177 vouchers distributed (44%)

**12 month rolling trend: days lost to sickness**



**Staff Turnover (excl. schools)**  
**9.4% (2018)**  
 ↑ 9.3% (compared to Q3 2017/18)



## Altogether Better Council

95 The priority theme of Altogether Better Council is structured around the following three key questions:

- (a) How well do we look after our people?
- (b) Are our resources being managed for the best possible outcomes for residents and customers?
- (c) How good are our services to customers and the public?

### How well do we look after our people?

- 96 We have achieved the silver standard of the better health at work award and are working toward gold award status in 2019 with the launch of a new employee health and wellbeing survey in early 2019.
- 97 Attendance management remains a focus and we have identified key service areas with high absence rates which will be our focus. Senior managers will participate in monthly performance meetings and regular HR clinics, all absences over six months will be reviewed and not only will we address outstanding Return to Work (RTW) interviews, we will carry out quality audits of those completed.
- 98 Our two most frequent causes of sickness absence remain 'musculo-skeletal' and 'mental health' which mirrors other councils across England.
- 99 193 employees have attended appointments with the Occupational Health Service for routine statutory health surveillance. This two-year pilot project commenced within Direct Services and is based on early intervention, improving musculo-skeletal health and reducing the associated sickness absence.
- 100 Mental health first aiders are being introduced into the workforce to support staff suffering poor mental health in the same way that regular first aiders support employees injured or taken ill at work. Although we are aiming to have one mental health first aider per 100 employees, in line with Health and Safety Executive (HSE) recommendations for physical first aiders, we expect that some areas of the organisation might require a higher concentration of trained staff. We have already trained 32 employees, plan further sessions over the next six months, then one training session each month for the remainder of the year. Other training being rolled-out includes:

Course	Delivery method
Mental Health Awareness/Health and Safety for Managers ( <i>tier 5 managers</i> )	Three-hour session: February or March.

Course	Delivery method
Mental Health Awareness for Managers ( <i>all employees</i> )	Three-hour session: April or June
Mental Health First Aid ( <i>via application</i> )	Two-day session: March or June.
Challenging stigma and discrimination associated with mental health ( <i>Time to Change champions</i> )	Three-hour session: January to June
Zero Suicide ( <i>all employees</i> )	E-learning: available now
Mental Health for Life ( <i>all employees</i> )	E-learning: available now
Mindfulness ( <i>via manager referral</i> )	Online course: available soon
Resilience to Stress ( <i>all employees</i> )	Available soon

- 101 Our 'respect your workforce' campaign continues, and indications are that this campaign is popular with the public and has assisted in raising awareness and protecting operational employees.
- 102 205 eligible staff received a free flu vaccination and we are currently evaluating the programme, which includes seeking views from staff and managers, to determine how it can be improved and to further increase take-up.
- 103 The existing performance appraisal scheme ended 30 September 2018 and the first phase of the new scheme has been implemented. The programme for all Heads of Service and Strategic Managers is underway, all other managers will follow from 1 April and remaining staff from 1 July. In this new process, appraisals will be live documents that can be updated continuously throughout the year and will link to employee recognition.
- 104 We are creating a new corporate network for coaching and mentoring. There will be 36 coaches, 24 existing with a further 12 to be recruited and trained. In addition, key post holders (Heads of Service and Strategic Managers) will act as mentors to support succession planning. We will advertise the network more widely and the offer of a coach will become an integral part of the corporate leadership and management development programme.
- 105 We held our first apprentice forum in December which was an opportunity for our apprentices (216 across our services and 154 in our schools) to receive updates on what is happening across the council, build a support network, discuss required support and provide feedback in relation to the apprenticeship programme. We are working with the Local Government Association (LGA), as part of their Apprenticeship Accelerator Programme, to develop a 3-year apprenticeship strategy linked to succession planning.

- 106 Some aspects of our employee recognition programme, the inspiring people awards, have been changed. As well as re-branding and aligning criteria with our new organisational values (OPEN), we replaced 'Apprentice/Young Employee of the Year' with 'Learner of the Year' to recognise a broader range of people investing in their own professional and personal development. Although we received fewer nominations for this year's event (162 compared to 207 in 2017), we believe they were of a higher quality. Attendance at the 2018 event was at full capacity.
- 107 We have moved from a 'Grievance Policy' to a 'Resolution Policy' which encourages early resolution of issues and reduces the need for (and the time and stress associated with) formal processes through employees discussing the issues as they arise and working together to find acceptable solutions.

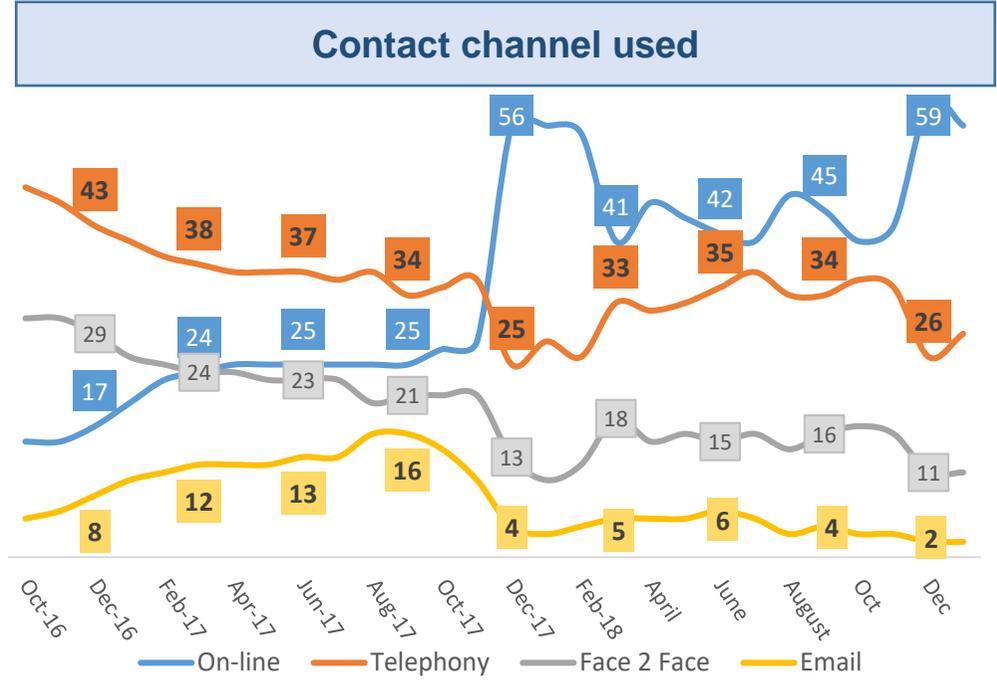
### **Are our resources being managed for the best possible outcomes for residents and customers?**

- 108 We will continue to consult on the new council vision until March. The new vision will be launched in June 2019.
- 109 Our major programme of transformation is underway with a renewed focus on organisational development implemented through cultural change and learning and development; investment in new digital systems, with an increasing number of services available online; renewed business processes and programme of reviews; and council headquarters and premises modernisation.
- 110 A members' portal, a 'one-stop shop' for accessing information, reporting issues, receiving progress updates and completing administrative tasks, e.g. training and expenses, went live the week commencing 4 February.
- 111 We are trialling Robotic Process Automation (RPA) to investigate the potential of using these tools to handle high volume, repeatable tasks that are currently performed by staff.
- 112 In relation to the Digital Durham programme, the contractor has committed to completing installation work by the end of March 2019. Planning for Phase 3 is underway.
- 113 Performance on Council Tax and Business Rates is marginally behind target at this stage in the year, reflecting changing payment patterns. Previously many people paid Council Tax over 10 months, but this is shifting to 11 or 12 month patterns. This means that additional payments will be received in February and March 2019, when historically payments have reduced significantly over these months.

- 114 Turning to business rates, following new assessments, rates are often backdated and payment plans put in place to clear the account by 31 March. A number of new assessments have been included in quarter three. In addition, there has been an increase in the number of businesses electing to pay their rates over 12 months when compared to previous years, which is not reflected in the year to date profile. This means that additional payments will be received in February and March 2019 compared to previous years.
- 115 Area Action Partnerships have been using their annual £10,000 welfare reform grant to tackle local poverty and deprivation issues. Beneficiaries include the foodbank project, holiday activity fund including access to food and REfUSE, a 'pay as you feel' café.

2. Are our resources being managed for the best possible outcomes for residents and customers?

Contact Channels				
<b>75%</b> telephone (956,020) ↑ 2%	<b>11%</b> face to face (141,305) ↓ 5%	<b>10%</b> web-forms (125,679) ↑ 65%	<b>3%</b> e-mails (41,397) ↓ 29%	<b>0.2%</b> social media (2,733) ↑ 204%



### Council Tax\*

**84.15% collected**

2017 - ↓ 0.55pp  
Target - ↓ 0.61pp

Net charge collectable  
**↑ 5.98%**

### Business Rates

**83.01% collected**

2017 - ↓ 0.49pp  
Target - ↓ 0.58pp

Collectable debit  
**↑ 2.13%**

#### REfUSE café in Chester-le-Street:

- Intercepts food before it becomes waste & turns it into healthy, accessible meals
- Serves on a 'pay as you feel' basis
- Provides valuable training opportunities
- Tackles social isolation and food insecurity

New council vision is under consultation

Unless stated all data is Jan-Dec 18, compared to the same period the previous year

\* Year to date and comparison with last year continues to be impacted by the number of households extending Council Tax payments over 11 or 12 months rather than 10 months.

## **How good are our services to customers and the public?**

- 116 The Freedom of Information (FOI) request backlog, caused by a combination of organisational restructures, increased workload following the introduction of the General Data Protection Regulation (GDPR) and more complex requests, has now been cleared. In addition, a more streamlined sign-off process has been introduced which is helping to improve performance. We intend to procure a new FOI/ EIR system, updates will be provided in future performance reports.
- 117 We continue to develop our Customer Relationship Management system and now have almost 113,000 live accounts. Applications for animal licences are now only available online (although the number of applications is small at about 150 per year, we are expecting this to increase following changes to dog breeding legislation). Customers will soon be able to apply online for Landlord Accreditation, Economic Development Form, Taxi Licences and Trade Waste.
- 118 We are working to enhance the appointment process within our Customer Access Points by allowing customers to directly book, cancel and amend appointments online. The system will also automatically send text message reminders which we hope will reduce the number of missed appointments. The new process will also provide greater customer insight as it will collect feedback as to why an appointment is needed, e.g. seeking clarification, or no longer needed. We intend to roll this out to other relevant areas across the council that have booking systems in place, e.g. leisure centres.
- 119 We have now captured enough utterances to programme the Eckoh system (voice recognition for call transfer). Initial analysis showed utterances to be 20% longer than expected so we added prompting to the system to encourage customers to state their request in fewer words. We can now design and build our new Interactive Voice Response (IVR) and model speech recognition technology and the new system should go live by March 2019.
- 120 During quarter two, we sought views on how we use digital technology and the areas we need to develop. The resulting feedback is now being used to inform our new Digital Strategy which will be in place by April 2019.

How good are our services to customers and the public?

Telephony Stats	Number of contacts	% abandoned calls	average time to answer (seconds)
All	955,969 (Dec-17) <b>956,020</b> (Dec-18)	5.0% (Dec-17) <b>5.0%</b> (Dec-18)	45 (Dec-17) <b>56</b> (Dec-18)
Customer Services	629,072 (Dec-17) <b>617,103</b> (Dec-18)	4.0% (Dec-17) <b>4.3%</b> (Dec-18)	50 (Dec-17) <b>62</b> (Dec-18)
Other DCC	326,897 (Dec-17) <b>338,917</b> (Dec-18)	6.9% (Dec-17) <b>6.4%</b> (Dec-18)	33 (Dec-17) <b>46</b> (Dec-18)

**726** corporate complaints

**64%** refuse & recycling (mainly missed collections)

**237** compliments

**92** suggestions

**623** customer experience questionnaires completed

**94%** felt request was handled knowledgeably and effectively

**90%** found it easy to contact the right service

**87%** felt they were treated with dignity and respect

**81%** were satisfied with the handling of their initial contact

**78%** felt they were provided with clear information

**75%** were satisfied with the time taken to complete their task

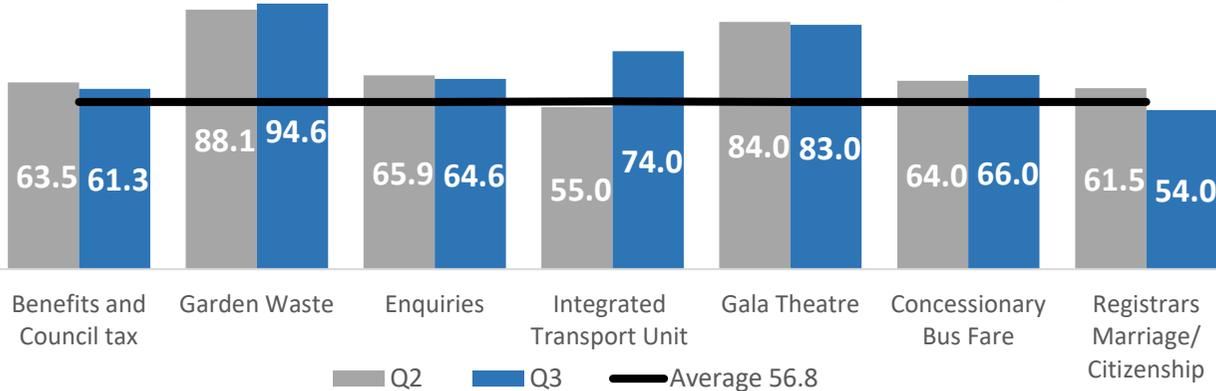
**73%** were satisfied with service delivery

**67%** were informed of progress

**65%** were informed how long it would take to resolve task

Unless stated all data is 1 Oct 18 to 31 Dec 18, compared to the same period the previous year

Telephony lines - higher than average seconds to answer (12 months rolling)



Each £1 of AAP funding spent brings back **71p** to the town centre



**79%** FOI/EIR responses sent within 20 working days - better than last year (67% ↑) Not achieving national target (90%)

## Key Performance Indicators – Data Tables

There are two types of performance indicators throughout this document:

- (a) Key target indicators – targets are set as improvements can be measured regularly and can be actively influenced by the council and its partners; and
- (b) Key tracker indicators – performance is tracked but no targets are set as they are long-term and/or can only be partially influenced by the council and its partners.

A guide is available which provides full details of indicator definitions and data sources for the 2017/18 corporate indicator set. This is available to view either internally from the intranet or can be requested from the Strategy Team at [performance@durham.gov.uk](mailto:performance@durham.gov.uk)

### KEY TO SYMBOLS

	Direction of travel	Benchmarking	Performance against target
<b>GREEN</b>	Same or better than comparable period	Same or better than comparable group	Meeting or exceeding target
<b>AMBER</b>	Worse than comparable period (within 2% tolerance)	Worse than comparable group (within 2% tolerance)	Performance within 2% of target
<b>RED</b>	Worse than comparable period (greater than 2%)	Worse than comparable group (greater than 2%)	Performance >2% behind target

### National Benchmarking

We compare our performance to all English authorities. The number of authorities varies according to the performance indicator and functions of councils, for example educational attainment is compared to county and unitary councils however waste disposal is compared to district and unitary councils.

### North East Benchmarking

The North East figure is the average performance from the authorities within the North East region, i.e. County Durham, Darlington, Gateshead, Hartlepool, Middlesbrough, Newcastle upon Tyne, North Tyneside, Northumberland, Redcar and Cleveland, Stockton-On-Tees, South Tyneside, Sunderland. The number of authorities also varies according to the performance indicator and functions of councils.

More detail is available from the Strategy Team at [performance@durham.gov.uk](mailto:performance@durham.gov.uk)

## ALTOGETHER WEALTHIER

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### Do residents have good job prospects?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
1	% of working age population in employment	74.4*	Sep 17-Aug 18	Tracker	71.3	75.2	70.8			Yes
				N/a	GREEN	AMBER	GREEN			
2	Per capita household disposable income (£)	15,221	2016	Tracker	15,496	19,878	15,595			No
				N/a	AMBER	RED	RED			
3	Number of gross jobs created or safeguarded as a result of Business Durham activity	765	Oct-Dec 2018	Tracker	280.5					Yes
				N/a	GREEN					
4	% of 16 to 17 year olds in an apprenticeship	5.1	As at 30 Sep 2018	Tracker	5.1	3.3	4.3			Yes
				N/a	GREEN	GREEN	GREEN			

\*provisional data

## ALTOGETHER WEALTHIER

### 2. Is County Durham a good place to do business?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
5	Gross Value Added (GVA) per capita in County Durham (£)	16,718	2017	Tracker	16,513	27,430	20,121			Yes
				N/a	GREEN	RED	RED			
6	Number of registered businesses in County Durham	17,120	2017	Tracker	16,585					No
				N/a	GREEN					
7	Value (£M) of new contracts secured	6	Oct-Dec 2018	Tracker	New indicator					Yes
				N/a	N/a					

**ALTOGETHER WEALTHIER**
**2. Is County Durham a good place to do business?**

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
8	Value (£M) of GVA growth from jobs created	19.2	Oct-Dec 2018	10 <b>GREEN</b>	New indicator N/a					Yes
9	Number of Inward Investments secured	5	Oct-Dec 2018	Tracker N/a	New indicator N/a					Yes
10	% of Business Durham business floor space that is occupied	84.0	Oct-Dec 2018	Tracker N/a	New indicator N/a					Yes

**ALTOGETHER WEALTHIER**
**3. Do residents have access to decent and affordable housing?**

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
11	Number of properties improved, adapted or brought back into use	411	Oct-Dec 2018	Tracker N/a	New indicator N/a					Yes
12	Number of empty properties brought back into use as a result of local authority intervention	152	Apr-Dec 2018	74 <b>GREEN</b>	153 <b>AMBER</b>					Yes
13	Number of net homes completed	1,126	Apr-Dec 2018	Tracker N/a	1,101 <b>GREEN</b>					Yes
14	Number of affordable homes delivered	473	2017/18	200 <b>GREEN</b>	322 <b>GREEN</b>					No

**ALTOGETHER WEALTHIER**
**Do residents have access to decent and affordable housing?**

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
15	Number of households accessing the Housing Solutions Service	2,929	Oct-Dec 2018	Tracker	New indicator					Yes
				N/a	N/a					
16	Number of households helped to stay in their home	269	Oct-Dec 2018	Tracker	New indicator					Yes
				N/a	N/a					
17	Number of households helped to move to alternative accommodation	336	Oct-Dec 2018	Tracker	New indicator					Yes
				N/a	N/a					

**ALTOGETHER WEALTHIER**
**4. Is it easy to travel around the county?**

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter	
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different		
18	% of A roads where maintenance is recommended	3	2017/18	Tracker	3	3				2016/17	No
				N/a	GREEN	GREEN					
19	% of B and C roads where maintenance is recommended	4	2017/18	Tracker	3	6				2016/17	No
				N/a	AMBER	GREEN					
20	% of unclassified roads where maintenance is recommended	21	2017/18	Tracker	20	17				2016/17	No
				N/a	AMBER	RED					
21	Highways maintenance backlog (£millions)	187.6	2017	Tracker	191.7						No
				N/a	GREEN						

## ALTOGETHER WEALTHIER

### 4. Is it easy to travel around the county?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
22	Bridge Stock Condition – Principal Roads	80.0	2017	Tracker	83.8					No
				N/a	RED					
23	Bridge Stock Condition – Non-Principal Roads	81.0	2017	Tracker	83.7					No
				N/a	RED					

## ALTOGETHER WEALTHIER

### 5. How well do tourism and cultural events contribute to our local economy?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
24	Number of visitors to County Durham (million)	19.71	2017	Tracker	19.3					No
				N/a	GREEN					
25	Number of jobs supported by the visitor economy	11,682	2017	Tracker	11,158					No
				N/a	GREEN					
26	Amount (£ million) generated by the visitor economy	866.71	2017	Tracker	806					No
				N/a	GREEN					

# ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE

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Are children, young people and families in receipt of universal services appropriately supported?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
27	Average Attainment 8 score	45.0	2017/18 (Academic Year)	Tracker	44.6	46.4	45.2			Yes
				N/a	GREEN	RED	AMBER			
28	Average point score per A level entry of state-funded school students	32.6	2017/18 (Academic Year)	Tracker	31.9	31.1	30.8	30.7	2016/17 Ac Yr	Yes
				N/a	GREEN	GREEN	GREEN	GREEN		
29	% of pupils achieving the expected standard in Reading, Writing and Maths (KS2)	68.0	2017/18 (Academic Year)	Tracker	64.6	64.4*	67.0*	65.9*		Yes
				N/a	GREEN	GREEN	GREEN	GREEN		
30	% of 16 to 17 year olds who are not in education, employment or training (NEET)	4.5%	Oct-Dec 2018	Tracker	4.6%	2.4%	3.9%			Yes
				N/a	GREEN	RED	AMBER			
31	Gap between average Attainment 8 score of Durham disadvantaged pupils and non-disadvantaged pupils nationally (KS4)	-14.5	2017/18 (Academic Year)	Tracker	-13		-13.9*			Yes
				N/a	RED		RED			
32	% of children in the Early Years Foundation Stage achieving a Good Level of Development	72.8	2017/18 (Academic Year)	64	71.9	71.5	71.5	69.8		Yes
				GREEN	GREEN	GREEN	GREEN	GREEN		
33	Gap between % of Durham disadvantaged pupils and % of non-disadvantaged pupils nationally who achieve expected standard in reading, writing and maths (KS2)	-18	2017/18 (Academic Year)	Tracker	-18	-19.8*				Yes
				N/a	GREEN	GREEN				
34	Ofsted % of Primary schools judged good or better	91	As at 31 Dec 2018	Tracker	91	87	90		at 30 Nov 2018	Yes
				N/a	GREEN	GREEN	GREEN			
35	Ofsted % of secondary schools judged good or better	58	As at 31 Dec 2018	Tracker	65	75	58		at 30 Nov 2018	Yes
				N/a	RED	RED	GREEN			

\*provisional data

## ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE

### 1. Are children, young people and families in receipt of universal services appropriately supported?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
36	Exclusion from school of All Durham children - percentage of children with at least one fixed exclusion	2.01*	2017/18 (Academic Year)	Tracker	1.95	2.29	2.29		2016/17 Ac Yr	Yes
				N/a	RED	GREEN	GREEN			
37	% of all school pupils eligible for and claiming Free School Meals (FSM)	19.4	Jan 2018	Tracker	20.2	14.2	19.8			No
				N/a	GREEN	RED	GREEN			
38	Under 18 conception rate per 1,000 girls aged 15 to 17	24.6	Oct 16-Sep 17	Tracker	22.2	17.9	25.0			Yes
				N/a	RED	RED	GREEN			
39	% of five year old children free from dental decay	74.2	2016/17	Tracker	64.9	76.7	76.1			No
				N/a	GREEN	RED	AMBER			
40	Alcohol specific hospital admissions for under 18s (rate per 100,000)	56.2	2014/15-2016/17	Tracker	67.5	34.2	64.8			No
				N/a	GREEN	RED	GREEN			
41	Young people aged 10-24 admitted to hospital as a result of self-harm	400.8	2016/17	Tracker	420.8	404.6	425.3			No
				N/a	GREEN	GREEN	GREEN			
42	% of children aged 4 to 5 years classified as overweight or obese	25.0	2017/18 (Academic Year)	Tracker	24.1	22.4	25.0			Yes
				N/a	AMBER	RED	GREEN			
43	% of children aged 10 to 11 years classified as overweight or obese	37.1	2017/18 (Academic Year)	Tracker	37.7	34.3	37.5			Yes
				N/a	GREEN	RED	GREEN			
44	% of Education Health and Care Plans completed in the statutory 20 week time period (excl. exceptions)	84.4	2018	90	78.8	64.9	78.8		2017	Yes
				RED	GREEN	GREEN	GREEN			

## ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE

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Are children, young people and families in receipt of early help services appropriately supported?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
45	% of successful interventions (families turned around) via the Stronger Families Programme (Phase 2) [number]	39.7 [1,731]	Sep 14-Dec 18	59.4 [2,591] <b>RED</b>	N/a <b>GREEN</b>	32.1 <b>GREEN</b>	36.9 <b>GREEN</b>	27.0 <b>GREEN</b>	Sep 2018	Yes
46	% of children aged 0-2 years in the top 30% IMD registered with a Family Centre and having sustained contact	88.7	Oct 17-Sep 18	80 <b>GREEN</b>	89.6 <b>AMBER</b>					No

## ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE

3. Are children, young people and families in receipt of social work services appropriately supported and safeguarded?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
47	% of statutory referrals received by the First Contact Team or Emergency Duty Team processed within 1 working day	82.5 [3,256]	Apr-Dec 2018	Tracker N/a	84.6 [3,167] <b>RED</b>					Yes
48	% of statutory children in need referrals occurring within 12 months of a previous referral	21.1 [938]	Apr-Dec 2018	Tracker N/a	16.7 [647] <b>RED</b>	21 <b>AMBER</b>	17 <b>RED</b>	20.7 <b>AMBER</b>	2017/18	Yes
49	% of single assessments completed within 45 working days	78.1 [3,061]	Apr-Dec 2018	Tracker N/a	79.2 [2,648] <b>AMBER</b>	83 <b>RED</b>	82 <b>RED</b>	79 <b>AMBER</b>	2017/18	Yes
50	Rate of children subject to a child protection plan per 10,000 population aged under 18 [number of children]	43.2 [434]	As at 31 Dec 2018	Tracker N/a	53.9 [541] N/a	45 N/a	66 N/a		As at 31 Mar 2018	Yes

## ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE

### 3. Are children, young people and families in receipt of social work services appropriately supported and safeguarded?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
51	Rate of children in need per 10,000 population aged under 18 (statutory L4 open cases) [number of children]	379.6 [3,817]	As at 31 Dec 2018	Tracker	355.17 [3,562]	341	460	380	As at 31 Mar 2018	Yes
				N/a	N/a	N/a	N/a	N/a		
52	Rate of children at level 2 or 3 per 10,000 population aged under 18 (One Point open cases) [number of children]	238.4 [2,397]	Apr-Dec 2018	Tracker	206.7 [2,073]					Yes
				N/a	N/a					
53	% of strategy meetings initiated which led to an initial child protection conference being held within 15 working days	67.8 [368]	Apr-Dec 2018	75	67 [431]	77	83	75	2017/18	Yes
				<b>RED</b>	<b>GREEN</b>	<b>RED</b>	<b>RED</b>	<b>RED</b>		
54	% of Social Workers with fewer than 20 cases	49.1	As at 3 Jan 2019	Tracker	48	44.1				Yes
				N/a	<b>GREEN</b>	<b>GREEN</b>				
55	% of Statutory Case File Audits which are given a scaling score of 6 or above	80	Oct-Dec 2018	80	New indicator					Yes
				<b>GREEN</b>	N/a					

## ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE

### 4. Are we being a good corporate parent to Looked After Children?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
56	Rate of children looked after per 10,000 population aged under 18 [number of children]	83.1 [835]	As at 31 Dec 2018	Tracker	78.9 [791]	64	95	90	As at 31 Mar 2018	Yes
				N/a	N/a	N/a	N/a	N/a		

**ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE**
**Are we being a good corporate parent to Looked After Children?**

Page 162 Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
57	% of children adopted from care (as % of total children leaving care) [number of children]	11.1* [28 of 252]	Apr-Dec 2018	15.0 <b>RED</b>	N/a N/a	13 <b>AMBER</b>	14 <b>RED</b>	19 <b>RED</b>	2017/18	Yes
58	% of LAC who are fostered	73.4 [613]	As at 31 Dec 2018	Tracker N/a	82.8 [656] N/a					Yes
59	% of external residential placements	2.4 [20]	As at 31 Dec 2018	Tracker N/a	3.8 [30] <b>GREEN</b>					Yes
60	% of children looked after continuously for 12 months or more who had a dental check	91.3	As at 31 Dec 2018	Tracker N/a	95 <b>RED</b>	88 <b>GREEN</b>	94 <b>RED</b>	95 <b>RED</b>	2017/18	Yes
61	% of children looked after continuously for 12 months or more who have had the required number of health assessments	90.2	As at 31 Dec 2018	Tracker N/a	90.2 <b>GREEN</b>	88 <b>GREEN</b>	89 <b>GREEN</b>	89 <b>GREEN</b>	2017/18	Yes
62	Emotional and behavioural health of children looked after continuously for 12 months or more	15.5	2017/18	Tracker N/a	16.0 <b>GREEN</b>	14.2 <b>RED</b>	14.1 <b>RED</b>	14.0 <b>RED</b>		Yes
63	Average Attainment 8 score of Looked After Children	24.8	2017/18 (Academic Year)	Tracker N/a	21.9 N/a	19.3 <b>GREEN</b>	20.1 <b>GREEN</b>	18.3 <b>GREEN</b>	2016/17 (Academic Year)	Yes
64	% of LAC achieving the expected standard in Reading, Writing and Maths (at KS2)	35	2017/18 (Academic Year)	Tracker N/a	35 <b>GREEN</b>	32 <b>GREEN</b>	33 <b>GREEN</b>	38 <b>RED</b>	2016/17 (Academic Year)	Yes
65	% of care leavers aged 17-18 in education, employment or training (EET)	83	As at 31 Dec 2018	Tracker N/a	New definition N/a	64 <b>GREEN</b>	65 <b>GREEN</b>		2017/18	Yes

## ALTOGETHER BETTER FOR CHILDREN AND YOUNG PEOPLE

### 4. Are we being a good corporate parent to Looked After Children?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
66	% of care leavers aged 19-21 in education, employment or training (EET)	48	As at 31 Dec 2018	Tracker	New definition	51	52	58	2017/18	Yes
				N/a	N/a	RED	RED	RED		
67	% of care leavers aged 17-18 in suitable accommodation	94	As at 31 Dec 2018	Tracker	New definition	89	93	84	2017/18	Yes
				N/a	N/a	GREEN	GREEN	GREEN		
68	% of care leavers aged 19-21 in suitable accommodation	83	As at 31 Dec 2018	Tracker	New definition	84	91	90	2017/18	Yes
				N/a	N/a	AMBER	RED	RED		

## ALTOGETHER HEALTHIER

### 1. Are our services improving the health of our residents?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
69	% of mothers smoking at time of delivery	17.7*	Jul-Sep 2018	14.7	17.8	10.5*	15.6*			Yes
70	Four week smoking quitters per 100,000 smoking population [number of quitters]	1,462.0 [1,104]	Apr-Sep 2018	1,523 [1,150]	1,741.4 [1,315]					Yes
				RED	RED					
71	Male life expectancy at birth (years)	78.0	2014-16	Tracker	78.1	79.5	77.8			No
				N/a	AMBER	AMBER	GREEN			

# ALTOGETHER HEALTHIER

## Are our services improving the health of our residents?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
72	Female life expectancy at birth (years)	81.3	2014-16	Tracker	81.2	83.1	81.5			No
				N/a	GREEN	RED	AMBER			
73	Female healthy life expectancy at birth (years)	59	2014-16	Tracker	57	63.9	60.6			No
				N/a	GREEN	RED	AMBER			
74	Male healthy life expectancy at birth (years)	59.1	2014-16	Tracker	59.7	63.3	59.7			No
				N/a	AMBER	RED	AMBER			
75	Excess weight in adults (Proportion of adults classified as overweight or obese)	67.7	2016/17	Tracker	67.5	61.3	66.1			No
				N/a	AMBER	RED	AMBER			
76	Suicide rate (deaths from suicide and injury of undetermined intent) per 100,000 population	12	2015-17	Tracker	12.6	9.6	10.8			Yes
				N/a	GREEN	RED	RED			
77	Prevalence of breastfeeding at 6-8 weeks from birth	28.4	Oct-Dec 2018	Tracker	29.1	46.4	33.7		Jul-Sep 18	Yes
				N/a	AMBER	RED	RED			
78	Estimated smoking prevalence of persons aged 18 and over	14.3	2017	Tracker	17.9	14.9	16.2			No
				N/a	GREEN	GREEN	GREEN			
79	Self-reported wellbeing - people with a low happiness score	6.9	2016/17	Tracker	11.5	8.5	8.7			No
				N/a	GREEN	GREEN	GREEN			
80	Participation in Sport and Physical Activity: active	62.9	May 17– May 18	Tracker	60.9	62.3	60.1			No
				N/a	GREEN	GREEN	GREEN			
81	Participation in Sport and Physical Activity: inactive	26.6	May 17- May 18	Tracker	24.5	25.2	28.2			No
				N/a	RED	RED	GREEN			

\*provisional data

## ALTOGETHER HEALTHIER

### 2. Are people needing adult social care supported to live safe, healthy and independent lives?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
82	Adults aged 65+ per 100,000 population admitted on a permanent basis in the year to residential or nursing care	583.7	Apr-Dec 2018	535.5 <b>RED</b>	533.8 <b>RED</b>					Yes
83	% of older people who were still at home 91 days after discharge from hospital into reablement/ rehabilitation services	86.1	Jan-Sep 2018	85.9 <b>GREEN</b>	89.5 <b>RED</b>	82.9 Not comparable	83.9 Not comparable	81.8* Not comparable	2017/18	Yes
84	% of individuals who achieved their desired outcomes from the adult safeguarding process	95.7	Apr-Dec 2018	Tracker N/a	96.0 <b>AMBER</b>	94.2 N/a		93.6* N/a	2017/18	Yes
85	% of service users receiving an assessment or review within the last 12 months	87.1	2018	Tracker N/a	88.8 <b>AMBER</b>					Yes
86	Overall satisfaction of people who use services with their care and support	66.6	2017/18	Tracker N/a	63.6 <b>GREEN</b>	65.0 <b>GREEN</b>	67.9 <b>AMBER</b>	66.3* <b>GREEN</b>		No
87	Overall satisfaction of carers with the support and services they receive (Biennial survey)	43.3	2016/17	Tracker N/a	Biennial Survey N/a	39.0 <b>GREEN</b>	45.7 <b>RED</b>			No
88	Daily delayed transfers of care beds, all, per 100,000 population age 18+	2.5	Nov 2018	Tracker N/a	2.6 <b>GREEN</b>	9.3 <b>GREEN</b>	6.4 <b>GREEN</b>	10.2* <b>GREEN</b>		Yes
89	% of adult social care service users who report they have enough choice over the care and support services they receive	74.9	2017/18	Tracker N/a	73.1 <b>GREEN</b>	68.2 <b>GREEN</b>	72.1 <b>GREEN</b>	69.1* <b>GREEN</b>		No

\*unitary authorities

**How effective are we at tackling crime and disorder?**

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
90	First time entrants to the youth justice system aged 10 to 17 (per 100,000 population of 10 to 17 year olds)	250	Jul 17– Jun 18	Tracker	371	262	349	266		Yes
				N/a	<b>GREEN</b>	<b>GREEN</b>	<b>GREEN</b>	<b>GREEN</b>		
91	Overall crime rate per 1,000 population	96.3	2018	Tracker	91.6					Yes
				N/a	<b>RED</b>					
92	Rate of theft offences per 1,000 population	27.7	2018	Tracker	27.7					Yes
				N/a	<b>GREEN</b>					
93	Proportion of all offenders who re-offend in a 12 month period	31	Apr-Mar 17	Tracker	32.5	29.3	34.8			Yes
				N/a	<b>GREEN</b>	<b>AMBER</b>	<b>GREEN</b>			
94	Proven re-offending by young people (who offend) in a 12 month period (%)	41.4	Apr 16– Mar 17	Tracker	46.4	40.9	41.8			Yes
				N/a	<b>GREEN</b>	<b>AMBER</b>	<b>GREEN</b>			

## ALTOGETHER SAFER

### 2. How effective are we at tackling anti-social behaviour?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
95	Dealing with concerns of ASB and crime issues (%) by the local council and police	50	2017	Tracker	55.1			58.1		Yes
				N/a	RED			RED		
96	Number of police reported incidents of anti-social behaviour	10,577	Apr-Dec 2018	Tracker	12,072					Yes
				N/a	GREEN					
97	Number of council reported incidents of anti-social behaviour	8,191	Apr-Dec 2018	Tracker	8,440					Yes
				N/a	GREEN					

## ALTOGETHER SAFER

### 3. How well do we reduce misuse of drugs and alcohol?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
98	% of successful completions of those in alcohol treatment	31.9	May 17-Apr 18 with rep to Oct 18	28.0	30.3	38.6	30.7		North East 2017	Yes
				GREEN	GREEN	RED	GREEN			
99	% of successful completions of those in drug treatment - opiates	5.3	May 17-Apr 18 with rep to Oct 18	6.0	6.8	6.2	4.9		North East 2017	Yes
				AMBER	AMBER	AMBER	AMBER			
100	% of successful completions of those in drug treatment - non-opiates	28.6	May 17-Apr 18 with rep to Oct 18	26.4	27.6	38.6	25.8		North East 2017	Yes
				GREEN	GREEN	RED	GREEN			
Page 01 167	% of anti-social behaviour incidents that are alcohol related	17.6	Apr-Dec 2018	Tracker	16.1					Yes
				N/a	RED					

## ALTOGETHER SAFER

### How well do we reduce misuse of drugs and alcohol?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
102	% of violent crime that is alcohol related	31.6%	Apr-Dec 2018	Tracker	25.1					Yes
				N/a	<b>RED</b>					
103	Alcohol seizures	194	Apr-Jun 2018	Tracker	398					No
				N/a	<b>GREEN</b>					

## ALTOGETHER SAFER

### 4. How well do we tackle abuse of vulnerable people, including domestic abuse, child exploitation and radicalisation?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
104	Building resilience to terrorism (self-assessment). Scored on level 1 (low) to 5 (high)	3	2017/18	Tracker	3					No
				N/a	<b>GREEN</b>					
105	Number of child sexual exploitation referrals	169	2018	Tracker	191					Yes
				N/a	N/a					

## ALTOGETHER SAFER

### 5. How do we keep our environment safe, including roads and waterways?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
106	Number of people killed or seriously injured in road traffic accidents	152	2018	Tracker	204					Yes
	- Number of fatalities	6		N/a	GREEN					
	- Number of seriously injured	146			18					
107	Number of children killed or seriously injured in road traffic accidents	16	2018	Tracker	18					Yes
	- Number of fatalities	0		N/a	GREEN					
	- Number of seriously injured	16			0					

## ALTOGETHER GREENER

### 1. How clean and tidy is my local environment?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter	
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different		
108	% of relevant land and highways assessed as having deposits of litter that fall below an acceptable level	6.61	Aug-Sep 2018	Tracker	5.22	10				2014/15	No
				N/a	AMBER	GREEN					
109	% of relevant land and highways assessed as having deposits of detritus that fall below an acceptable level	13.87	Aug-Sep 2018	Tracker	10.72	27				2014/15	No
				N/a	RED	GREEN					
110	% of relevant land and highways assessed as having deposits of dog fouling that fall below an acceptable level	1	Aug-Sep 2018	Tracker	0.44	7				2014/15	No
				N/a	AMBER	GREEN					

## ALTOGETHER GREENER

### 1. How clean and tidy is my local environment?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
111	Number of fly-tipping incidents	7,259	2018	Tracker	7,940					Yes
				N/a	<b>GREEN</b>					

## ALTOGETHER GREENER

### 2. Are we reducing carbon emissions and adapting to climate change?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
112	% reduction in CO <sub>2</sub> emissions in County Durham (by 40% by 2020 and 55% by March 2031)	52.3	2016	Tracker	49.9					No
				N/a	<b>GREEN</b>					
113	% change in CO <sub>2</sub> emissions from local authority operations	-9	2017/18	Tracker	-14					No
				N/a	<b>RED</b>					

## ALTOGETHER GREENER

### 3. How effective and sustainable is our collection and disposal of waste?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter	
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different		
114	% of municipal waste diverted from landfill	96.3	Oct 17– Sep 18	95	96.7	87.3	92			2017/18	Yes
				<b>GREEN</b>	<b>AMBER</b>	<b>GREEN</b>	<b>GREEN</b>				

## ALTOGETHER GREENER

### 3. How effective and sustainable is our collection and disposal of waste?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
115	% of household waste that is re-used, recycled or composted	42.2	Oct 17– Sep 18	Tracker	39.3	43.2	34.5		2017/18	Yes
				N/a	<b>GREEN</b>	<b>AMBER</b>	<b>GREEN</b>			

## ALTOGETHER BETTER COUNCIL

### 1. How well do we look after our people?

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
116	% of performance appraisals completed in current post in rolling year period (excluding schools)	N/a*	-	n/a	n/a					No
				N/a	N/a					
117	Days / shifts lost to sickness absence (all services excluding schools)	10.7	2018	11.20	10.70					Yes
				<b>GREEN</b>	<b>GREEN</b>					
118	% posts with no absence in rolling year (excluding schools)	59.4	2018	Tracker	57.26					Yes
				N/a	<b>GREEN</b>					
119	% of sickness absence which is short term	17.15	Oct-Dec 2018	Tracker	17.29					Yes
				N/a	N/a					
120	% of sickness absence which is medium term	16.59	Oct-Dec 2018	Tracker	14.14					Yes
				N/a	N/a					
121	% of sickness absence which is long term	66.26	Oct-Dec 2018	Tracker	68.57					Yes
				N/a	N/a					

**ALTOGETHER BETTER COUNCIL**
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**How well do we look after our people?**

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
122	% of employees having five days or less sickness per 12 month period	87.79	2018	Tracker	78.94					Yes
				N/a	<b>RED</b>					

\*due to new system introduction

**ALTOGETHER BETTER COUNCIL**
**2. Are our resources being managed for the best possible outcomes for residents and customers?**

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
123	% of council tax collected in-year	84.15	Apr-Dec 2018	84.82	84.7					Yes
				<b>AMBER</b>	<b>AMBER</b>					
124	% of business rates collected in-year	83.01	Apr-Dec 2018	83.01	83.52					Yes
				<b>GREEN</b>	<b>AMBER</b>					

**3. How good are our services to customers and the public?**

Ref	Description	Latest data	Period covered	Comparison to						Data updated this quarter
				Period target	12 months earlier	National figure	North East figure	Nearest statistical neighbour	Period covered if different	
125	% of Freedom of Information and Environmental Information Regulations requests responded to within 20 working days	79	Oct-Dec 2018	90 <b>RED</b>	71 <b>GREEN</b>					Yes
126	Average time taken to answer a telephone call (seconds)	56	2018	Tracker	45					Yes
				N/a	<b>RED</b>					
127	% of abandoned calls	5	2018	Tracker	5					Yes
				N/a	<b>GREEN</b>					
128	Customer contacts: face to face	141,305	2018	Tracker	154,104					Yes
				N/a	N/a					
129	Customer contacts: telephone	956,020	2018	Tracker	955,969					Yes
				N/a	N/a					
130	Customer contacts: web forms	125,679	2018	Tracker	80,131					Yes
				N/a	N/a					
131	Customer contacts: emails	41,397	2018	Tracker	59,317					Yes
				N/a	N/a					
132	Customer contacts: social media	2,733	2018	Tracker	4,189					Yes
				N/a	N/a					

## Appendix 3: Risk Management

- 1 Effective risk management is a vital component of the council's challenging improvement agenda, so that any risks to successful delivery can be identified and minimised. The council's risk management process therefore sits alongside service improvement work and is integrated into all significant change and improvement projects.
- 2 The key risks to successfully achieving the objectives of each corporate theme are detailed against each Altogether theme in the relevant sections of the report. These risks have been identified using the following criteria:
  - a) Net impact is critical, and the net likelihood is highly probable, probable or possible.
  - b) Net impact is major, and the net likelihood is highly probable or probable.
  - c) Net impact is moderate, and the net likelihood is highly probable.
- 3 As at 31 December 2018, there were 26 risks on the corporate strategic risk register, the same as at 30 September 2018. During this period, one risk was added and one was removed. The following matrix categorises the strategic risks according to their net risk evaluation as at 31 December 2018. To highlight changes in each category during the last quarter, the number of risks as at 30 September 2018 is shown in brackets.

Corporate Risk Heat Map						
<b>IMPACT</b>	Critical	1 (1)		3 (4)		1 (1)
	Major		5 (5)	4 (4)		
	Moderate			9 (8)	2 (2)	
	Minor				1 (1)	
	Insignificant					
		Remote	Unlikely	Possible	Probable	Highly Probable
		<b>LIKELIHOOD</b>				
	<b>Key risks</b>					

- 4 One risk has been added during the latest review period:

*Potential significant size and scope of the liabilities of equal value claims.* This was previously listed as an emerging risk. However, as the scope of potential liabilities becomes clearer, the financial risk to the Council could be significant. Claims have been lodged since 2005 by over 1,000 staff in relation to equal value claims. The claims are based upon the comparison of the pay of one job with another.

5 One risk has been removed:

*Major interruption to IT service delivery:* Following completion of the electrical upgrade works at the Council's main data centre, the likelihood of this risk has been downgraded to remote and it has now been removed from the risk register.

6 At a corporate strategic level, key risks to the Council, with their respective net risk evaluations shown in brackets, are:

- a) If there was to be a slippage in the delivery of the agreed MTFP savings projects, this will require further savings to be made from other areas, which may result in further service reductions and job losses (critical / possible);
- b) Government funding cuts, which will continue into 2019/20, will have an increasing major impact on all council services. In addition the outcome of the Fair Funding Review is not known and could also have a significant impact on the level of funding available to the Council (critical / highly probable);
- c) Failure to protect child from death or serious harm - where service failure is a factor or issue. (critical / possible);
- d) Failure to protect a vulnerable adult from death or serious harm (critical / possible).

7 The implementation of additional mitigation on a number of risks has enabled the Council to improve performance, decision-making and governance, and this is detailed in the relevant sections of the report.

- a) **Altogether Wealthier:** There are no key risks in delivering the objectives of this theme.
- b) **Altogether Better for Children and Young People:** *Failure to protect a child from death or serious harm (where service failure is a factor or issue).* Management consider it possible that this risk could occur which, in addition to the severe impacts on children, will result in serious damage to the council's reputation and to relationships with its safeguarding partners. To mitigate the risk, actions are taken forward from Serious Case Reviews and reported to the Local Safeguarding Children Board. Lessons learned are fed into training for front line staff and regular staff supervision takes place. This risk is long term and procedures are reviewed regularly.
- c) **Altogether Healthier:** There are no key risks in delivering the objectives of this theme.
- d) **Altogether Safer:** *Failure to protect a vulnerable adult from death or serious harm.* Management consider it possible that this risk could occur which, in addition to the severe impacts on service users, will result in serious damage to the council's reputation and to relationships with its safeguarding partners. As the statutory body, the multi-agency Safeguarding Adults Board has a Business Plan in place for taking forward actions to safeguard vulnerable adults including a comprehensive training programme for staff and regular supervision takes place. This risk is long term and procedures are reviewed regularly.
- e) **Altogether Greener:** There are no key risks in delivering the objectives of this theme.

f) **Altogether Better Council:**

- i. *If there was to be slippage in the delivery of the agreed Medium Term Financial Plan savings projects, this will require further savings to be made from other areas, which may result in further service reductions and job losses. Management consider it possible that this risk could occur, which will result in a funding shortfall, damaged reputation and reduced levels of service delivery. To mitigate the risk, a programme management approach for key projects has been established and embedded across the council. Monitoring by Corporate Management Team and Cabinet provides assurance over the implementation of the agreed MTFP savings projects. It should be recognised that this will be a significant risk for at least the next four years.*
- ii. *Government funding cuts, which will continue into 2019/20 will have an increasing major impact on all council services. In addition the outcome of the Fair Funding Review is not known and could also have a significant impact of the level of funding available to the Council. Management consider it highly probable that this risk could occur, and to mitigate the risk, sound financial forecasting is in place based on thorough examination of the Government's red book plans. This will also be a significant risk for at least the next four years.*

**Cabinet**

**13 March 2019**

**Annual Review of the Constitution**



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**Report of Corporate Management Team**

**Helen Lynch, Head of Legal and Democratic Services**

**Councillor Simon Henig, Leader of the Council**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To present proposals for the revision of the Council's Constitution.

**Executive summary**

- 2 The Council's Constitution describes the four methods by which the Council operates: the Council, the Executive, Overview and Scrutiny, and the Committees. It also provides the framework within which each must operate by including:
  - (a) the rules and procedures to be followed by the Council and committees when conducting their business;
  - (b) the decision making powers of the Council, Executive, Committees and Officers;
  - (c) the financial and contract regulations;
  - (d) the rights of the public;
  - (e) codes of conduct for councillors and employees;
  - (f) members' allowances.
- 3 Although the Constitution has been regularly maintained and updated, a fundamental review of the content was undertaken last year and agreed

by Council on 23 May 2018. The annual review of the Constitution for 2019 is currently being undertaken which will be considered by Council at its annual meeting in May 2019.

### **Recommendation**

- 4 The Leader and Cabinet are asked to:
  - (a) approve the delegation of executive powers as set out in the proposed amendments to the officer scheme of delegation at paragraph 16 of the report:
  - (b) recommend that Council agree the proposed revisions to the Constitution at its annual meeting on 22 May 2019.

## **Background**

- 5 Section 37 of the Local Government Act 2000 requires local authorities operating executive arrangements to prepare and keep up to date a document which contains:
  - (a) such information as the Secretary of State may direct;
  - (b) the authority's standing orders (i.e. rules of procedure);
  - (c) the code of conduct for members; and
  - (d) such information as the authority considers appropriate.
- 6 The Council must ensure that copies of the above document – which is commonly referred to as the constitution – are available at the principal office for inspection by the public at all reasonable hours and supply a copy of the same upon request (upon payment of such reasonable fee as we may determine).
- 7 Durham County Council's Constitution is available on the Council's website and is reviewed on an annual basis.

## **Methodology**

- 8 Preparations for the annual review of the Constitution commenced in the autumn of 2018, with Directors being contacted to request that they consider what, if any, changes they believed were appropriate to the Constitution. Contact was also made with the relevant officers responsible for the scheme of delegations in each directorate, and their requests for amendments incorporated into the proposed Constitution.
- 9 The proposals have been considered by the Constitution Working Group, then Cabinet prior to consideration by Council at its annual meeting.
- 10 An overview of the key changes for relevant sections where amendments are proposed are set out below. Attached at appendices 2 - 8 are relevant extracts of the constitution with the proposed changes shown as tracked changes. A summary of all the changes is attached at Appendix 9.

## **Terminology**

- 11 During the last annual review of the Constitution, consideration was given to amending the terminology throughout the document so that it is gender neutral. The Constitution Working Group considered a recommendation from its specially convened sub-group that the terminology should be amended. CWG agreed that such changes should be recommended to Council as part of this review. In doing, so, it

was recognised that it was a matter of personal preference as to how individual councillors wish to be addressed.

- 12 Therefore it is proposed that the terminology of 'Chairman' be changed to a gender-neutral title of 'Chair', and that other references to gender throughout the document be neutralised, with such references as he/she, himself/herself, be replaced according to the data subject referenced whether that be member/ councillor/ officer/ member of the public etc.
- 13 If council agree to the changes proposed any consequential amendments to such documents as agendas/ minutes/ reports will need to be made to ensure consistency in approach.
- 14 It is also proposed to amend Article 12 in relation to the terminology of the Constitution to clarify that any reference to legislation also includes subsequent amendments to it without the need to reference in the document. Proposed changes are set out in Appendix 2.

### **Corporate Parenting Panel**

- 15 The Corporate Parenting Panel reviewed its terms of reference at its meeting on 14 December 2018. The Panel proposes minor corrections and includes an adjustment of the numbers of its non-voting co-opted members. This change is intended to seek an increase in attendance by external professionals at meetings of the panel and its sub groups. The proposals are as set out at Appendix 3.

### **Scheme of Delegation**

- 16 There have been some changes to the scheme of delegation to officers as set out in Appendix 4, which are set out below:-

#### **(a) Director of Public Health**

The proposed amendments seek to clarify the role of the Director of Public Health.

#### **(b) Corporate Director of Regeneration and Local Services**

It is proposed to streamline the delegations to the Corporate Director of Regeneration and Local Services by removing extensive lists of legislation and replace with generic wording relating to the functions of the Directorate. These changes do not add to/remove delegated powers to the Corporate Director but will make the delegations more consistent with those to the other Corporate Directors.

In addition, there are a number of amendments proposed which clarify the scope of existing delegations that are in place, which are listed in the summary of changes at Appendix 9. In line with the restructure within Regeneration and Local Services at Head of Service level, which

is expected to be finalised by 1 April 2019, changes to the scheme of delegation will require amendment in line with the transfer of duties. The Head of Legal and Democratic Services will amend the Constitution to reflect these changes in accordance with her delegated powers.

### **(c) Corporate Director Resources**

The Council has a number of key policies such as the Discretionary Housing Payments Policy, Welfare Assistance Scheme and Residential and Non-residential charging policies, which are approved by Cabinet. The Corporate Director does not currently have any delegated authority to make minor amendments to the scheme to reflect changes in grant received etc. This means each time a change is required in order to implement the policy, Cabinet approval is required. It is therefore proposed to enable the Corporate Director to make minor changes to these policies in consultation with the relevant portfolio holders. Any changes to the extent or scope of the policies would still require Cabinet approval.

There is also an amendment to generalise the commissioning of advice services rather than refer to a specific provider as this may change overtime.

It is also proposed include delegations in relation to the Pension Fund and the management of the council's portfolio in the Border to Coast Pensions Partnership Limited.

### **Council Procedure Rules/ Executive Procedure Rules**

- 17 It is proposed to amend the rules relating to the scope of questions that are to be considered at meetings of the Executive and Council. The current rules provide that a question will be rejected if it is substantially the same as a question which has been considered in the last 6 months. However, it is proposed that this is strengthened slightly to include questions which are closely related to a question asked in the last 6 months.
- 18 It is also proposed that the Council Procedure Rules are amended to clarify that a member with the right of reply on a motion under consideration has no more than 3 minutes to speak. This reflects custom and practice. Amendments are set out in Appendix 5.

### **Financial Procedure Rules**

- 19 It is proposed to amend references to the Audit Commission following the appointment of external auditors, and the references to the Accounts and Audit Regulations 2011 which have now been superseded by the 2015 version. Amendments are set out in Appendix 6.

## **Contract Procedure Rules**

- 20 There are a number of proposed changes to the Contract Procedure Rules as set out in Appendix 7, which are intended to provide clarification or ensure current practice/requirements are reflected. It is proposed to make provision for the use of e-signatures because it is anticipated that the use of e-signatures is likely to develop over the next 12 months.
- 21 Some overall minor updates have also been made with regard to corrections of previous typing errors or formatting.

## **Code of Practice for Members and Officers dealing with Planning Matters**

- 22 It represents good governance to keep Codes of Practice under review. Accordingly, Officers have reviewed the Code of Practice for Members and Officers dealing with planning matters and proposed to amend the code to cover members seeking to vote when they have not been present for the full presentation/debate at Planning Committees. The Code has also been updated to reflect the interest arrangements of members under the Localism Act 2011. The County Planning Committee on 5 February 2019 agreed to recommend that Council approves the proposed changes. These are set out in Appendix 8 to the report.

## **Constitution Working Group/Next Steps**

- 23 The proposed revisions were approved by the Constitution Working Group on 14 February 2019 for recommendation to Cabinet, and then Council on 22 May 2019.

## **Background papers**

Report to Council- 23 May 2018

DCC's Constitution document

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## **Appendix 1: Implications**

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### **Legal Implications**

The Council has a statutory duty to adopt and maintain a constitution pursuant to s37 of the Local Government Act 2000 as follows:

- (1) A local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in this section as their constitution) which contains —
  - (a) such information as the Secretary of State may direct,
  - (b) a copy of the authority's standing orders for the time being,
  - (c) a copy of the authority's code of conduct for the time being under section 51, and
  - (d) such other information (if any) as the authority consider appropriate.
- (2) A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours.
- (3) A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

### **Finance**

The review of the constitution has no financial implications.

### **Consultation**

As set out in the main body of the report, relevant Council Officers have been consulted regarding any amendments to the Constitution, which are relevant to them.

### **Equality and Diversity / Public Sector Equality Duty**

The revision of the Constitution is not considered to have an adverse impact upon the public sector equality duty. The constitution is as accessible as possible and is regularly reviewed to ensure that equality concerns are addressed. An equality impact assessment was undertaken at the time of review of the constitution working groups sub group on gender terminology.

The screening suggested that the use of gender neutral terminology in the Constitution would have a positive impact on individuals with a relevant protected characteristic and would promote equality of opportunity and inclusivity.

### **Human Rights**

None specific within this report.

### **Crime and Disorder**

None specific within this report.

### **Staffing**

None specific within this report.

### **Accommodation**

None specific within this report.

### **Risk**

None specific within this report.

### **Procurement**

As set out in the report about changes to the contract procedure rules.

### Article 12 – Review, Revision and Suspension of the Constitution.

#### 12.01 Duty to monitor and review the constitution

The Head of Legal and Democratic Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. In undertaking this task the Head of Legal and Democratic Services may:

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in the Council with those in other comparable authorities, or national examples of best practice.

#### 12.02 Changes to the Constitution

- (a) **Approval.** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Head of Legal and Democratic Services in consultation with the Executive and the Constitution Working Group.
- (b) **Change from a leader and cabinet form of executive to another form of executive or vice versa.** The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.
- (c) **Changes to the responsibility for functions** may be made as set out within this Constitution or as permitted by law.

#### 12.03 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Procedure Rules in Part 4 may be suspended by the full Council to the extent permitted therein and by law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be

proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

#### **12.04 Interpretation**

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1. **Any references to legislation contained within the Constitution includes subsequent amendments to that legislation.**

#### **12.05 Publication**

The Head of Legal and Democratic Services will ensure that copies of the Constitution are available for inspection at County Hall and on the Council's website, and can be purchased by members of the local press and the public on payment of a reasonable fee.

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## Appendix 3: Corporate Parenting Panel

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### E. Corporate Parenting Panel

The Corporate Parenting Panel is formed of 21 Members of the Council including the member of the Executive or Executive Support for Children and Young People's Services and the Chairman or Vice-Chairman of Children and Young People's Overview and Scrutiny Committee, **plus a maximum of 10 6** non-voting Co-opted Members, **consisting of ~~being 3~~** school representatives and **3** representatives from other agencies. The functions of the Corporate Parenting Panel are:-

- (i) To ensure that the Council acts as a good corporate parent to children and young people in care and care leavers, including:
  - (a) **Children and** Young people in residential care
  - (b) Children and Young people in foster care
  - (c) Children and **Young people** placed for adoption
  - (d) Children and **Young people** placed at home under **Care Planning, Placement ~~with Parents~~ and Case Review Regulations**
  - (e) Young people who are living in supported lodgings
  - (f) Young people in Secure services
  - (g) Young people in custody
- (ii) To engage and listen to the views of children, young people and their carers for whom the Council is the parent.
- (iii) To work in partnership with other statutory agencies to drive forward improvements in care.
- (iv) To act as the governing body for the Virtual School for looked after children and young people.
- (v) To act as the governing body for Aycliffe secure services, monitoring and ensuring the quality of secure accommodation. **education and care.**

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## Appendix 4: Officer Scheme of Delegations

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### OFFICER SCHEME OF DELEGATIONS

Table 1

#### General Delegations to all Chief Officers

1. The Chief Officers referred to in this scheme of delegations are those set out in Article 9 of this Constitution.
2. Chief Officers are empowered to carry out those specific functions of the Council delegated to them in the scheme of delegation. In doing so Chief Officers are expected to follow principles of decision making in Article 10 of the Constitution.
3. Functions are to be construed in a broad and inclusive fashion and include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
4. In exercising their delegated powers Chief Officers may:-
  - (a) Incur, vary and withdraw expenditure including the making of contributions to outside bodies whose objects are complementary to the work of the Council.
  - (b) In consultation, where appropriate, with the relevant Cabinet Portfolio Member, introduce, set and vary as necessary fees and charges for the delivery of services and for the issue of any licence, registration, permit, consent or approval.
  - (c) deal with the following employment issues in accordance with the Council's procedures:
    - (i) engage, suspend, dismiss and deploy staff up to and including Head of Service level;
    - (ii) take disciplinary action against staff up to but excluding appeals against dismissal;
    - (iii) apply conditions of service in accordance with the Council's policies;
    - (iv) permanently regrade posts up to and including Head of Service level with the approval of the Corporate Director of Resources.

- (v) make establishment changes up to and including Head of Service level;
- (vi) deal with applications for regrading up to and including final appeal, ensuring that the person hearing the final appeal has had no previous involvement in the matter;

- (d) Deploy other resources within their control.
  - (e) Within service budgets, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules.
  - (f) Terminate contractual and other commissioning arrangements.
  - (g) Serve, receive and act upon notices, give or refuse consents, issue determinations, apply for permissions, make orders, grant licences in the exercise of any discretionary power or in complying with any duty of the Council.
  - (h) Exercise virement within the financial limits contained in the Financial Procedure Rules.
  - (i) Provide services to other local authorities and organisations.
  - (j) Respond to consultations from Government departments and other public bodies.
  - (k) Request the Head of Legal and Democratic Services to enforce any bye-laws relevant to their service area.
  - (l) Exercise the Council's rights in any company or other form of corporate body of which the Council is a shareholder or member, unless alternative arrangements are specified in the relevant body's articles of association, other governing instrument, any shareholders' agreement or any specified delegations in relation to particular bodies.
5. In exercising their delegated powers Chief Officers must act within the law, the Council's Constitution, its Financial and Contract Procedure Rules and other procedures and policies and within appropriate service budgets.
6. In exercising their delegated powers the Chief Officers will:-
- (a) Follow the procedures and guidance set out in the Guidance on the Exercising and Recording of Delegated Powers issued by the Monitoring Officer.
  - (b) Consult the relevant Cabinet Portfolio Member as appropriate.
  - (c) Consult any appropriate Chief Officer or relevant Head of Service, in particular where there are significant financial, legal, property or HR implications of the proposed action or decision.
  - (d) Make the record available to:-
    - (i) the public, provided this does not mean the release of confidential or exempt information; and

- (ii) any Member of the Council provided this does not involve the release of confidential or exempt information to which the Member is not entitled.
  - (iii) the Chief Executive and Head of Legal and Democratic Services.
7. Each Chief Officer shall act as the designated Proper Officer for the Local Government Act 1972:-
    - (a) To identify which background papers disclose facts on which a particular report or an important part of the report is based (Section 100(d)(v)(a) of the Act).
    - (b) To prepare a list of background papers and to make arrangements for production of copies of background papers (Section 100(d)(i)(a) and (b) of the Act) (such delegation relates to the Chief Officer(s) in whose name(s) the report is prepared).
  8. Chief Officers and Heads of Service may authorise officers to exercise powers delegated to them. Chief Officers and Heads of Service must maintain proper records of such authorisation. The Chief Officer or Head of Service shall remain accountable for any action or decisions taken under that authority.
  9. For the avoidance of doubt, any authorisations made by Chief Officers to officers in force immediately prior to the adoption of this Constitution shall continue in force and any action taken thereunder shall remain valid unless and until it is superseded by either further such delegation or authorisation, or any action taken pursuant to later delegation.
  10. In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer, those delegated powers may be exercised by the relevant Heads of Service so far as permitted by law.
  11. Where this Constitution permits the exercise of delegated powers by Heads of Service, such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.
  12. Where it is impracticable to obtain authorisation from the Council body with responsibility for the function and subject to the action being reported (for information) to the next convenient meeting of that body, to take urgent action within legal powers where this is necessary in the interests of the Council, in respect of matters otherwise reserved to the Executive or some other Council body.

**The following matters are, in addition, delegated to all Heads of Service:**

13. Determining or resolving corporate complaints including the ability to make compensatory payments.

## **Table 2**

### **Delegations to the Chief Executive**

1. To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.
2. To guide and, where appropriate, direct chief officers in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
3.
  - (a) To carry out any executive function which is delegated to a particular chief officer in consultation with the relevant Cabinet Portfolio Member
  - (b) To carry out any executive function of a corporate nature in consultation where appropriate with the Leader and Deputy Leader.
4. To grant exemptions on the political restriction of officer posts under the Localism Act 2011.
5. To designate suitably qualified officers as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act, 2000.
6. To act as Returning Officer for County Council Elections in accordance with Section 35 of the Representation of the People Act 1983 (the 1983 Act).
7. To act as Electoral Registration Officer for the County in accordance with Section 8 of the 1983 Act.

### Table 3

## Delegations to the Director of Transformation and Partnerships

### 1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Director of Transformation and Partnerships, is authorised to discharge any function of the Executive in relation to:

- Archives and Records
- Communication
- Community Buildings
- Community Development and Area Action partnerships
- Community Engagement
- Community Safety - support for statutory partnerships
- Corporate Policy, Planning and Improvement
- Emergency Planning and Civil Contingencies
- Equalities, Diversity and Cohesion
- Government Migration Programmes
- Information Management and Governance
- Partnership Co-ordination and support for the County Durham Partnership
- Performance Management and Research Information
- Service Review and Improvement
- Transformation Programme
- Voluntary Sector and Local Councils

In carrying out these delegated functions the Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

### Specific and non-executive delegations

The matter set out below is in addition, delegated to the **Head of Strategy**

2. To oversee the management of the Council's Overview and Scrutiny functions.

The matter(s) set out below are in addition, delegated to the **Head of Partnerships and Community Engagement**

3. To authorise the expenditure of Neighbourhood and Area budgets approved by the Council in consultation with the relevant Area Action Partnership Board and the appropriate local Member(s).
4. To support and co-ordinate partnership boards including and not limited to community safety/ crime and disorder; health and wellbeing; children, young people and families.
5. To support and coordinate the Local Safeguarding Adults Board in accordance with legislation and guidance.

6. To support and coordinate the Local Safeguarding Children's Board in accordance with legislation and guidance.

## Table 4

### Delegations to the Corporate Director of Adult and Health Services

#### 1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Adult and Health Services, is authorised to discharge any function of the Executive in relation to:

- 1.1 The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:-
  - Adults; or
  - Carers, or:
  - Prisoners and/or people in approved premises within County Durham.
- 1.2 Functions exercisable on behalf of an NHS body so far as it relates to adults.
- 1.3 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including applications to displace nearest relatives and appointment as nearest relative and the acceptance and exercise of guardianships under the Mental Health Act 1983.
- 1.4 To formally approve and authorise Mental Health Professionals who are eligible and qualified to be considered as Approved Mental Health Practitioners.
- 1.5 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of services provided under the Mental Capacity Act 2005 including appointment as Deputy and applications to the Court of Protection and undertaking Deprivation of Liberty Safeguard authorisations (DoLS).
- 1.6 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and corporate complaints procedure.
- 1.7 Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
- 1.8 Setting and varying fees and charges for delivery of services.
- 1.9 Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the County, including the

development of Cooperation Agreements and Partnerships Agreements for joint working arrangements.

- 1.10 Protection and promotion of the welfare of vulnerable adults including vulnerable young people moving into adulthood.
- 1.11 To meet the requirements as set down by regulatory bodies in relation to the operation of services within Adult and Health Services.
- 1.12 The provision, operation, commissioning and variation of payments to external providers in respect of services arranged by the Corporate Director of Adult and Health Services.
- 1.13 Under the Care Act 2014 to discharge any functions in relation to the social care duties of the Council including:
  - To provide information and advice about care and support services for adults and carers.
  - To provide or arrange access to preventative services promoting wellbeing and independence.
  - Ensuring that the needs of people continue to be met if their care provider becomes unable to carry on providing care because of business failure.
  - Carrying out an assessment and applying national eligibility criteria for anyone who appears to require care and support, including carers who may need support.
  - To provide a personal budget to anyone with 'eligible needs'.
  - To make enquiries into concerns of abuse and neglect requiring the cooperation of partner agencies and led multi agency safeguarding investigations.
- 1.14 Ensuring that the local authority has a panel of persons in place for its area (known as Channel), as required under the Counter Terrorism and Security Act 2015. The function of this panel is to assess the extent to which identified individuals are vulnerable to being drawn into terrorism and to develop a support plan for that individual.

In carrying out these delegated functions, the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

## **2. Specific Delegations**

- 2.1 To coordinate the Council's response to Section 17 of the Crime and Disorder Act 1998 and ensure the crime and disorder implications of the Council's decisions are properly considered.

- 2.2 To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registrable staff.
- 2.3 To advise and contribute to the preparation of the Integrated Needs Assessment and Joint Health & Wellbeing Strategy in conjunction with the Director of Public Health and local Clinical Commissioning Groups.
- 2.4 To be the lead Director on the local Safeguarding Adults Board in accordance with legislation and guidance.
- 2.5 To work in collaboration with partners in the development of the Safe Durham Partnership Strategic Assessment on behalf of the Safe Durham Partnership.
- 4.12 In conjunction with the Corporate Director of Resources sign off the Better Care Fund.

In carrying out these delegated functions, the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

3. The matters set out below are, in addition, **delegated to the Director of Public Health:**

- 3.1 To take responsibility for the management of the Council's Public Health Services **and function**, with professional responsibility and accountability for their effectiveness, availability and value for money.
- ~~3.2 To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need.~~
- 3.32 To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people's health concerns **and** around access to health services.
- 3.43 To provide the public with expert, objective advice on health matters.
- 3.54 To promote action across the life course, working together with council colleagues such as the Director of **Children and Health** Services and with NHS colleagues.
- 3.65 To work with local Criminal Justice Partners and Police and Crime Commissioners to promote safer communities, including cooperating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders.

**3.76** Under the National Health Service Act 2006 and the Health and Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Council including responsibility for writing the annual report on the health of the local population. (The Council has a duty to Publish this report under section 73B (5) & (6) of the 2006 Act and Section 31 of the 2012 Act).

**3.87** Under Section 73A(1) of the 2006 Act inserted by section 30 of the 2012 Act;

- **To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need.**
- To undertake duties to take steps to improve public health;
- To undertake such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations- these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act;
- To respond as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;
- To promote Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005 ) for maternity or child health clinics;
- To consult and make decisions on Fluoridation Schemes.
- **The commissioning of services in relation to 0-5 children's public health.**

**3.9 8** Under section 6C of the National Health Service Act 2006;

- To ensure appropriate access to sexual health services
- To take responsibility for the National Child Measurement Programme
- To take responsibility for the NHS Health Check Assessment
- **Support to NHS Commissioners**

**3.40 3.9** To act as either as lead or supporting Director of Public Health chairing or co-chairing the Local Health Resilience Partnership (LHRP) for County Durham, Darlington and Tees Valley.

**3.41 3.10** To **oversee seek assurance of** the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately.

**3.42 3.11** To **oversee seek assurance of the** NHS immunisation screening programmes including children 0-5 years, HPV and seasonal flu and any other that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.

- ~~3.13~~ 3.12 To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.
- ~~3.14~~ 3.13 Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.
- ~~3.15~~ 3.14 Setting, varying and recovering charges in respect of certain steps taken in the exercise of health improvement duties.
- ~~3.16~~ 3.15 To advise and contribute to the preparation of the Pharmaceutical Needs Assessment
- ~~3.17~~ ~~The commissioning of services in relation to 0-5 children's public health.~~

## Table 5

### Delegations to the Corporate Director of Children and Young People's Services

#### 1. Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Children and Young People's Services, is authorised to discharge any function of the Executive in relation to:

- 1.1 The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:-
  - Children, or;
  - Children and young people leaving care;
- 1.2 Issuing and conducting proceedings, including care proceedings and applications for placement orders in accordance with the Children Act 1989 and the Adoption and Children Act 2002 and all other relevant legislation and guidance.
- 1.3 Functions exercisable on behalf of an NHS body so far as it relates to children and young people.
- 1.4 The Council's powers and duties in relation to the provision and commissioning of education and training opportunities for young people as determined by the Education Act 1996 and Education and Skills Act 2008 and all other legislation and guidance relating to education and training for young people.
- 1.5 The effective and lawful operation of a secure unit in accordance with the licence requirements set by the Office for Standards in Education, Children's Services and Skills (Ofsted).
- 1.6 The provision of assessment and treatment services for children and young people in accordance with the Mental Health Act 1983.
- 1.7 Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and corporate complaints procedure.
- 1.8 Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
- 1.9 Setting and varying fees and charges for delivery of services.
- 1.10 Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the County, including the

development of Cooperation Agreements and Partnerships and Agreements for joint working arrangements.

- 1.11 To meet the requirements as set down by regulatory bodies in relation to the operation of services within Children and Young People's Services.
- 1.12 The provision, operation, commissioning and variation of payments to external providers in respect of services arranged by the Corporate Director of Children and Young People's Services.
- 1.13 The provision, operation and commissioning of vocational training and allied services for persons over compulsory school age, including the provision of secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment and promotion of arrangements to assist persons to obtain employment and employers to obtain employees.
- 1.14 The provision, operation and commissioning of services in relation to Adult Learning.
- 1.15 To coordinate the transition of service provision for children who will require services into adulthood.
- 1.16 Under the Children and Families Act 2014, to discharge any functions in relation to the social care duties of the Council including:
  - The publication of a 'Local Offer' which clearly sets out services available for children and young people with special educational needs between the ages of 0-25.

In carrying out these delegated functions, the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

## **2. Specific Delegations**

- 2.1 To meet the requirements as set down by regulatory bodies in relation to the employment, registration and training of all registrable staff.
- 2.2 To license the employment of children in accordance with the Children and Young Persons Act 1933.
- 2.3 To be the lead Director on the Local Safeguarding Children's Board in accordance with legislation and guidance.

**Table 6**

## **Delegations to the Corporate Director of Regeneration and Local Services**

### **4. Executive Functions**

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Regeneration and Local Services is authorised to discharge any function of the Executive in relation to:

- Buildings and Facilities Management
- Building Design Services
- Business Support
- CCTV
- Construction Programme and Project Management Unit
- County Fleet
- Culture and Sport Localities
- Culture and Sport Improvement and Development
- Culture and Sport Growing and Learning
- Culture and Sport Wellbeing
- Culture and Sport Place and Experience
- Culture and Sport Projects and Transitions
- Conservation and Archaeology
- Environment, Health and Consumer Protection.
- Highways and Local Transport Planning
- Housing
- Management and Maintenance of Highways
- Management of the Council's Land and Property Assets
- Neighbourhood Protection
- Network Management and Street Works in relation to the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 including enforcement.
- Parks and Grounds
- Public Rights of Way
- Regeneration and Local Services Learning and Development
- Regeneration Projects and Programme Management
- Spatial Planning, Regeneration and Economic Policy
- Strategic Business Service Development and Support
- Strategic Tourism
- Street Cleansing and Grounds Maintenance
- Town Twinning
- Traffic Management, in consultation, where required with the Highways Committee, in relation to functions under the Road Traffic Regulation Act 1984 and 1988
- Transport functions delegated to the Council by ~~the Combined Authority formed by the Durham, Gateshead, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (the Combined Authority)~~ North East Joint Transport Committee.
- Transport Strategy
- Waste Collections and Waste Transfer Sites
- Waste Management

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

### **Specific and non-executive delegations**

2. To review decisions made by the Head of Planning and Assets relating to the list of assets of community value.

### **The following matters are, in addition, delegated to the Head of Culture and Sport**

- ~~3.~~ To authorise suitably qualified and competent staff within Culture and Sport and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under ~~all the relevant~~ legislation ~~referred to in Appendix 2 to Table 6.~~ relating to the Councils functions in respect of Culture and Sport.
- ~~4.~~ ~~In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 2 to Table 6 to reflect new or modified statutory provisions.~~
- ~~5.~~ 4. To exercise the Councils functions ~~as Library Authority~~ under all ~~relevant~~ legislation ~~referred to in Appendix 2 Table 6.~~ relating to its role as Library Authority.
- ~~6.~~ 5. In consultation with the Head of Legal and Democratic Services to take enforcement action under bye-laws relating to arts, libraries and museums.
- ~~7.~~ 6. To approve agency agreements where financial transactions are not required.

### **The following matters are, in addition, delegated to the Head of Direct Services:**

- ~~8.~~ ~~To exercise the Council's functions relating to provisions of the Highways Act 1980 as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations.~~
- ~~9.~~ 7. To authorise suitably qualified and competent staff within Direct Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under ~~all the relevant~~ legislation ~~referred to in Appendix 2 to Table 6.~~ related to the Executive functions in paragraph 1 of Table 6.
- ~~10.~~ ~~In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 2 to Table 6 to reflect new or modified statutory provisions.~~
- ~~11.~~ 8. To authorise suitably qualified and competent staff within Direct Services to discharge the regulatory and enforcement functions of the

Council ~~under the relevant legislation set out in Appendix 2 to Table 6.~~  
related to the Executive functions in paragraph 1 of Table 6.

~~42.~~9. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions including the institution of legal proceedings under ~~all relevant legislation set out in Appendix 2 to Table 6 and all associated secondary legislation as amended from time to time.~~ related to the Executive functions in paragraph 1 of Table 6.

~~43.~~10. To issue simple and conditional cautions ~~to persons guilty of criminal offences under the legislation as referred to in Appendix 2 to Table 6 to this Table and~~ in accordance with PACE and the Home Office Guidance ~~to persons guilty of criminal offences under legislation relating to Executive functions listed in Paragraph 1 of Table 6.~~

~~44.~~11. To exercise functions as Waste Collection and Disposal Authority under ~~all relevant legislation referred to in Appendix 2 to Table 6.~~ relating to Waste Management.

~~45.~~12. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation ~~referred to in Appendix 2 to Table 6.~~ relating to Executive functions listed in Paragraph 1 of Table 6.

~~46.~~13. To manage the Council's allotments which includes responsibility for the grant, renewal and termination of allotment tenancies.

**The following matters are, in addition, delegated to the Head of Economic Development and Housing:**

~~47.~~ In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to Table 6 to reflect new or modified statutory provisions.

~~48.~~14. To exercise the Council's functions in relation to housing including:

- a) the determination of any applications for grant and/or housing assistance loans ~~pursuant to the legislation listed in Appendix 1 to Table 6;~~
- b) the exercise of the Council's enforcement powers under the legislation ~~listed in Appendix 1 to Table 6 in relation~~ relating to private sector housing;
- c) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness ~~in the legislation described in Appendix 1 to Table 6;~~
- d) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.

~~49.~~15. To carry out the Council's functions in relation to permanent Gypsy, Roma and Traveller sites ~~under the legislation listed in Appendix 1 to~~

~~Table 6~~, including allocation of sites, site management, rent recovery and tenant support.

**The following matters are, in addition, delegated to the Head of Planning and Assets:**

~~20-~~16. Determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 or under any related principal or secondary legislation, except the following:

- a) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days that any Member of the Council requests be determined by the Planning Committee (such must be made in writing to the Head of Planning and Assets specifying material planning grounds on which the request is made and received by the Head of Planning and Assets within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest);
- b) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where a Member of the Council or an officer of the Planning Development Service or their spouse/partner or children has an interest in the property or land which is the subject of the application or notification and where there is an objection to the application or notification;
- c) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days where, despite a Town or Parish Council having expressed objection or support, the officer is minded to recommend the application or notification on material planning grounds contrary to the wishes of the local council and:
  - (i) the local council have made a specific request in writing for the application or notification to go before a planning committee; and
  - (ii) the local council have confirmed their intention to attend the planning committee to make representations on the application; and
  - (iii) the written request is received by the Head of Planning and Assets within 21 days of publication on the weekly list or the initial publication of the proposal (site notice / press notice / service of neighbour consultation letters, whichever is the latest);

- d) Major developments (excluding s73 ~~and~~ Reserved Matter applications ~~and Review of Mineral Planning Permissions~~) comprising:
- (i) major residential developments (10 or more dwellings or a site area of 0.5ha or greater) except where the application is for a substitution of house types on a scheme already benefitting from an extant planning permission;
  - (ii) ~~industrial~~ development (~~floor space~~ of more than 20,000m<sup>2</sup> of floor space or a site area of 4ha or greater) comprised in Use Class B1 (Business) and/or Use Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution) ~~or waste and waste-related development~~; or
  - (iii) development not falling within (i) and (ii) above, where the floor space is 1000 m<sup>2</sup> (gross) or more or the site area is 1 hectare or more except applications where the use or building would be for agriculture or personal equestrian use;
- (e) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days likely to have, in the opinion of the Head of Planning and Assets, a significant impact on the environment or are by their nature particularly controversial;
- (f) those applications for planning permission, other applications and notifications which have a relevant timescale of more than 35 days recommended for refusal which involve the creation of 10 or more full time or equivalent jobs;
- (g) those applications for planning permission or notifications which have a relevant timescale of more than 35 days where there is a significant departure from Development Plan policy and which would be required to be the subject of a notification to the Secretary of State.

~~24.~~17. The exercise of the Council's enforcement powers under legislation ~~listed in Appendix 1 to Table 6 in~~ relation to Common Land and Town and Village Greens.

~~22.~~18. To decline to determine planning applications under Sections 70A, 70B and 70C of the Town and Country Planning Act.

19. To finally dispose of planning applications pursuant to Article 40(13)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 4 20. To take all necessary steps in connection with the defence of appeals against any refusal or failure to determine any of the applications and notifications mentioned at paragraph ~~19~~ 16 above.
- 2 21. To provide pre-application advice on proposed or anticipated development schemes in accordance with the Council's Pre-Application Advice Protocol.
- 3 22. To respond to any pre-application or other consultation on nationally significant infrastructure projects submitted or to be submitted to the Major Infrastructure Planning Unit under the Planning Act 2008.
- 4 23. To carry out reviews of planning permissions as required by the Habitats Directive and the Conservation of Habitats and Species Regulations ~~2010~~ 2017.
- 5 24. To authorise the making and confirmation of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) England Order 2015.
- 6 25. To authorise the making of ~~a~~ proposals to the Secretary of State under Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. ~~for a Direction which would operate to withdraw deemed consent for the display of Letting Boards within the Durham City Conservation Area.~~
- 7 26. In consultation with the Cabinet Portfolio Holder for Economic Regeneration and the member/s for the Electoral Division/s affected to determine applications for funding of schemes from monies held by the Council under ~~Unilateral Undertakings and agreements made under S106 Town and Country Planning Act 1990.~~ planning obligations.
- 8 27. To authorise the drafting, negotiation and completion of Section 106 Planning Obligations, S106A Variations to Planning Obligations and Release of Section 52 Planning Agreements and Section 39 Agreements and to authorise the giving of any approval or consent required pursuant to a S106 Planning Obligation, S106A Deed of Variation or Section 52 Planning Agreement, or Section 39 Agreements.
- 9 28. Authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990, The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 on behalf of the Council.
- 40 29. Authorise the taking of prosecution action applications for injunctions and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the enforcement of legislation ~~referred to in Appendix 1 to Table 6.~~ relating to town and country planning and conservation.

- 41 30. To administer simple and conditional cautions ~~to persons guilty of criminal offences under the legislation referred to in Appendix 1 to Table 5-6 and~~ in accordance with PACE and Home Office guidance ~~to persons guilty of criminal offences under legislation relating to town and country planning and conservation.~~
- 42 31. Authorise the taking of default action under Sections 178 and 219 of the Town and Country Planning Act 1990.
- 43 32. Authorise the making of Orders under Section 257 of the Town and Country Planning Act 1990.
- 44 33. To ~~apply~~ authorise applications to the Secretary of State for an order under Sections 247 and 249 of the Town and Country Planning Act 1990.
- 45 34. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 and Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.
- 46 35 Authorise the making, confirmation, revocation and variations of Tree Preservations Orders ~~and to determine applications for consent under such Orders.~~
36. ~~To authorise the taking of all necessary steps in connection with Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.~~
- 47 37. In connection with any proposed development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, determine whether an Environmental Impact Assessment is required (screening) and the information required (scoping).
- 48 38. Authorise individual named officers to exercise powers of entry contained in the following:
- The Hedgerow Regulations 1997
  - Town and Country Planning Act 1990
  - Planning (Listed Buildings and Conservation Areas) Act 1990
  - Planning (Hazardous Substances) Act 1990
  - Building Act 1984
  - Fire Safety and Safety of Places of Sport Act 1987
  - Safety of Sport Grounds Act 1975
  - Local Government (Miscellaneous Provisions) Act 1982
  - Party Wall etc Act 1996
  - Planning Act 2008
- or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority.

- 19 **39.** To administer and determine complaints about high hedges **and to take default action as necessary** under the Anti-Social Behaviour Act 2003.
- 20 **40.** The obtaining of information under Section 330 of the Town and Country Planning Act 1990.
- 24 **41.** To exercise the Council's powers to take temporary possession of land pursuant to the Neighbourhood Planning Act 2017.
- 22 **42.** Act under and in respect of:
- a) Sections 16, 19 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
  - b) Sections 77 to 78 and 80 to 83, Building Act 1984;
  - c) Building Regulation 18 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings (Building Regulations 2010),
  - d) Party Wall Act etc.1996.
- 23 **43.** Accept and reject notices, certificates and certificates of compliance from Approved Inspectors and Public Bodies under Sections 47 to 54, Building Act 1984 and to issue safety certificates in accordance with the Safety of Sports Grounds Act 1975 and Part III, Fire Safety and Safety of Places of Sport Act 1987.
- 24 **44.** To authorise, sign and serve all notices and deal with all applications, licences, revocations and suspensions and take all necessary enforcement action on behalf of the Council in respect of its responsibilities for matters of building control.
- 25 **45.** In consultation with the Local Members and the relevant Cabinet Portfolio Member, to sell or lease any property which is surplus to the requirements of the Service for which it is held and where after enquiries no other Service has expressed an interest in the property.
- 26 **46.** To approve the principle of acquiring property at a price not exceeding £100,000.
- 27 **47.** To settle the terms of the purchase or lease of property the acquisition of which has been approved in principle by the Council and to settle any dilapidation claim at the end of any lease acquired.
- 28 **48.** To negotiate the acquisition of easements, rights of way, wayleaves, licences, covenants and consents for the benefit of Council land and property.
- 29 **49.** To accept the dedication or transfer of land to be maintained as public open space subject to satisfactory terms being negotiated for contribution to the cost of maintenance.

- 30 50. To deal with applications for easements, rights of way, wayleaves, licences, covenants and consents affecting council land and property not materially affecting the use to which it is or might be put.
- 31 51. To approve the granting of an option over Council land or the acquiring by the Council of an option over land and to approve the extension of any option granted or acquired.
- 32 52. To authorise the use of Council land as a permissive right of way and/or to dedicate Council land as a public right of way.
- 33 53. In consultation with the appropriate Service representative to grant leases on any council owned property, whether or not it has been declared surplus.
- 34 54. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.
- 35 55. To agree the appropriation of land from one use to another where this is necessary to facilitate schemes to be carried out by or on behalf of the Council.
- 36 56. To settle compensation claims not exceeding £50,000 either under the provisions of Part 1 of the Land Compensation Act 1973 or as a result of the Council taking entry to property for borehole samples, surveys or other site investigations.
- 37 57. To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Corporate Finance and Commercial Services.
- 38 58. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 39 59. To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
- 40 60. Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
- 41 61. To approve disposals and appropriations of Open Space and Public Walks and Pleasure Grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875 subject to seeking guidance from the Highways Committee in the event of unresolved objections being received.
- 42 62. To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto, as defined in Part 5, Chapter 3 of the Localism Act 2011.
- 43 63. All duties arising out of the establishment of the Business Improvement Districts.

44 64. To designate any areas to be of special architectural or historical interest as conservation areas; to review and amend the boundaries and conclude Character appraisals and to formulate and prepare proposals for the preservation and enhancement of those areas.

45 ~~. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to Table 6 to reflect new or modified statutory provisions.~~

**The following matters are, in addition delegated to the Head of Technical Services:**

65. Generally to take action and operate all legislative, enforcement and administrative procedures in relation to the Council's functions and duties as a highway authority and street authority. Specifically but not exclusively to:

- (a) maintain a register of adopted streets, enter into agreements for adopting highways and adopt private streets by notice;
- (b) take any necessary action in connection with the Advance Payments Code and to make highway funding agreements;
- (c) determine applications for licences, permits and consents in connection with vehicle crossings, builders skips, use of traffic signs, placing/licensing amenities in the highway, erection of emergency barriers, scaffolding, hoardings and the deposit of building materials on the public highway, excavations and openings in the highway, vaults and cellars, street works and permits for heavy trailers;
- (d) exercise the Council's common law powers to remove obstructions and abate nuisances on the highway;
- (e) take action to protect highway rights and deal with obstructions;
- (f) direct unauthorised campers to leave highway land and to apply for court order to remove vehicles off highway;
- (g) to make temporary road closure orders/ notices, orders closing streets for processions etc and exercise the Council's powers
- h) enforce all the provisions of and initiate legal proceedings under all the sections of the Highways Act 1980;
- i) To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths;
- j) To grant street works license under section 50 of the New Roads and Street Works Act 1991
- k) To issue fixed penalty notices to statutory undertakers who fail to serve correct notices under the New Roads and Street Works Act 1991 to carry out works on the road network

46 66. To exercise all the Council's functions relating to provisions of the Highways Act 1980 as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations.

47 67. To authorise suitably qualified and competent staff within Technical Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers **regulatory and enforcement functions** under the **relevant** legislation ~~referred to in Appendix 2 to Table 6.~~ **relevant to the role of Head of Technical Services.**

48 ~~In consultation with the Head of Legal and Democratic Services to review and update the list of legislation contained within Appendix 2 to Table 6 to reflect new or modified statutory provisions.~~

- 49 ~~To authorise suitably qualified staff within Technical Services to discharge the regulatory and enforcement functions of the Council under the relevant legislation set out in Appendix 2 to Table 6.~~
- 50 68. To exercise, in consultation with the Head of the Legal and Democratic Services the Council's enforcement functions, including the institution of legal proceedings, under all legislation ~~set out in Appendix 2 to Table 6 and all associated secondary legislation as amended from time to time.~~ relevant to the role of Head of Technical Services.
- 51 69. In consultation with the Head of Legal and Democratic Services, to make, confirm, amend, vary, modify, consolidate and revoke orders under the legislation ~~referred to in Appendix 2 to Table 6.~~ relevant to the role of Head of Technical Services
- 52 70. To exercise the functions of land drainage and Lead Local Flood Authority. ~~under the relevant legislation referred to in Appendix 2 to Table 6.~~
- 53 . ~~To exercise functions as Highway Authority under relevant legislation referred to in Appendix 2 to Table 6 including the following:~~
- ~~a) Power to enforce all the provisions of and initiate legal proceedings under all the sections of the Highways Act 1980;~~
  - ~~b) To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths;~~
  - ~~c) To grant street works license under section 50 of the New Roads and Street Works Act 1991~~
  - ~~d) To issue fixed penalty notices to statutory undertakers who fail to serve correct notices under the New Roads and Street Works Act 1991 to carry out works on the road network~~

**The following matters are, in addition, delegated to the Head of Transport and Contract Services:**

- 54 ~~In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to Table 6 to reflect new or modified statutory provisions~~
- 55 71. To exercise all of the Council's functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations except matters reserved to the Highways Committee.
- 56 72. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- 57 73. To exercise the Council's powers under the Traffic Management Act 2004 and Transport Act 2000 to:
- a) issue a penalty charge notice in connection with parking offences and part of the civil parking regime
  - b) allow exceptions to normal civil parking enforcement practices where appropriate
- 58 74. To authorise the taking of prosecution action applications for blue badge misuse and abuse and to instruct the Head of Legal and Democratic Services, as necessary, to instigate legal proceedings in respect of the Councils powers of enforcement of legislation ~~referred to in Appendix 1 to Table 6 relating to highways and road traffic.~~
- 59 75. To administer simple and conditional cautions ~~to persons presumed guilty of criminal offences under the legislation referred to in in Appendix 1 to Table and~~ in accordance with PACE and Home Office Guidance ~~to persons guilty of criminal offences under legislation relating to highways and road traffic.~~
- 60 76. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.
- 61 77. To undertake non-statutory consultations before implementing proposals to locate bus stop infrastructure, subject to consultation with Highways Committee before exercising this delegated power if there are unresolved representations to such proposals.
- 62 78. Provision and operation of closed circuit television in accordance with the Criminal Justice and Public Order Act 1994 and the Private Security Industry Act 2001.
- 63 79. To discharge the regulatory and enforcement functions of the Council under ~~the legislation set out in the Appendix 1 to Table 6 relating to highways and road traffic.~~

64 80. To enter into **agreements under** Sections 38, **219 and 220** of the Highways Act 1980 **agreements** to adopt and there after maintain highways at the public expense.

~~87.~~81. To enter into Section 278 of the Highways Act 1980 agreements to modify existing highways.

~~82.~~To update and amend as necessary the list of streets maintained under Section 36(6) of the Highways Act 1980.

**The matters set out below are, in addition, delegated to the Head of Environment, Health and Consumer Protection:**

~~88.~~83. To exercise all of the Council's functions including licensing, registration, making of orders, issue of notices and enforcement in respect of the following matters referred to in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:

- a. Performances of hypnotism;
- b. Premises for acupuncture, tattooing, ear piercing and electrolysis;
- c. Pleasure boats and pleasure vessels;
- d. Night cafes and take-away food shops;
- e. Sale of non-medicinal poisons;
- f. Premises for the preparation of food including registration;
- g. Scrap yards;
- h. Pet shops and the breeding and boarding of dogs or other animals;
- i. Animal trainers;
- j. Knackers' yards;
- k. Charitable collections;
- l. Operation of loudspeakers;
- m. Street works licences;
- n. Movement and sale of cattle and pigs;
- o. Storage of celluloid;
- p. Meat, fish, dairy and egg product establishments and butchers' shops;
- q. Motor salvage operations;
- r. Health and safety at work;
- s. Smoke-free premises and vehicles;
- t. Caravan and camping sites and moveable dwellings

~~89.~~84. To exercise the Council's functions in relation to:

- a) The control of pollution and the management of air quality;
- b) Statutory nuisances, as referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- c) Contaminated land;
- d) Port health;

- ~~90-85.~~ To exercise, in consultation with the Head of the Legal and Democratic Services the Council's licensing, approval, registration and enforcement functions, including the institution of legal proceedings under legislation relevant to the role of Head of Environment, Health and Consumer Protection. This will include all forms of Licensing, Environmental Health, Statutory nuisance, Contaminated land Food Safety, Consumer Protection Trading Standards and Animal Welfare set out in Appendix 3 to this Table and all associated secondary legislation as amended from time to time.
- ~~91.~~ In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 3 to this Table to reflect new or modified statutory provisions.
- ~~92-86.~~ Subject to Appendices 4, 5 and 6 1, 2, and 3 to this Table to authorise, suspend, vary, transfer, extend or revoke permits, licences, certificates, registrations and approvals issued under the legislation. set out in the Appendix 3 to this Table including all relevant statutory provisions.
- ~~93-87~~ To issue simple and conditional cautions to persons guilty of criminal offences under the legislation referred to in Appendix 3 and in accordance with PACE and the Home Office Guidance to persons guilty of criminal offences under legislation falling within the role of Head of Environment, Health and Consumer Protection.
- ~~94-88~~ To authorise suitably qualified and competent staff within the Environment, Health and Consumer Protection Division and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in Appendix 3, falling within the role of Head of Environment, Health and Consumer Protection.
- ~~95-89.~~ To authorise another local authority to institute legal proceedings in respect of alleged contraventions of legislation where a contravention of the legislation set out in Appendix 3 to this Table where related contraventions are being investigated by that authority.
- ~~96-90.~~ To grant authorisations in relation to illegal money lending and unfair trading practices.
- ~~97-91.~~ Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.
- ~~98-92.~~ Power to appoint Proper Officers and alternate Proper Officers for the Authority for matters relating to Public Health, Port Health and the Control of Infectious Disease.
- ~~99-93.~~ Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
- ~~100-94.~~ To authorise Officers to institute and or defend on behalf of the Council any legal proceedings which the Council by itself, or by a duly empowered Committee, may decide to take. In this respect, nominated staff are hereby authorised to appear in Court in person, or to be represented by a duly appointed officer of the Council in accordance with Section 223 of the Local government Act 1972 or to be represented by a duly instructed solicitor.

~~401.95~~. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices ~~4, 5 and 6~~ 1, 2, and 3 to this Table.

~~402.96~~. To agree terms of conditions and licences in accordance with published best practice and/or guidance.

## Appendix 1 to Table 6

Acquisition of Land Act 1981  
Anti-social Behaviour Act 2003  
Anti-social Behaviour, Crime and Policing Act 2014  
Building Act 1984  
Bus Services Act 2017  
Chronically Sick and Disabled Persons Act 1970  
Commons Act 1876, 2006  
Commons Registration Act 1965  
Countryside and Rights of Way Act 2000  
Criminal Justice and Public Order Act 1994  
Durham City Council Act 1985  
Electricity at Work Regulations 1989  
Environmental Protection Act 1990  
Environment Act 1995  
Fire Safety and Places of Sport Act 1987  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Growth and Infrastructure Act 2013  
Hedgerows Regulations 1997  
Highways Act 1980  
Home Energy Conservation Act 1995  
Homelessness Act 2002  
Homelessness Reduction Act 2017  
Housing Act 1985, 1988, 1996, 2004  
Housing and Planning Act 2016  
Housing and Regeneration Act 2008  
Housing Grants Construction and Regeneration Act 1996  
Inclosure Act 1857  
Land Compensation Act 1973  
Landlord and Tenant Act 1985  
Leasehold Reform Housing and Urban Development Act 1993  
Local Democracy, Economic Development and Construction Act 2009  
Local Government Act 1972, 2003  
Local Government and Housing Act 1989  
Local Government, Planning and Land Act 1980  
Local Government (Miscellaneous Provisions) Act 1976, 1982  
Localism Act 2011  
Local Transport Act 2008  
Mobile Homes Act 2013  
National Parks and Access to the Countryside Act 1949  
Natural Environment and Rural Communities Act 2006  
Neighbourhood Planning Act 2017  
New Roads and Street Works Act 1991  
Open Spaces Act 1906  
Parking Places (Variation of Charges) Act 2017  
Party Wall etc. Act 1996  
Planning and Compulsory Purchase Act 2004  
Planning (Hazardous Substances) Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning Act 2008  
Private Security Industry Act 2001

~~Proceeds of Crime Act 2002~~  
~~Protection from Eviction Act 1977~~  
~~Protection of Freedoms Act 2012~~  
~~Railway Clauses Consolidation Act 1845~~  
~~Regulatory Reform (Housing Assistance) (England and Wales) Order 2002~~  
~~Road Traffic Regulation Act 1984~~  
~~Safety of Sports Grounds Act 1975~~  
~~The Conservation of Habitats and Species Regulations 2010~~  
~~Theft Act 1968~~  
~~Town and Country Planning Act 1990~~  
~~Town and Country Planning (Use Classes Order) 1987~~  
~~Town and Country Planning (Control of Advertisements) (England) Regulations 2007~~  
~~Town and Country Planning (Environmental Impact Assessment) Regulations 2011~~  
~~Town and Country Planning (General Permitted Development) Order 1995~~  
~~Town and Country Planning (Development Management Procedure) (England) Order 2010~~  
~~Town and Country Planning (Local Planning) (England) Regulations 2012~~  
~~Town Police Clauses Act 1847~~  
~~Traffic Management Act 1984, 2004~~  
~~Transport Act 1985, 2000~~  
~~Warm Homes and Energy Conservation Act 2000~~  
~~Wildlife and Countryside Act 1981~~

#### **Appendix 2 to Table 6**

~~Administration of Justice Act 1970~~  
~~Allotments Act 1922, 1925, 1950~~  
~~Animal Act 1971~~  
~~Animal Welfare Act 2006~~  
~~Anti-social Behaviour Act 2003~~  
~~Anti-social Behaviour, Crime and Policing Act 2014~~  
~~Burial Act 1853~~  
~~Burial Act 1857~~  
~~Civic Amenities Act 1967~~  
~~Clean Neighbourhoods and Environment Act 2005~~  
~~Coast Protection Act 1949~~  
~~Conservation of Habitats and Species Regulations 2010~~  
~~Construction (Design and Management) Regulations 2015~~  
~~Control of Horses Act 2015~~  
~~Control of Pollution (Amendment) Act 1989~~  
~~Control of Pollution Act 1974~~  
~~Copyright, Designs and Patents Act 1988~~  
~~Countryside Act 1968~~  
~~Countryside and Rights of Way Act 2000~~  
~~Cremation Act 1902, 1952~~  
~~Crime and Disorder Act 1998~~  
~~Criminal Damage Act 1971~~  
~~Criminal Justice and Police Act 2001~~  
~~Criminal Justice and Public Order Act 1994~~  
~~Dangerous Dogs Act 1991~~  
~~Deregulation Act 2015~~

~~Durham City Council Act 1985~~  
~~Electricity At Work Regulations 1989~~  
~~Environment Act 1995~~  
~~Environmental Protection Act 1990~~  
~~Firearms Act 1968~~  
~~Flood and Water Management Act 2010~~  
~~Hazardous Waste (England and Wales) Regulations 2005~~  
~~Health and Safety at Work etc. Act 1974~~  
~~Highways Act 1980~~  
~~Household Waste Recycling Act 2003~~  
~~Housing Grants, Construction and Regeneration Act 1996~~  
~~Land Drainage Act 1991 and 1994~~  
~~Landfill (England and Wales) Regulations 2002~~  
~~Local Authorities' Cemeteries Order 1977~~  
~~Local Democracy, Economic Development and Construction Act 2009~~  
~~Local Government Act 1972~~  
~~Local Government (Miscellaneous Provisions) Act 1976,1982~~  
~~Local Transport Act 2008~~  
~~Localism Act 2011~~  
~~Management of Health and Safety at Work Regulations 1999~~  
~~Museums and Galleries Act 1992~~  
~~National Parks and Access to the Countryside Act 1949~~  
~~Natural Environment and Rural Communities Act 2006~~  
~~New Roads and Street Works Act 1991~~  
~~Occupiers Liability Act 1984~~  
~~Offender Management Act 2007~~  
~~Open Spaces Act 1906~~  
~~Parochial Registers and Records Measure 1978~~  
~~Police Reform Act 2002~~  
~~Protection of Freedoms Act 2012~~  
~~Public Health Acts Amendment Act 1907~~  
~~Public Health Act 1925, 1936, 1961~~  
~~Public Libraries and Museums Act 1964~~  
~~Refuse Disposal (Amenity) Act 1978~~  
~~Registration of Burials Act 1864~~  
~~Road Traffic Act 1988~~  
~~Road Traffic Regulations Act 1984~~  
~~Road Traffic (Temporary Restrictions) Act 1991~~  
~~Road Traffic Regulation (Special Events) Act 1994~~  
~~Safety of Sports Grounds Act 1975~~  
~~Small Holdings and Allotments Act 1908~~  
~~Sporting Events (Control of Alcohol etc) Act 1985~~  
~~Theatres Act 1968~~  
~~Town and Country Planning Act 1990~~  
~~Town Improvement Clauses Act 1847~~  
~~Town Police Clauses Act 1847~~  
~~Traffic Calming Act 1992~~  
~~Traffic Management Act 2004~~  
~~Transport Act 1968, 1981, 1985, 2000~~  
~~Waste Minimisation Act 1998~~  
~~Waste Batteries and Accumulators Regulations 2009~~  
~~Waste Electrical and Electronic Equipment Regulations 2013~~  
~~Waste (England and Wales) Regulations 2011~~

Weeds Act 1959  
Wildlife and Countryside Act 1981

### **Appendix 3 to Table 6**

Administration of Justice Act 1970  
Agriculture Act 1970  
Animal Boarding Establishments Act 1963  
Animal By-Products (Enforcement) (England) Regulations 2013  
Animal Feed (England) Regulations 2010  
Animal Feed (Composition, Marketing and Use) (England) Regulations 2015  
Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations 2015  
Animal Health Act 1981  
Animal Welfare Act 2006  
Animals and Animal Products (Examination for residues and Maximum Residue Limits) Regulations 1997  
Anti-social Behaviour Act 2003  
Anti-social Behaviour, Crime and Policing Act 2014  
Avian Influenza (Preventive Measures) (England) Regulations 2006  
Avian Influenza (Vaccination) (England) Regulations 2006  
Bluetongue Regulations 2008  
Breeding of Dogs Act 1973  
Breeding of Dogs Act 1991  
Breeding and Sale of Dogs (Welfare) Act 1999  
Building Act 1984  
Caravan Sites and Control of Development Act 1960  
Caravan Sites Act 1968  
Cattle Identification Regulations 2007  
Children and Families Act 2014  
Children and Young Persons Act 1933  
Children and Young Persons (Protection from Tobacco) Act 1991  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Companies Act 1985 and 2006  
Consumer Rights Act 2015  
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013  
Consumer Credit Act 1974  
Consumer Protection (Distance Selling) Regulations 2000  
Consumer Protection Act 1987  
Consumer Protection from Unfair Trading Regulations 2008  
Contaminants in Food (England) Regulations 2013  
Control of Pollution (Amendment) Act 1989  
Control of Pollution Act 1974  
Copyright, Design and Patents Act 1988  
Crime and Disorder Act 1998  
Criminal Justice Act 1988  
Criminal Justice and Police Act 2001  
Criminal Justice and Public Order Act 1994  
Courts and Legal Services Act 1990  
Dangerous Substances and Explosive Atmospheres Regulations 2002  
Dangerous Wild Animals Act 1976  
Deregulation Act 2015

Development of Tourism Act 1969  
Education Reform Act 1988  
Eggs and Chicks (England) Regulations 2009  
Employment of Women, Young Persons and Children Act 1920  
Energy Act 1976  
Energy Act 2011  
Energy Act 2013  
Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015  
Enterprise Act 2002  
Environmental Damage (Prevention and Remediation) (England) (Amendment) Regulations 2015  
Environmental Protection Act 1990  
Environment Act 1995  
Estate Agents Act 1979  
European Communities Act 1972  
Explosives Act 1875  
Explosives (Age of Purchase etc) Act 1976  
Fair Trading Act 1973  
Food Act 1984  
Food Information Regulations 2014  
Food Safety and Hygiene (England) Regulations 2013  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Fraud Act 2006  
Gambling Act 2005  
Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004  
Hallmarking Act 1973  
Health Act 2006  
Health Act 2009  
Health and Safety at Work, etc. Act 1974  
Highways Act 1980  
House to House Collections Act 1939  
Housing Act 2004  
Housing Grants, Construction and Regeneration Act 1996  
Hypnotism Act 1952  
International Health Regulations 2005  
Intoxicating Substances (Supply) Act 1985  
Land Drainage Act 1991  
Land Drainage Act 1994  
Legislative and Regulatory Reform Act 2006  
Licensing Act 2003  
Local Authorities Goods and Services Act 1970  
Local Government Act 1972  
Local Government Act 1974  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government (Review of Decisions) Act 2015  
Localism Act 2011  
Materials and Articles in Contact with Food (England) Regulations 2012  
Medicines Act 1968  
Microchipping of Dogs (England) Regulations 2015  
Mines and Quarries Act 1954

~~Mobile Homes Act 2013~~  
~~Motor Cycle Noise Act 1987~~  
~~Motor Salvage Operators Regulations 2002~~  
~~National Assistance Act 1948~~  
~~Noise Act 1996~~  
~~Noise and Statutory Nuisance Act 1993~~  
~~Official Feed and Food Controls (England) Regulations 2009~~  
~~Performing Animals (Regulation) Act 1925~~  
~~Pesticides Act 1998~~  
~~Pesticides (Fees and Enforcement) Act 1989~~  
~~Pet Animals Act 1951~~  
~~Pet Animals Act 1951 Amendment Act 1983~~  
~~Petroleum (Consolidation) Regulations 2014~~  
~~Poisons Act 1972~~  
~~Police, Factories etc. (Miscellaneous Provisions) Act 1916~~  
~~Pollution Prevention and Control Act 1999~~  
~~Prevention of Damage by Pests Act 1949~~  
~~Prices Act 1974~~  
~~Proceeds of Crime Act 2002~~  
~~Protection of Animals Act 1911~~  
~~Psychoactive Substances Act 2016~~  
~~Public Health Act 1936~~  
~~Public Health Act 1961~~  
~~Public Health (Control of Diseases) Act 1984~~  
~~Public Health (Ships) Regulations 1979~~  
~~Public Health (Ships) (Amendment) (England) Regulations 2007~~  
~~Public Health Acts Amendment Act 1907~~  
**~~Prevention and management of the introduction and spread of invasive alien species Regulation (EU) No 1143/2014~~**  
~~Regulatory Enforcement and Sanctions Act 2008~~  
~~Riding Establishments Acts 1964 and 1970~~  
~~Road Traffic (Foreign Vehicles) Act 1972~~  
~~Road Traffic Acts 1988 and 1991~~  
~~Road Traffic Offenders Act 1988~~  
~~Road Traffic (Consequential Provisions) Act 1988~~  
~~Scrap Metal Dealers Act 2013~~  
~~Scotch Whisky Regulations 2009~~  
~~Spirit Drinks Regulations 2008~~  
~~Sheep and Goats (Records, Identification and Movement) (England) Order 2009~~  
~~Slaughter of Poultry Act 1967~~  
~~Solicitors Act 1974~~  
~~Sunbeds (Regulations) Act 2010~~  
~~Sunday Trading Act 1994~~  
~~Telecommunications Act 1984~~  
~~Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010~~  
~~Tobacco Advertising and Promotion Act 2002~~  
~~Town and Country Planning Act 1990~~  
~~Town Police Clauses Act 1847~~  
~~Trade in Animals and Related Products Regulations 2011~~  
~~Trade Descriptions Act 1968~~  
~~Trade Marks Act 1994~~  
~~Traffic Management Act 2004~~  
~~Unsolicited Goods and Services Acts 1971~~

~~Unsolicited Goods and Services (Amendment) Act 1975~~  
~~Video Recordings Acts 1984, 1993 and 2010~~  
~~Water Industry Act 1991~~  
~~Weights and Measures Act 1985~~  
~~Wine Regulations 2011~~  
~~Zoo Licensing Act 1981~~

**Appendix 1 4 to Table 6 - Delegation of Licensing Act 2003 responsibilities**

<b>Matter to be dealt with</b>	<b>(1) Full Committee</b>	<b>(2) Sub-Committee</b>	<b>(3) Officers</b>
Application for Personal Licence		If a Police objection is made	If no objection made
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary designated Premises Supervisor		If a Police objection is made	All other cases
Request to be removed as designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a Police objection is made	All other cases
Application for interim authorities		If a Police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious, etc.			All cases, in consultation with the Chairman or Vice Chairman of the Statutory Licensing Committee
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	

**Appendix 25 to Table 6 - Gambling Act 2005 – Scheme of Delegations**

<b>Gambling Act 2005</b>	<b>Functions</b>	<b>Delegation</b>
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application for Premises Licence where no relevant representations received	Licensing Sub-Committee  Officers
Section 162	Attachment of condition to Premises Licence or exclusion of default condition	Licensing Sub-Committee
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application	Officers in consultation with Chairman or Vice-Chairman at the Licensing Committee
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application to vary Premises Licence in respect of which no representation received	Licensing Sub-Committee  Officers
Section 188	Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) Determination of application for transfer of Premises Licence where no representations received	Licensing Sub-Committee  Officers
Section 193	Revocation of Premises Licence for failure to pay annual fee	Officers
Section 194	Determination that a Premises Licence has lapsed	Officers
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) Reinstatement of lapsed Premises Licence where no representation is received	Licensing Sub-Committee  Officers
Section 198	Rejection of application for review of Premises Licence on various grounds	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 200	Initiation of review of Premises Licence	Officers
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 202	Determination of action following review of Premises Licence	Licensing Sub-Committee

<b>Gambling Act 2005</b>	<b>Functions</b>	<b>Delegation</b>
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) Determination of application for provisional statement in respect of which no representations received	Licensing Sub-Committee  Officers
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded	Officers
Section 221	Objection to Temporary Use Notice	Officers
Section 222	Hearing in relation to a Temporary Use Notice or to agree with other parties in the event of an objection that a hearing is unnecessary	Authorised Officer in consultation with Chair or Vice Chair of the Licensing Committee
Section 284	Making of Order to remove exemptions from specified premises	Licensing Sub-Committee
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit	Head of Administration (or in his absence the Central Services Manager) (Refusal to be exercised only in consultation with Chairman or Vice-Chairman of the Licensing Committee)
Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Schedule 11 Paragraph 44 Paragraph 48	Registration of society for small society lottery Refusal of application for registration of society for small society lottery	Officers  Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Paragraph 50	Revocation of registration of society for small society lottery	Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee
Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee	Officers

<b>Gambling Act 2005</b>	<b>Functions</b>	<b>Delegation</b>
<p>Schedule 12 Paragraphs 5 and 10 and 24</p> <p>Paragraph 15</p> <p>Paragraph 21</p> <p>Paragraph 22</p>	<p>Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)</p> <p>Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received</p> <p>Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)</p> <p>Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received</p> <p>Cancellation of Club Gaming Permit and Club Registration Permit</p> <p>Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee</p>	<p>Licensing Sub-Committee</p> <p>Officers</p> <p>Licensing Sub-Committee</p> <p>Officers</p> <p>Licensing Sub-Committee</p> <p>Officers</p>
<p>Schedule 13 Paragraphs 4, 15 and 19</p> <p>Paragraph 16</p>	<p>Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit</p> <p>Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)</p>	<p>Officers (Refusal and limitation on number of machines only in consultation with Chairman or Vice-Chairman of the Licensing Committee)</p> <p>Licensing Sub-Committee</p>
<p>Paragraph 17</p>	<p>Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received</p> <p>Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee</p>	<p>Officers</p> <p>Officers</p>
<p>Schedule 14 Paragraphs 9 and 18</p> <p>Paragraph 15</p>	<p>Determination of application for Prize Gaming Permit and application for renewal of Permit</p> <p>Determination that Prize Gaming Permit has lapsed</p>	<p>Officers (Refusal only in consultation with Chairman or Vice-Chairman of Licensing Committee)</p> <p>Officers</p>

**Appendix 3 6 to Table 6 - Hackney Carriage and Private Hire Licensing**

<b>Matters to be dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for a Drivers Licence where there are no concerns over their fitness and propriety			<b>X</b>
Application for a Drivers Licence where doubts on fitness and propriety are minor traffic offences			<b>X</b>
Application for a Drivers Licence where there is a lapse of time or circumstances for convictions fall outside of the Policy		<b>X</b>	
Application for a Drivers Licence where there is any other doubt on suitability		<b>X</b>	
Revocation of Driver or Operator Licence		<b>X</b>	
Revocation of Vehicle Licence			<b>X</b>
Suspension of Licences			<b>X</b>

## Table 7

### Delegations to the Corporate Director of Resources

#### Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above the Corporate Director of Resources is authorised to discharge any function of the Executive in relation to:-

- The proper administration of the Council's financial affairs
- The provision of Legal and Democratic Services to the Council
- People and Talent Management
- ICT Services
- Coroners
- Land charges
- The Registration of Births, Deaths and Marriages
- Customer Services

In carrying out these delegated functions the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s)

#### Specific and Non-Executive Delegations

- (i) To authorise the termination of employment of staff by reason of early retirement and or voluntary redundancy, in consultation with the Cabinet Portfolio Member for Social Inclusion.
- (ii) To determine the early release of pension benefits on compassionate grounds, in consultation with the Cabinet Portfolio Member for Social Inclusion, having regard to any representations received from Opposition Group Leaders

#### Finance and Corporate Services

1. To establish an appropriate Debt Management Strategy and Policy and to implement appropriate action to ensure the collection of revenue, council tax and business rates, **including making arrangements for the use of Enforcement Agents where appropriate.**
2. The administration of housing benefits, including Discretionary Housing Payments and the administration of the Local Council Tax Support Scheme (from 1 April 2013).

3. To establish and amend / update the Council's Discretionary Housing Payments Policy.
4. To establish and amend / update the Council's Welfare Assistance Scheme Policy and to administer applications and awards under the scheme.
5. To establish and amend / update the Council's Residential Care Charging Policy, in line with the Care Act 2014, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payment, including:
  - (a) To waive or reduce charges for care services in individual cases.
  - (b) To disregard the value of a property in a financial assessment.
6. To establish and amend / update the Council's Non-Residential Care Charging Policy, in line with the Care Act 2014, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payment Arrangements, including:
  - (a) To waive or reduce charges for care services in individual cases.
  - (b) To disregard the value of a property in a financial assessment.
- ~~3~~ 7. The provision ~~operation and commissioning~~ of a Welfare Rights Service and the commissioning of ~~Citizens Advisory Service~~ Advice Services, including overseeing the Advice in County Durham Partnership.
4. 8. To exercise the budgetary control functions referred to the Corporate Director under the Council's Financial Procedure Rules.
5. 9. To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
- ~~6-~~ 10. To maintain an effective internal audit service.
- ~~7.~~ 11. To act as lead officer for the Audit Committee.
8. 12. To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
9. 13. To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement
- ~~10-~~ 14. To make appropriate banking arrangements on behalf of the Council.
- ~~11-~~ 15. To insure against risks where this is considered appropriate.
- ~~12-~~ 16. The operation of the Council's accounting systems and payroll.
- ~~13-~~ 17. To authorise the release of funds from contingencies as set out in the Revenue Budget and to forecast and to manage the Council's Collection

Funds, making adjustments to payments to principal precepting bodies as appropriate.

44. 18. To establish such reserves as required and review them for both adequacy and purpose on a regular basis.
45. 19. To act as Proper Officer for the purposes of the following provisions of the Local Government Act 1972:
  - (a) Section 115(2) (Accountability of Officers);
  - (b) Section 146 (Transfer of Securities on Alteration of Area Etc.)
46. 20. To write off debts.
47. 21. To deal with the payment of Coroner's remuneration and expenses.
48. 22. To ensure appropriate financial arrangements across the Council.
49. 23. To approve premises for the solemnization of marriages and the registration of civil partnerships.
20. 24. To appoint Assistant Coroners in accordance with the provisions of the Coroners and Justice Act 2009.
24. 25. To authorise expenditure within the approved budget for civic hospitality.
22. 26. To agree the terms of loans permitted under law.
23. 27. To make a statutory declaration of local authority mortgage interest.
24. 28. To respond to notices in relation to EU financial sanctions.
25. 29. To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.
26. 30. To forecast yield from Business Rates including the completion and submission to Government of the NNDR 1 and NNDR 3 returns, factoring the implications of the Business Rate Retention Scheme (from 1 April 2013) into the Medium Term Financial Plan and maintaining a Collection Fund in accordance with proper accounting practice.
31. To establish and amend / update the Council Tax Exemption for Care Leavers Policy and to administer applications under this policy.
32. To establish and amend / update the Council's Discretionary Rate Relief Policies and to administer applications under these schemes.
- 27 33. To establish and amend the a Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.

- ~~28.34.~~ To liaise with the Schools Forum on School Funding formula allocations and to advise Council on formula changes to ensure compliance with Department for Education guidance and regulations and the proper administration of Dedicated Schools Grant (DSG) allocations, including making applications to the Secretary of State for Education as appropriate for any necessary transfer of funding between the DSG funding blocks.
- ~~29.35.~~ To apply to the Court of Protection for Deputyship or single orders related to finance and property and to act as dually appointed Financial Appointee or Deputee for those individuals who lack mental capacity and are subject to such orders.
- ~~30.36.~~ To waive or reduce charges for care services in individual cases.
- ~~31.37.~~ To disregard the value of a property in a financial assessment.
- ~~32.38.~~ To ensure appropriate arrangements are in place in respect of the effective administration of pooled DCC and NHS monies included within the Durham Better Care Fund and associated integrated budgets.
- ~~33.39.~~ In relation to the Pension Fund, to exercise the County Council's function as administering authority relating to the Local Government Pension Scheme including, but not restricted to, the following:
- (a) To ensure that Pension Fund complies with the Local Government Pension Scheme Regulations and all other legislation that governs the administration of the Pension Fund.
  - (b) To exercise discretions the Council as administering authority has, under the regulations governing the Local Government Pension;
  - (c) To administer the financial affairs of the Pension Fund;
  - (d) To agree the write-off of bad debts;
  - (e) To take any decision relating to the investment or management of the Pension Fund that cannot reasonably await the next meeting of the Pension Fund Committee.
  - (f) To authorise, in cases of urgency, the taking of any action by a Manager of the Pension Fund that is necessary in order to protect the interests of the Fund.
  - (g) To maintain all necessary accounts and records in relation to the Pension Fund, including the preparation of the Annual Accounts;
  - (h) To ensure that appropriate arrangements for the administration of benefits are in place, including the calculation of and payment of benefits, and collection of contributions;
  - (i) To manage the triennial valuation of the Pension Fund including the preparation of membership data for actuarial valuation purposes.

- (j) To ensure appropriate Additional Voluntary Contribution arrangements are in place;
- (k) To pay death grants in accordance with the agreed Death Grant Procedures
- (l) To approve the payment of Dependents' Pensions in accordance with the agreed procedures
- (m) To maintain the system of internal control.
- (n) To accept for admission into the Pension Fund employees of authorities and bodies as prescribed in Regulations;
- (o) To deal with stage 2 appeals under the dispute procedure for the Local Government Pension Scheme.
- (p) To set the appropriate investment objectives and the strategic asset allocation taking into consideration the Pension Fund's liabilities as calculated by the Pension Fund's Actuary;
- (q) To monitor and review the investments made by the investment managers and to review their performance against established benchmarks. To report on the Investment Managers' performance to each meeting of the Pension Fund Committee;
- (r) To manage the Pension Fund's cash flow and allocate funds between investment managers in order to ensure that the Pension Fund's strategic asset allocation is maintained and invest the residual cash balances.
- (s) To manage the cash balances not allocated to Investment Managers in accordance with the Treasury Management Strategy and Policy approved by the Pension Fund Committee;
- (t) To arrange and authorise the provision of appropriate Member training, including the attendance at conferences and other similar pension fund related events by Members of the Pension Fund Committee.
- (u) To prepare and submit the necessary Policy Statements to Pension Fund Committee and to arrange for the implementation and review of those statements, strategies, policies and procedures, as required. These include the Funding Strategy Statement

- (v) To prepare and submit the necessary plans and principles to the Pension Fund Committee and to arrange for the implementation and review of those plans and principles, as required. These include the Pension Fund Annual Report and the Statement of Investment Principles.
- (w) To review the policy on social, environmental and ethical matters on the exercise of rights, including voting rights;
- (x) To produce as part of the Funding Strategy Statement, an assessment of all the specific risks that can be identified in relation to the management of the Pension Fund.
- (y) To authorise sending instructions to and completing contracts, deeds or agreements with Border to Coast Pensions Partnership Limited to facilitate transition of assets to and management of collective investment vehicles within the pooled arrangements.
- (z) To monitor and review the investments made by Border to Coast Pensions Partnership Limited under pooled arrangements and to review performance against established benchmarks. To report on the performance of the investment managers to each meeting of the Pension Fund Committee.

## People and Talent Management

- 34.40. To implement the Council's decisions in relation to Single Status and Job Evaluation.
- 35.41. To approve the regrading of posts up to and including Head of Service level.
- 36.42. To offer alternative employment to any permanent employee who becomes surplus to the requirements of the Service or whose employment is at risk through reasons of ill health or other incapacity.
- 37.43. To determine applications for the extension of sick pay.
- 38.44. To approve applications for leave of absence in cases not covered by the Council's policies.
- 39.45. To agree variations to the Council's scheme for payments towards removal expenses, lodging allowances and legal fees for new employees.
- 40.46. To approve overtime payments for employees above ~~spinal column point 2~~ Grade 8.
- 41.47. To authorise redundancy payments to school staff after consultation with the Head of Corporate Finance and Commercial Services.
- 42.48. To coordinate the Member Training and Development Programme including:
  - (a) management of the approved Member Training and Development Budget and

- (b) authorisation of Member attendance at conferences, seminars and other training and development events in consultation with the Leader and the Head of Legal and Democratic Services.

~~43.49.~~ To decide, taking into account the opinion of an independent registered medical practitioner, whether under the Local Government Pension Scheme Regulations, a member is eligible for an ill health pension and if eligible, what level of ill health pension the scheme member should be awarded.

~~44.50.~~ To exercise discretions the Council as an employer has, under the regulations governing the Local Government Pension.

~~45.51~~ To negotiate and agree local agreements changing staff terms and conditions of employment.

~~46.52.~~ To formulate and implement policies relating to employed staff.

## **Legal and Democratic Services**

The following matters are delegated to the Head of Legal and Democratic Services:

~~47.53.~~ To act as Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Corporate Director of Resources in connection with the administration of the Council's financial affairs. This delegation shall not derogate from the general delegation under Table 1 paragraph 8.

~~48.54.~~ To carry out the Proper Officer functions relating to the freedom of the City under the Durham City Council Act, 1985.

~~49.55.~~ To act as Proper Officer for the Registration of Births, Deaths and Marriages Service pursuant to Schedule 29 paragraph 41 of the Local Government Act 1972 including administration of the arrangements for the licensing of premises under the Marriage Act and the appointment of staff.

~~50.56.~~ To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.

~~51.57.~~ (a) To prepare, negotiate and agree all legal documentation in relation to all land and property in the Council's ownership or for the acquisition of land and property by the Council.

- (b) To prepare, negotiate and agree all legal documentation other than those contained in sub-paragraph (a) relating to or affecting the functions of the Council.

- (c) To sign or attest the Council's seal in all legal documents referred to in sub-paragraphs (a) and (b) and all other legal documentation intended to give effect to decisions of the Council.
- 52.58.** (a) To prepare, negotiate and agree all legal documentation in relation to all land and property held by the Council as a trustee.
- (b) To sign or attest the Council's seal to all documents referred to in sub-paragraph (a)
- 53.59.** To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal or enforcement proceedings.
- 54.60.** (a) Generally, to institute, defend and conduct any legal proceedings relating to the Council's functions or affecting the property, rights or interests of the Council.
- (b) To commission external legal advice as required.
  - (c) To authorise named officers to appear on behalf of the Council in legal proceedings in the Magistrates' Court pursuant to Section 223 Local Government Act 1972.
- 55.61.** To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 will be subject to prior consultation first with the Corporate Director of Resources as s151 Officer and then with the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel.
- 56.62.** To settle claims from staff for damage to personal property in accordance with the Council's policies.
- 57.63.** In consultation with the Chairman of the Corporate Overview and Scrutiny Management Board, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).
- 58.64.** To:
- (a) appoint Members as proxies to attend and vote at shareholders meetings of any company of which the Council is a shareholder and
  - (b) undertake the role of company secretary in any company for which the Council provides secretarial or administrative services.
- 59.65.** In consultation with the Chief Executive, to make appointments of Members to local and other outside bodies which are not the subject of report to the Council or the Executive, in consultation with the respective political group leaders.

- 60.66.** To appoint Review Boards under Regulations under Section 34(4) (Determination of Claims and Reviews) of the Social Security Act 1998.
- 61.67.** To make arrangements in relation to appeals against the exclusion of pupils from maintained schools.
- 62.68.** To make arrangements pursuant to Sections 94(1), (1A) and (4) of the Schools Standards and Framework Act 1998 (Admission Appeals).
- 63.69.** To make arrangements pursuant to Section 95(2) of the Schools Standards and Framework Act 1998 (Children to whom Section 87 applies; Appeals by Governing Bodies).
- 64.70.** In consultation with the Corporate Director of Regeneration and Local Services and the Chairman and Vice-Chairman of the Statutory Licensing Committee or General Licensing and Registration Committee as appropriate, to determine that a particular application shall be considered by the Statutory Licensing Committee or the General Licensing and Registration Committee rather than a Sub-Committee.
- 65.71.** To consider and respond to representations made by members of the public in relation to a decision to hold a meeting or part of that meeting in private.
- 66.72.** To discharge the Council's functions in relation to voluntary registrations of village greens as set out in section 15(8) Commons Act 2006.
- 67.73.** To discharge the Council's functions set out in Part 1 of the Commons Act 2006 and the Commons Registration Act 1965 with the exception of determinations under section 15(1) of the Commons Act 2006.
- 68.74.** To appoint an inspector to hold an inquiry into applications to register land as town or village green where appropriate.
- 69.75.** To discharge the Council's functions in relation to Local Land Charges.

## **Table 8**

### **Delegations for Major Programmes**

In addition to the delegations granted in this part of the Constitution, Chief Officers are authorised from time to time to carry out functions relating to specific projects in collaboration with various Cabinet Portfolio Members. The delegations to the Chief Officers are contained in the relevant Cabinet reports relating to the projects.

**Council Procedure Rules****CONTENTS****Rule**

1. Annual meeting of the Council
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19. Disturbance by public
20. Suspension and amendment of Council Procedure Rules
21. Application to Committees and Sub-Committees

## 22. Appointment of Substitute Members on Council Bodies

### 1. ANNUAL MEETING OF THE COUNCIL

#### 1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the Chairman of the Council is not present;
- (b) elect the Chairman of the Council;
- (c) elect the Vice-Chairman of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chairman and / or the Head of Paid Service;
- (f) subject to Article 6.03, elect the Leader in the year of an ordinary election of councillors;
- (g) appoint the Overview and Scrutiny Committees, the Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Articles 4 and 6 of this Constitution);
- (h) agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Article 4 of this Constitution);
- (i) approve a programme of ordinary meetings of the Council for the year; and
- (j) consider any business set out in the notice convening the meeting.

#### 1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (a) decide which committees and sub-committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;

- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.
- (e) appoint the Chairmen and Vice-Chairmen of Committees.

## 2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as set out below. **At the ordinary meeting of council where there is consideration of the annual budget and setting of the council tax (usually held in February) agenda items (f) and (m) will not be included on the agenda unless there are exceptional circumstances and have the approval of the Chairman of the Council, and Head of Legal and Democratic Services.**

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman;
- (e) receive a report from the Leader and receive questions and answers on the report;
- (f) receive questions from, and provide answers to those that are submitted through Area Action Partnerships (AAPs), which in the opinion of the Chairman are relevant to the Council's functions;
- (g) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions;
- (h) receive petitions from the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions;
- (i) receive a report from the Executive and receive questions and answers on the report;
- (j) receive reports from the Council's committees and receive questions and answers on those reports;
- (k) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

- (l) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Corporate Overview and Scrutiny Management Board;
- (m) consider motions; and
- (n) deal with questions from Members in accordance with Rule 9.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings.**

The Head of Legal and Democratic Services may call Council meetings in addition to ordinary meetings and those listed below may request the Head of Legal and Democratic Services to call additional Council meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) any 5 Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Chairman may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

### **4. TIME, PLACE AND DURATION OF MEETINGS**

#### **4.1 Time and Place of Meetings**

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons.

#### **4.2 Duration of Meetings**

- (a) At an ordinary meeting of the Council, when two and a half hours have elapsed after the commencement of the meeting, the Chairman shall, at the conclusion of the debate on the item of business then under consideration, put the matter to the vote.

- (b) If there are other motions or recommendations on the agenda that remain to be dealt with they will be deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.
- (c) During the process set out in paragraphs (a) and (b) above the only other motions which may be moved are that a matter be withdrawn under Rule 12.8, that a particular Rule be suspended under Rule 21.1 or that a matter be delegated or referred to the Executive, a committee or sub-committee for decision or report under Rule 11.
- (d) When all motions and recommendations have been dealt with, the Chairman will declare the meeting closed.

## **5. NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Head of Legal and Democratic Services will send a summons signed by him to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **6. CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

## **7. QUORUM**

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. PETITIONS FROM THE PUBLIC**

### **8.1 Notice of Petition**

If a citizen wishes to present a petition to a Council meeting, notice must be given at least 10 working days before the meeting.

### **8.2 Presentation of Petitions**

The petition organiser will be allowed 5 minutes to present the petition at the meeting. Only one person may speak to present a petition.

### 8.3 **Number of Petitions**

At any one meeting no person or organisation may present more than one petition.

### 8.4 **Scope of Petitions**

The Head of Legal and Democratic Services may reject a petition if it:

- Does not qualify under the scheme;
- It is vexatious, abusive or otherwise inappropriate;
- It is a petition qualifying under another enactment;
- It is excluded by order e.g.:
  - (i) It relates to a planning decision;
  - (ii) It relates to a licensing decision;
  - (iii) It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

## 9. **QUESTIONS**

### **BY THE PUBLIC**

9.1 Members of the public may ask questions of Members of the Executive at ordinary meetings of the Council.

### 9.2 **Time Allowed for questions**

The time allowed for considering questions under this Rule shall not, without the consent of the Council, exceed 10 minutes.

### 9.3 **Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner.

### 9.4 **Number of questions**

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of one organisation.

### 9.5 **Scope of questions**

The Head of Legal and Democratic Services may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the County;
- (b) is defamatory, frivolous or offensive;
- (c) is vexatious or abusive;
- (d) is substantially the same **or similar to as** a question which has been put at a meeting of the Council in the past six months;
- (e) requires the disclosure of confidential or exempt information;
- (f) is lengthy, or a speech;
- (g) relates to a matter which is of purely personal concern to an individual or family members;
- (h) relates to court action or threatened court action that the person or group are taking against the Council;
- (i) is a request for compensation;
- (j) contains a statement which is untrue;
- (k) is an unintelligible question;
- (l) relates to a matter on which the Council has, or may, determine a policy;

## **BY AREA ACTION PARTNERSHIPS**

9.6 Area Action Partnerships may ask questions of Members of the Executive at ordinary meetings of the Council.

### **9.7 Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than 5.00 pm 6 working days before the day of the meeting. Each question must give the name of the Area Action Partnership posing the question.

## **BY MEMBERS**

### **9.8 On reports of the Executive or committees**

Subject to 9.11 and 9.13, a Member of the Council may ask the Leader or the chairman of a committee any question on a report from the Executive or Committee.

### **9.9 Questions on notice at full Council**

Subject to Rule 9.11, a Member of the Council may ask:

- (a) the Chairman, a member of the Executive or the chairman of any committee or sub-committee, a question on any matter in relation to which the Council has powers or duties or which affects the County, and
- (b) the Chairman of the County Durham and Darlington Fire and Rescue Authority, a question on the business of the relevant Authority.

#### **9.10 Questions on notice at Committees and Sub-Committees**

Subject to Rule 9.11, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the County and which falls within the terms of reference of that committee or sub-committee.

#### **9.11 Notice of questions**

A member may ask a question under Rule 9.8, 9.9 or 9.10 if either:

- (a) they have given notice of the question in writing or by electronic mail no later than midday 3 working days before the day of the meeting to the Head of Legal and Democratic Services; or
- (b) the question relates to urgent matters, they have the consent of the Chairman or member to whom the question is to be put and the content of the question is given to the Head of Legal and Democratic Services by 9.00 a.m. on the day of the meeting.

#### **9.12 One Question per Member**

A Member may ask only one question under Rule 9.8, 9.9 or 9.10 except with the consent of the Chairman of the Council, committee or sub-committee.

#### **9.13 Supplementary question**

A Member asking a question under Rule 9.8, 9.9 or 9.10 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

#### **9.14 Length of Speeches**

Neither a Member asking a question under Rule 9.9 or 9.10 nor a Member answering such a question may speak for longer than three minutes each unless the Chairman consents to a longer period.

#### **9.15 Content of Questions**

Questions under Rule 9.8, 9.9 or 9.10 must, in the opinion of the Chairman:

- (a) contain no expressions of opinion;

- (b) relate to matters on which the Council has or may determine a policy;
- (c) not relate to questions of fact;
- (d) not require the disclosure of confidential or exempt information;
- (e) not relate to a matter which is of purely personal concern to an individual / family members.

#### **9.16 Time Allowed for Member Questions at Council Meetings**

- (a) The time allowed for consideration of questions submitted under Rule 9.9 or 9.10 shall not, without the consent of the Council, exceed 30 minutes;
- (b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall conclude the meeting.
- (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

### **GENERALLY**

#### **9.17 Record of questions**

The Head of Legal and Democratic Services will immediately send a copy of any question received to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be available to all Members and the public attending the meeting. Copies of the questions asked at the meeting and the responses will also be available on the Council's website with the agenda for the relevant meeting.

#### **9.18 Order of questions**

- (a) Questions from the Area Action Partnerships (AAPs) received in accordance with Rule 9.7 will be asked in the order notice of them was received, except that the Chairman may group together similar questions;
- (b) Questions from the public received in accordance with the provisions of Rule 9.3 will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- (c) Questions from Members received in accordance with Rule 9.9 or 9.10 will be asked in the order determined by the Chairman of the Council, committee or sub-committee.

#### **9.19 Asking the question at the meeting**

The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

## 9.20 **Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

## 9.21 **Written answers**

- (a) Any question from the public which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. Copies of the questions and responses will be available on the Council's website with the agenda for the relevant meeting.
- (b) Where a reply can not conveniently be given orally to a question from a Area Action Partnership or Member, a written answer will be circulated later to the questioner.

## 9.22 **Reference of question to the Executive or a committee**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

## 10. **MOTIONS ON NOTICE**

### 10.1 **Application of Rules**

Rules 10.2 to 10.7 do not apply to motions on notice under rule 10.8.

### 10.2 **Notice**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, must be delivered to the Head of Legal and

Democratic Services not later than 5.00 p.m. on the seventh working day before the Council meeting at which it is to be considered.

### 10.3 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order determined by the Chairman.

### 10.4 **Scope**

Motions must be about matters for which the Council has a responsibility or which affect the County.

### 10.5 **Motion to remove the Leader**

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least 2 political groups.
- (b) In order for such a motion to be carried it must have the support of at least two-thirds of those members voting and present in the room at the time the question was put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

### 10.6 **One Motion per Member**

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Chairman.

### 10.7 **Time Allowed for Motions**

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 30 minutes. At the conclusion of the speech being delivered at the expiry of 30 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chairman shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- (a) if the speech to be concluded is a speech proposing a motion, the Chairman shall allow the motion to be formally seconded (without comment);
- (b) if the speech to be concluded is a speech moving an amendment, the Chairman shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and

- (c) otherwise, the Chairman shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

#### **10.8 Motions to Amend Budget and Policy Framework**

Written notice of a motion to move an amendment of the Executive's proposals for the Council's budget and policy framework, subject to the Budget and Policy Framework Procedure Rules, must be delivered to the Head of Legal and Democratic Services not later than midday 3 working days before the Council meeting at which it is to be considered. Motions received after that deadline will only be considered in exceptional circumstances and with the approval of the Chairman, section 151 officer and Head of Legal and Democratic Services.

#### **11. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) to suspend a particular Council procedure rule;

- (m) to exclude the public and press in accordance with the Access to Information Rules;
- (n) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (o) to give the consent of the Council where its consent is required by this Constitution.

## 12. RULES OF DEBATE

### 12.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### 12.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman will require it to be written down and handed to him before it is discussed.

### 12.3 Seconded's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

### 12.4 Questions on Motions

Once a motion has been moved and seconded, before moving on to speeches, the Chairman will ask members if they have any questions on the Motion. A member who asks or answers a question on the motion will retain the right to make a speech on the motion.

### 12.5 Content and length of speeches

- (a) Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- (b) A speech by the mover of a motion may not exceed five minutes without the consent of the Chairman, save where two items are being considered together, in which case paragraph (e) will apply.
- (c) Subject to paragraphs (d) and (e) below, speeches by other Members, **including those members speaking during their right to reply**, may not exceed three minutes without the consent of the Chairman.
- (d) When the Council's annual budget is under discussion, the Leader of each political group on the Council may speak for up to five minutes or such longer period as the Chairman shall allow.

- (e) When two agenda items are being considered together, the proposer and seconder of the motion, and the Leaders of each political group on the Council, will be entitled to speak for double the usual allotted time under (b), (c) and (d) above.

## 12.5 When a Member may speak again

A member who has made a speech on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

## 12.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.

- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### 12.7 **Alteration of motion**

- (a) A member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### 12.8 **Withdrawal of motion**

A member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### 12.9 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his amendment.

### 12.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;

- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

#### **12.11 Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **12.12 Point of order**

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

#### **12.13 Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the

member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

### **13. PREVIOUS DECISIONS AND MOTIONS**

#### **13.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least ten members.

#### **13.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **14. VOTING**

#### **14.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

#### **14.2 Chairman's casting vote**

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

#### **14.3 Method of Voting**

Unless a recorded vote is demanded under Rule 14.4 the Chairman will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

#### **14.4 Recorded vote**

If ten members present at the meeting of full Council (or 5 members present at any other meetings of the authority to which these rules apply) request it,

the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### **14.5 Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

#### **14.6 Voting at budget decision meeting**

Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting.

**NOTE -** Budget decision means calculation of the Council tax requirement, calculation of the basic amount of Council tax, additional calculations where special items relate to part only of the area, calculation of Council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

#### **14.7 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **15. MINUTES**

#### **15.1 Signing the minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### **15.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

### **15.3 Form of minutes**

Minutes will contain all motions and amendments in the form and order the Chairman put them.

## **16. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

## **18. MEMBERS' CONDUCT**

### **18.1 Speaking at meetings**

When a member speaks at full Council he must address the meeting through the Chairman. If more than one member signifies their intention to speak, the Chairman will ask one to speak. Other members must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **18.2 Chairman speaking**

When the Chairman speaks during a debate, any member speaking at the time must stop.

### **18.3 Member not to be heard further**

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **18.4 Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **18.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he thinks necessary.

## **19. DISTURBANCE BY PUBLIC**

### **19.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

### **19.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

## **20. APPOINTMENT OF SUBSTITUTE MEMBERS ON COUNCIL BODIES**

20.1 The substitution rules will not apply to meetings of the Executive, the Standards Committee or the Audit Committee.

20.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.

20.3 The Proper Officer may consider a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.

20.4 In order to be eligible to sit as substitutes on regulatory or administrative committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.

20.5 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

20.6 Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are designated substitute.
- (b) where the ordinary Member will be absent for the whole of the meeting;
- (c) where the ordinary Member has notified the Head of Legal and Democratic Services or the Democratic Services Manager of the intended substitution at least one hour before the start of the relevant meeting; and
- (d) provided, in the case of area committees, that the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the County.

## **21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **21.1 Suspension**

All of these Council Rules of Procedure except Rule 10.5(c), 14.5 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting. Rule 10.5(c) can only be suspended by motion on notice and the motion must have the support of at least two thirds of those members present and voting.

## 21.2 **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 22. **APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

- (a) All of the Council Rules of Procedure apply to meetings of full Council.
- (b) None of the rules apply to meetings of the Executive.
- (c) Only Rules 4-7 and 13 – 21 (but not Rule 18.1) apply to meetings of committees and sub-committees.
- (d) Rule 7 does not apply to meetings of the Statutory Licensing Sub-Committees or the Area Licensing Sub-Committees or the Appeals Sub-Committees for which the quorum is as specified in Article 4 of this Constitution.
- (e) Rule 14.4 does not apply to any committee or sub-committee with a membership of less than 5 members.

## **Executive Procedure Rules**

### **1. HOW DOES THE EXECUTIVE OPERATE?**

#### **1.1 Who may make executive decisions?**

The arrangements for the discharge of executive functions are determined by the Leader. The Leader may provide for executive functions to be discharged by:

- (i) the Executive as a whole;
- (ii) a committee of the Executive;
- (iii) an individual member of the Executive;
- (iv) an officer;
- (v) joint arrangements; or
- (vi) another local authority.

#### **1.2 Delegation by the Leader**

Following the annual meeting of the Council, the Head of Legal and Democratic Services, at the direction of the Leader, will draw up a written record of executive delegations made by the Leader for inclusion in Article 6 of this Constitution. This will contain the following information about executive functions in relation to the coming year:

- (i) the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
- (iii) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements; and
- (iv) The nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

#### **1.3 Sub-delegation of executive functions**

- (a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.

- (b) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (c) Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

#### **1.4 The Council's scheme of delegation and executive functions**

- (a) The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so the Leader will give written notice to the Head of Legal and Democratic Services and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Head of Legal and Democratic Services will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (b) Where the Leader seeks to withdraw delegation from a committee of the Executive, notice will be deemed to be served on that committee when he has served it on its Chairman.

#### **1.5 Conflicts of Interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

#### **1.6 Executive meetings – when and where?**

The frequency and timing of meetings of the Executive will be determined by the Leader. The Executive will meet at the Council's main offices or another location to be agreed by the Leader.

#### **1.7 Public meetings of the Executive?**

The Executive will hold its meetings in public, except in the circumstances set out in paragraphs (a) to (c) of Regulation 4 of the Local Authorities (Executive

Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Briefly, these circumstances cover:

- (a) confidential information;
- (b) exempt information;
- (c) disorderly conduct.

### **1.8 Private meetings of the Executive**

If the Executive is to hold a meeting in private and this means a meeting or part of a meeting during which the public are excluded, then at least 28 clear days before the private meeting it must:

- (a) make available at the Council offices a notice of intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

The notice must include a statement of reasons for the meeting to be held in private.

Following that, at least 5 clear days before a private meeting, the Council must:

- (a) make available at its offices a further notice of its intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

The notice must include a statement of the reasons for the meeting to be held in private, details of any representations received about why the meeting should be open to the public and a statement of the Council's response to any such representation.

### **1.9 Urgent Private Meeting of the Executive**

Where the date by which a private meeting must be held makes compliance with Rule 1.8 impracticable, the meeting may only be held in private where the Executive has agreement from:-

- (a) the Chair of the Corporate Overview and Scrutiny Management Board;  
or
- (b) if he/she is unable to act, the Chair of the Council; or
- (c) where there is no chair, the vice-chair of the Council

that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the Executive has obtained agreement to hold an urgent private meeting it must make available at the Council offices a notice setting out the reasons why the meeting is urgent and

cannot reasonably be deferred and publish that notice on the Council's website.

#### 1.10 **Quorum**

- (a) The quorum for a meeting of the Executive shall be 3 including the Leader or Deputy Leader.
- (b) The quorum for a meeting of a committee of the Executive shall be 2.

#### 1.11 **How are decisions to be taken by the Executive?**

- (a) Executive decisions made by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.
- (c) Immediately after any vote is taken at a budget decision meeting of the Executive there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting.

**NOTE 1 -** *Budget decision means calculation of the Council tax requirement, calculation of the basic amount of Council tax, additional calculations where special items relate to part only of the area, calculation of Council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.*

## 2. **HOW ARE EXECUTIVE MEETINGS CONDUCTED?**

### 2.1 **Who presides?**

The Leader will preside at any meeting of the Executive or its committees at which he is present. In his absence, the Deputy Leader will preside.

### 2.2 **Who may attend?**

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

### 2.3 **What business?**

At each meeting of the Executive the following business will be conducted:

- (i) questions from the public;

- (ii) consideration of the minutes of the last meeting;
- (iii) declarations of interest, if any;
- (iv) matters referred to the Executive (whether by the Corporate Overview and Scrutiny Management Board or one of the other Scrutiny Committees or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (v) consideration of reports from the Corporate Overview and Scrutiny Management Board and Scrutiny Committees; and
- (vi) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

## 2.4 Consultation

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation undertaken with stakeholders and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## 2.5 Who can put items on the executive agenda?

- (a) The Leader will decide upon the schedule for meetings of the Executive. He may put any matter on the agenda of any Executive meeting whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter.
- (b) Any member of the Executive may require the Head of Legal and Democratic Services to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.
- (c) The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive meeting and may require that such a meeting be convened in pursuance of their statutory duties.

## 2.6 Questions by the Public

### On matters of concern or interest

- 2.6.1 Members of the public may ask questions of Members of the Executive on matters of concern or interest, during the first formal item of business at every ordinary cabinet meeting.

#### **On reports to be considered by the Executive**

- 2.6.2 Members of the public may ask questions of Members of the Executive on reports that are to be considered by the Executive which are listed on the agenda for that meeting.

#### **Notice of questions**

- 2.6.3 A member of the public may ask a question under rules 2.6.1, and 2.6.2 if that if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner. Under rule 2.6.1 questions can be asked informally at the meeting if the Leader permits.

#### **Order of questions**

- 2.6.4 Questions in relation to rule 2.6.1 will be asked in the order notice of them was received, and for those relating to rule 2.6.2 at the time that the agenda item was being considered. The Leader may group together similar questions.

### **2.7 Questions by Members**

#### **On reports to be considered by the Executive**

- 2.7.1 A member of the Council may wish to ask questions of Members of the Executive on reports that are to be considered by the Executive which are listed on the agenda for that meeting. There is no general right for non-Cabinet members to address Cabinet at their meetings, however if the decision to be made affects their division, or they have some other relevant consideration this may be accepted subject to rule 2.7.2

#### **Notice of questions**

- 2.7.2 A member wishing to ask a question must give notice by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than 14.00 hrs 2 working days before the day of the meeting, and must indicate their reason for asking the question. The Head of Legal and Democratic Services in consultation with the Leader of the Council will determine whether the question can be asked.

#### **Order of questions**

- 2.7.3 Questions will be asked in the order notice of them was received, and at the time that the agenda item was being considered.

## Asking the question at the meeting

2.7.4 The Leader will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, a written reply will be given after the meeting. A restriction of 5 minutes per question will be applied, except at the discretion of the Leader.

## 2.8 Questions

### Scope of questions

2.8.1 The Head of Legal and Democratic Services may reject a question from the public if it:

(a) does not relate to a matter of concern or interest; or

The Head of Legal and Democratic Services may also reject a question from the public or a Member if it:

(b) Subject to 2.8.1(a) above, is not about a matter for which the Executive is going to consider an item on the agenda for the meeting;

(c) is defamatory, frivolous or offensive;

(d) is vexatious or abusive;

(e) is substantially the same **or similar to** ~~as~~ a question which has been put at a meeting of the Executive in the past six months;

(f) requires the disclosure of confidential or exempt information;

(g) is lengthy, or a speech;

(h) relates to a matter which is of purely personal concern to an individual or family members;

(i) relates to court action or threatened court action that the person or group are taking against the Council;

(j) is a request for compensation;

(k) contains a statement which is untrue;

(l) is an unintelligible question.

### Record of questions

2.8.2 The Head of Legal and Democratic Services will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

The questions asked at the meeting and the responses will be referred to in the minutes of the meeting.

**Written answers**

- 2.8.3 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.

**Reference of question to the Executive**

- 2.8.4 Unless the Leader decides otherwise, no discussion will take place on any question.

## **Financial Procedure Rules**

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## **1. INTRODUCTION**

### **1.1 What are Financial Procedure Rules?**

1.1.1 Financial Procedures provide the framework for managing the Council's financial affairs. The Financial Procedures are supported by more detailed Financial Management Standards which set out how the Procedures will be implemented. These are listed in Appendix A.

1.1.2 The Procedures identify the financial responsibilities of the full Council, the Cabinet, the Audit Committee and Officers.

1.1.3 To avoid the need for regular amendments due to changes in post titles, generic terms are included for officers as follows:

- The term, "Chief Finance Officer," refers to the Section 151 Officer who is currently the Corporate Director Resources.
- The term, "Chief Officers", refers to the Council's Chief Executive, the Corporate Directors and Director of Transformation and Partnerships
- The term, "Monitoring Officer", is currently the Head of Legal and Democratic Services.
- The term, "Chief Internal Auditor", refers to the Chief of Internal Auditor and Corporate Fraud Manager.

### **1.2 Why are they important?**

1.2.1 To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These Procedures have been devised as a control to help the Council manage its financial matters properly in compliance with all necessary requirements.

1.2.2 Good, sound financial management is a key element of the Council's Corporate Governance framework which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

1.2.3 Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.

1.2.4 Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.

1.2.5 Financial Procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

### **1.3 Who do Financial Procedures apply to?**

1.3.1 Financial Procedures apply to every member and officer of the Council and anyone acting on its behalf. Members and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Council policies and priorities, is properly authorised, provides value for money and achieves best value.

1.3.2 Separate financial procedures have been incorporated into the Council's Scheme for Financing of Schools and relate to those matters where decisions have been delegated to school governing bodies.

1.3.3. These Financial Procedures shall apply in relation to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.

1.3.4 Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures.

### **1.4 Who is responsible for ensuring that they are applied?**

1.4.1 Chief Officers and Heads of Service are ultimately responsible to the Council for ensuring that Financial Procedures are applied and observed by their staff and contractors providing services on the Council's behalf and for reporting to the Chief Finance Officer any known or suspected breaches of the procedures.

1.4.2 The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and / or to the Executive Members.

1.4.3 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.

1.4.4 Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the best interests of the Council, he/she shall raise the issue with the Chief Finance Officer who will, if he/she considers necessary and appropriate, seek formal approval from the Council for a specific waiver of the procedures, or an amendment to the procedures themselves.

## **2. FINANCIAL MANAGEMENT – GENERAL ROLES AND RESPONSIBILITIES**

### **2.1 The Role of the Full Council**

2.1.1. The Council has a duty towards its Council Tax payers with regard to financial decisions and their consequences. The full Council is responsible for approving the Budget and Policy Framework within which the Cabinet operates having regard to the Chief Financial Officer's comments in his report under Section 25 of the Local Government Act 2003. The budget setting process includes the approval of Prudential Indicators as required by the CIPFA Prudential Code for Capital Finance in Local Authorities. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The role of the Council is set out in this Constitution.

### **2.2 The Role of the Cabinet**

2.2.1 The Cabinet (as the Council's Executive) is responsible for proposing the Budget and Policy Framework to full Council, and for discharging executive functions in accordance with the Budget and Policy Framework. The role of the Cabinet is set out in this Constitution.

### **2.3 The Role of the Audit Committee**

2.3.1 The Audit Committee approves the final accounts and is an advisory committee to the Council and the Executive on audit and governance issues in order to provide independent assurance over the adequacy of the Council's risk management framework and associated control environment.

### **2.4 The Role of the Chief Finance Officer**

2.4.1 The Chief Finance Officer is accountable to the Chief Executive and the Council and has statutory duties that provide overall responsibility for the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. These statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Local Government Act 2003
- The Accounts and Audit (England) Regulations 2011
- The Code of Practice on Local Authority Accounting 2012/13 (the Code)

2.4.2 The Chief Finance Officer is the Council's professional adviser on financial matters and is responsible for:

- The proper administration of the Council's financial affairs.
- Maintaining a continuous review of Financial Procedures and submitting any additions or changes as necessary to the full Council for approval.
- Annually reviewing and updating, and monitoring compliance with Financial Management Standards.
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- Providing financial information and advice to the Corporate Management Team, the Cabinet, the Council and the Audit Committee on all aspects of its activity including the presentation of appropriate financial options as necessary.
- Providing training for Members and officers on finance issues.
- Determining accounting policies and ensuring that they are applied consistently.
- Determining accounting procedures and records of the Council.
- Reporting, where appropriate, breaches of the Financial Procedures to the Council and/or Cabinet.
- Preparing and monitoring the revenue budget, capital programme and Medium Term Financial Plan.
- Ensuring the provision of an effective Internal Audit Function.
- Ensuring the provision of an effective Treasury Management Function.
- Advising on risk management.
- Ensuring the Council complies with the CIPFA Prudential Code for Capital Finance in Local Authorities.
- Ensuring that Council spending plans and council tax calculations, identified in the medium term financial plan, are based upon robust estimates.
- Ensuring that the level of Council reserves is adequate to meet the known financial risks facing the Council over the medium term.
- Ensuring that the annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting 2012/13 (the Code).
- Ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- Ensuring that proper professional practices, standards and ethics are adhered to.
- Acting as head of profession in relation to the standards, performance and development of finance staff including the training and professional development of all staff employed in posts designated as requiring a qualified accountant, accounting technician, or auditor, wherever located.
- The appointment of all finance staff and will be consulted on any proposal to create or delete a post requiring such a qualification for appointment.

2.4.3. Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council and to the External Auditors if the Council or one of its officers:

- Has made, or is about to make a decision which involves incurring expenditure which is unlawful.
- Has taken or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Council.
- Is about to make an unlawful entry in the Council's accounts.

2.4.4 Section 114 of the 1988 Act also requires:

- The Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.
- The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under section 114, as determined by the Chief Finance Officer.

2.4.5 The Chief Finance Officer:

- Is required to approve all financial procedures, records, systems and accounts throughout the Council which are necessary to ensure that the tasks defined in these procedures are properly carried out. The Council will also ensure that the Chief Finance Officer is consulted and given the opportunity to advise upon all financial management arrangements and notes of detailed advice and guidance on financial systems and procedures necessary to ensure a satisfactory standard of accuracy, reliability, probity and regularity.
- Shall be given access to any information as is necessary to comply with his/her statutory duties and with the requirements and instructions of the Council.
- Shall be entitled to attend and report on financial matters directly to the Council, the Cabinet, and any committees or working groups the Council may establish and to the Corporate Management Team.
- Shall be sent prior notice of all meetings of the Cabinet and all Council bodies together with full agendas and reports and shall have authority to attend all meetings and take part in the discussion if he/she so desires.

## **2.5 The Role of Chief Officers**

2.5.1 Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with Council policy.

2.5.2 Chief Officers are responsible for:

- Ensuring that adequate and effective systems of internal control are operated to ensure the accuracy, legitimacy and proper processing of transactions and the management of activities, having regard to advice and guidance from the Chief Financial Officer.
- Ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Financial Officer.
- Consulting with the Chief Finance Officer in seeking approval regarding any matters which may affect the Council's finances materially, before any commitments are incurred.
- Consulting with each other on any issue with corporate financial implications before submitting policy options or recommendations to Members.

## **3. FINANCIAL PLANNING**

### **3.1 Strategic Planning**

3.1.1 The full Council is responsible for agreeing the Council's Budget and Policy Framework which will be proposed by Cabinet.

3.1.2 The preparation of the medium term financial plan is part of the strategic policy framework of the Council and aims to ensure that the Council's spending plans are prudent, affordable and sustainable, and reflect Council priorities.

3.1.3 The policy framework comprises various plans and strategies, as defined in this Constitution. In terms of financial planning, the key elements are:

- The Council's performance management framework
- The Council Plan
- The Medium Term Financial Plan
- The Corporate Asset Management Plan
- The Workforce Development Plan
- The Sustainable Communities Strategy

3.1.4 The full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Under the Constitution, the Monitoring Officer has a duty to advise

whether decisions of the Cabinet are in accordance with the Budget and Policy framework.

3.1.5 Chief Officers are responsible for the preparation and monitoring of service improvement plans within their service areas in accordance with the corporate performance framework determined by the Assistant Chief Executive. Service improvement plans should align with Council values and priorities and be consistent with and based upon the budget allocated by the Council to the service.

## **3.2 Budget Preparation**

3.2.1 The Cabinet, in consultation with the Chief Finance Officer is responsible for determining the general budget strategy and issuing annual guidelines to Members and Chief Officers on:

- Preparing a detailed revenue budget for the following year
- Preparing the Medium Term Financial Plan (4 years)
- Preparing the capital programme
- The timetable for preparing and agreeing the Council's revenue and capital budget

3.2.2 The guidelines will take account of:

- Council priorities as reflected in the Council plan
- Spending pressures
- What future funding is available
- What level of reserves are available
- The affordability, sustainability and prudence of capital investment plans
- Legal requirements
- Value for money and other relevant government guidelines
- Other internal policy documents
- Cross-cutting issues (where relevant)

3.2.3 The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures the consideration of the full Council's policy framework.

3.2.4 The Chief Finance Officer is responsible for ensuring that a detailed revenue budget is prepared on an annual basis and a general revenue plan on a four yearly basis (Medium Term Financial Plan) for consideration by Cabinet before submission to full Council.

3.2.5 The Chief Finance Officer is responsible for ensuring a capital programme is prepared on an annual basis for consideration by Cabinet before submission to the full Council.

- 3.2.6 It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the full Council on the adequacy of the reserves for the Council.
- 3.2.7 Chief Officers are responsible for ensuring that budget estimates are prepared in accordance with guidance issued by Cabinet and reflect agreed service performance plans.

### **3.3 Budget Approval**

- 3.3.1 The full Council is responsible for agreeing the Council's Budget (including Prudential Indicators) and Policy Framework. The policy framework comprises of a number of statutory plans and strategies.
- 3.3.2 The Council's revenue and capital budget will be proposed by the Cabinet, (on the advice of the Chief Finance Officer), and will be approved by the full Council.
- 3.3.3 The full Council may amend the proposed budget or ask the Cabinet to reconsider it before approving it.

### **3.4 Budget Transfers**

- 3.4.1 During the year Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs or priorities in order to deliver the budget policy framework within the financial limits set by the Council.
- 3.4.2 Budget transfers within services should be agreed at Service Management Teams and then reflected in the budgetary control template which feeds into the monthly update reports to CMT and the quarterly update reports to Cabinet. Once approved by CMT/Cabinet the budget can then be revised in Oracle.
- 3.4.3 Budget transfers between service groupings will require the agreement of both services before they can proceed.
- 3.4.4 Transfers to and from Earmarked Reserves need to be agreed by Service Management Teams and reflected in the budgetary control template. Cabinet will ultimately agree these transfers, the reason for which must be clear in the budgetary control report. The budget will be adjusted in Oracle to reflect the transfers, once agreed by Cabinet.
- 3.4.5 After the Quarter 3 Outturn Report to Cabinet no further budget adjustments can be made between services or between subjective headings within the same service for the remainder of the financial year.
- 3.4.6 A capital budget cannot be transferred to a revenue budget head.

3.4.7 The transfer of capital budgets will require approval by the Capital Member Officer Working Group (MOWG) and full approval by Cabinet. This will include:

- Re-profiling from one financial year to another
- Significant transfers within capital programme areas
- Transfers between capital programme areas within a service
- Transfers between services

3.4.8 Any increase in overall capital budget e.g. new grant funding or approval to increase borrowing must be approved by CMT and MOWG before full approval by Cabinet.

### **3.5 Cash Limits**

3.5.1 What is the cash limit?

- All running costs of services which are under the control or influence of the Corporate Director.
- The Cash Limit Reserve is the balance which has been built up from any underspends in the year, or from previous years, that is earmarked for planned use by the service.

3.5.2 What are cash limits for?

- To give services the flexibility to manage their budgets over a period of more than one financial year.
- To avoid inappropriate spending decisions by budget managers, who may rush to spend their budget allocation as they approach year end in the fear that the budget will be reduced if the spend is not incurred.

3.5.3 What is not included in the cash limit?

- Corporate budgets (e.g. LGA and ANEC subscriptions)
- Members allowances and other costs
- Coroner's costs
- Investment income
- Capital charges and capital financing
- Recharges where Corporate Directors cannot influence the impact on their services (e.g. Central Admin, Customer Services, Design Services, Sustainable Transport Team and Corporate & Democratic Core)
- Other items as agreed by Cabinet

3.5.4 What happens if excessive costs impact upon service groupings (e.g. extreme weather events such as flooding or severe winters)?

- Requests for excessive costs to be deemed to be outside the cash limit will require approval by Cabinet.
- If approved they will be reported to Cabinet as part of the Forecast of Outturn Report and a budget transfer will be made to the service from contingencies.

3.5.5 At the end of each year any over or underspends of the cash limited element of the budget will be transferred to the cash limit reserve for each service grouping.

3.5.6 If any service grouping's cash limit reserve is insufficient to fund any overspends then the following year's budget will be reduced accordingly.

### **3.6 Budget Monitoring and the Control of Income and Expenditure**

3.6.1 The Chief Finance Officer is responsible for:

- Developing an effective framework of budgetary management and control.
- Providing appropriate financial information to enable budgets to be monitored effectively.
- Reporting to Cabinet on the overall Council budget monitoring position on a quarterly basis.
- Reporting to all relevant Scrutiny Committees on a quarterly basis.
- All payments to employees, Members and creditors.
- Maintaining the Council's tax records.
- Advising Chief Officers on all taxation issues that affect the Council.
- Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- Agreeing arrangements for the collection of income due to the Council.
- Agreeing banking, borrowing and other credit requirements, e.g. leasing.
- Agreeing the write-off of bad debts in accordance with the Council's Debt Recovery Policy.

3.6.2 The Cabinet is responsible for approving contractual arrangements for any work for third parties or external bodies unless the responsible Chief Officer is authorised in this respect under the Officer Scheme of Delegations at Part 3 of this Constitution.

3.6.3 Separate financial procedures for schools have been incorporated into the Council's Scheme for Financing Schools and relate to those matters where decisions have been delegated to school governing bodies.

3.6.4 It is the responsibility of Chief Officers to:

- Control income and expenditure within their service area.

- Monitor performance in conjunction with the budget taking account of financial information provided by the Chief Finance Officer.
- Report on spending variances within their own areas.
- Take any corrective action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

### **3.7 Reporting Council Spending at Year End**

3.7.1 The Audit Committee is responsible for approving the annual audited Statement of Accounts.

3.7.2 The Chief Finance Officer is responsible for:

- Publishing a timetable for the closure of the accounts annually.
- Ensuring that the Council's annual Statement of Accounts is prepared in accordance with the most up-to-date Code of Practice on Local Authority Accounting produced by CIPFA/LASAAC, the latest Accounts and Audit Regulations (England) and any other relevant guidelines.

3.7.3 It is the responsibility of Chief Officers to ensure that arrangements are put in place each year to deliver the Council's closure timetable.

### **3.8 Use of Council Reserves**

3.8.1 The Chief Finance Officer is responsible for advising Cabinet and/or the full Council on levels of reserves for the Council. The advice will be based upon an annual risk assessment of the prudent levels of reserves the Council should maintain.

3.8.2 The Chief Finance Officer will manage the Council reserves in accordance with decisions taken by the Cabinet and full Council.

## **4. RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **4.1 Risk Management**

4.1.1 It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and managing all significant Strategic and Operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

4.1.2 The Audit Committee is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management.

- 4.1.3 The Council has nominated the Chief Finance Officer as the lead officer Risk Management Champion and the Deputy Leader as the Member Risk Champion.
- 4.1.4 The Chief Finance Officer is responsible for preparing the Council's Risk Management Policy Statement, promoting it throughout the Council and for advising the Cabinet on proper insurance cover for material risks where appropriate.
- 4.1.5 The Corporate Risk Management Group supported by the Corporate Risk Manager is responsible for reviewing strategic risks and reporting progress on the management of strategic risk to Cabinet.
- 4.1.6 It is the responsibility of Chief Officers to ensure that there are regular reviews of risk within their areas of responsibility, having regard to advice from the Council's Corporate Risk Manager and other specialist officers (e.g. crime prevention, fire prevention, Health & Safety).

## **4.2 Internal Control**

- 4.2.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- 4.2.2 Internal control systems relate to all aspects of management, not just financial management, but it is particularly important that financial internal control systems are effective to safeguard the use of public funds, ensure that the financial accounts of the council are accurate, all transactions are legal and to prevent and detect fraud, misuse or irregularity.
- 4.2.3 The Chief Internal Auditor is responsible for advising on effective systems of internal control. Effective systems of internal control should ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should also ensure that risk management is embedded across the Council as internal controls are established to manage identified risks.
- 4.2.4 It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to effectively manage risks which may prevent them from achieving corporate and service objectives, continuous improvement, value for money, and effective use of resources.
- 4.2.5 The Council is required to provide an Annual Governance Statement in accordance with the Accounts and Audit Regulations ~~2014~~2015. As part of this statement, the Chief Executive and the Leader of the Council are required to comment on the effectiveness of the entire

internal control environment within the Council as this is a key indicator of good governance.

4.2.6 It is the responsibility of the Chief Financial Officer and the Resources Service Grouping Management Team to prepare the Annual Governance Statement.

4.2.7 It is the responsibility of the Audit Committee to approve the Annual Governance Statement and to seek the necessary assurance that the Council's corporate governance arrangements including risk management and internal control are effective.

### **4.3 Insurance**

4.3.1 Insurance provision is a way of managing risk.

4.3.2 The Chief Finance Officer is responsible for:

- Effecting insurances falling with the framework approved by Cabinet and dealing with all claims in consultation with other Chief Officers where necessary.
- Operating an adequately funded self-funding arrangement which protects the Council against undue loss and provides value for money. Services are recharged the costs incurred by the Council for self-funded claims and insurance related expenditure.
- Reviewing, at least annually, all insurances in consultation with Chief Officers where necessary.

4.3.3 It is the responsibility of Chief Officers to:

- Advise the Chief Finance Officer of all new risks, properties, vehicles or potential liabilities for which insurance may be required, and of any changes affecting existing risks or insurance cover required.
- Notify the Chief Finance Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim, and provide such information and explanations required by the Chief Finance Officer or the Council's insurers
- Consult with the Head of Legal Services on the terms of any indemnity which they are requested to give on behalf of the Council.
- Ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

### **4.4 Audit Requirements**

4.4.1 Internal Audit is primarily an independent assurance function and is a statutory service in the context of the Accounts and Audit Regulations (England) 2014 2015, which state that:

“A relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices.”

- 4.4.2 The Public Sector Internal Audit Standards (PSIAS) and CIPFA's Local Government Application Note, which came into effect April 2013 **and were further revised in April 2017** constitute proper practices to satisfy the requirements for larger relevant local government bodies as set out in the Accounts and Audit Regulations ~~2014~~ **2015**.
- 4.4.3 The Chief Finance Officer is responsible for:
- Ensuring an effective internal audit function is resourced and maintained.
  - Ensuring that the authority has put in place effective arrangements for the internal audit of the entire control environment.
  - Supporting internal audit arrangements.
  - Ensuring the Audit Committee receives the necessary advice and information so that both functions can operate effectively.
- 4.4.4 The strategy and terms of reference for Internal Audit are detailed in the Council's Internal Audit Charter which is approved and reviewed by the Audit Committee.
- 4.4.5 **Following the abolition of the Audit Commission and in accordance with the Local Audit and Accountability Act 2014 and Regulation 19 of the Local Audit (Appointing Person) Regulations 2015, the Public Sector Audit Appointments (PSAA) was formally established for Principal Local Government bodies to use as a sector led body to negotiate contracts and make appointments of External Auditors on behalf of the Council. ~~The Audit Commission is responsible for appointing external auditors to each local authority.~~ The basic duties of the external auditor are governed by ~~section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998~~ the Local Audit and Accountability Act 2014. Responsibility for the preparation and issuing of the current Audit Code of Practice and guidance to External Auditors resides with the Comptroller and Auditor General. ~~They are also required to follow the current Audit Code of Practice. The duties include reviewing the work of the internal auditors.~~ The Chief Finance Officer is responsible for implementing agreed actions in response to external audit findings and recommendations.**
- 4.4.6 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, Ofsted, Care Quality Commission who have statutory rights of access. These bodies together with internal and external audit provide valuable assurance to the Audit Committee on the effectiveness of the Council's corporate governance arrangements because of their independence and objectivity.

4.4.7 Chief Officers are responsible for taking relevant action in response to findings and recommendations arising from the work of all assurance providers, internal or external, or accepting the residual risk if no action is taken.

4.4.8 The Chief Internal Auditor is responsible for providing an annual audit opinion on the adequacy and effectiveness of the Council's entire internal control environment. This opinion will be reported in an annual audit report which is considered by both the Corporate Management Team and the Audit Committee. Any significant issues arising from this report will be reflected in the Annual Governance Statement.

## **4.5 Preventing Fraud and Corruption**

4.5.1 The Council recognises its responsibility to protect the public purse and acknowledges that the public is entitled to expect the Council to conduct its affairs with integrity, honesty and openness and demand the highest standards of conduct from those working for it.

4.5.2 The Council is committed to maintaining an ethical culture which does not tolerate fraud and corruption. Any such issues will be thoroughly investigated and, if confirmed, dealt with rapidly in the strongest possible way. We will seek the strongest possible sanctions against those who seek to defraud the Council. This includes taking appropriate action against staff, members, contractors, external individuals and organisations.

4.5.3 The Chief Finance Officer has overall financial responsibility for the prevention of fraud and corruption and is liable to be called to account for specific failings. The Chief Finance Officer is responsible for ensuring that the Council is adequately resourced to respond to the fraud risk and has effective internal audit, counter fraud and investigatory resources to help Chief Officers prevent, detect and investigate potential cases of fraud and irregularity.

4.5.4 The Audit Committee will review and endorse the Council's Counter Fraud and Corruption Strategy and will seek assurance on its effectiveness and that of other fraud related policies and procedures.

4.5.5 Internal Audit independently monitors the existence, appropriateness and effectiveness of internal controls and assists managers to fulfil their responsibilities to prevent and detect fraud and corruption through the strengthening of internal controls.

4.5.6 Chief Officers are responsible for establishing, implementing and maintaining adequate systems of internal control, and to ensure that the Council's resources are properly applied. They should be familiar with and assess the types and risks of fraud or corruption that might occur within their area of responsibility and ensure that these risks are effectively managed.

4.5.7 Chief Officers are responsible for ensuring that their employees are aware of the Council's counter fraud and corruption strategy and know what to do, and what not to do, if they suspect fraud.

4.5.8 Chief Officers are responsible for ensuring that all cases of suspected fraud and corruption are investigated and are required to report all suspected cases to the Chief internal Auditor as soon as they arise.

4.5.9 Internal Audit will:

- Lead on awareness raising and facilitate corporate learning.
- Review the effectiveness of the policies and practices the Council has established to safeguard itself against the risk of fraud and corruption.
- Provide advice and guidance to managers and staff on the Counter Fraud and Corruption Strategy and the Fraud Response Plan.
- Provide advice on related legislation application e.g. Human Rights Act and Regulation of Investigatory Powers Act.
- Maintain a central record of reported fraud and corruption cases.
- Report to the Chief Officers and the Audit Committee on the use of resources to counter fraud and corruption and of any investigatory work undertaken.

4.5.10 The Chief Internal Auditor will take whatever steps are considered necessary, on behalf of the Chief Finance Officer, to ensure all suspected irregularities are investigated and reported in accordance with the Counter Fraud and Corruption Strategy, and Fraud Response Plan. Chief Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration where fraud is suspected.

## **4.6 Use of and Disposal of Assets**

4.6.1 Council assets include land, buildings, furniture, vehicles, plant and equipment, computer systems, stocks and stores, money and investments, data and information.

4.6.2 The Chief Finance Officer is responsible for issuing procedures to safeguard the use and disposal of Council assets, with the exception of land and buildings which are the direct responsibility of the Head of Planning and Asset Management.

4.6.3 Chief Officers are responsible for ensuring that adequate and effective arrangements are in place for the care and custody of all assets within their Service area and ensuring that assets are disposed of in

accordance with procedures approved by the Chief Finance Officer and/or the Head of Planning and Asset Management.

#### **4.7 Confidentiality, Security and Protection of Information**

- 4.7.1 All employees of the Council have a personal responsibility for the protection and confidentiality of information, whether held in manual or computerised records, as specified in the Employee Code of Conduct set out in Part 4 this Constitution.
- 4.7.2 Specific guidance is given on current IT legislation, risks and security threats in relation to IT use in the Council's Information Security Manual.
- 4.7.3 It is the responsibility of Chief Officers to ensure that all computerised systems within their Service areas are operated in accordance with legal requirements and all appropriate officers are familiar with the guidance provided (e.g. ICT Policy, Personal Information Security Policy ).
- 4.7.4 Financial records, manual and computerised, should be retained and disposed of in accordance with the Council's Document Retention Policy.

#### **4.8 Treasury Management**

- 4.8.1 The Council has adopted CIPFA's Treasury Management in the Public Services Code of Practice.
- 4.8.2 Accordingly, the full Council is responsible for approving a Treasury Management Policy Statement, on an annual basis, stating the policies and objectives of its treasury management activities.
- 4.8.3 The full Council is also responsible for approving Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 4.8.4 The Council will receive reports on its Treasury Management policies, practices and activities, including as a minimum, an annual strategy and plan for the coming financial year at or before the start of each financial year and an annual report after its close, in the form prescribed in the TMPs.
- 4.8.5 The Council has delegated its responsibility for the implementation and monitoring of its Treasury Management policies and practices to the Cabinet.

- 4.8.6 Responsibility for the execution and administration of its Treasury Management decisions, including decisions on borrowing, investment and financing, have been delegated to the Chief Finance Officer, who will act in accordance with the Council's policy statements and TMPs.
- 4.8.7 The Chief Finance Officer is responsible for reporting to the Cabinet not less than three times in each financial year (Annual Strategy, Mid-Year Report and an Outturn Report) on the activities of the Treasury Management operation and on the exercise of his or her delegated Treasury Management powers.

## **4.9 Banking**

- 4.9.1 All arrangements concerning banking services, including the opening, closing and operation of the Council's bank accounts shall be made solely upon direction of the Chief Finance Officer.
- 4.9.2 The Chief Finance Officer is responsible for the reconciliation of the Council's bank accounts with the Council's financial accounts.
- 4.9.3 Chief Officers are responsible for ensuring that all banking arrangements determined by the Chief Finance Office are observed and to advise him or her of any changes in their Services that may require a change in these arrangements.

## **4.10 Income Collection**

- 4.10.1 The Chief Finance Officer is responsible for approving all methods of income collection, records and systems.
- 4.10.2 The Council has a statutory responsibility to conform to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007.
- 4.10.3 Accordingly, the Cabinet is responsible for approving the Council's Money Laundering Policy.
- 4.10.4 Responsibility for the implementation and administration of the Council's Money Laundering Policy has been delegated to the Chief Finance Officer who is responsible for nominating an officer (and deputy) to act as the Council's Money Laundering Reporting Officer.
- 4.10.5 Chief Officers are responsible for:
- Ensuring all income is held securely.
  - Ensuring compliance with income and banking arrangements specified by the Chief Finance Officer.
  - In consultation with the Chief Finance Officer reviewing fees and charges, at least annually.
  - Ensuring that all income is banked and allocated promptly and efficiently.

- Carrying out reconciliations in an accurate and timely manner.

#### **4.11 External Funding**

- 4.11.1 Chief Officers are responsible for ensuring that any bids for external funding are made in consultation with the Chief Finance Officer.
- 4.11.2 Chief Officers must ensure that any project to be funded by external funding does not commence until proper approval has been obtained and the source of external funding confirmed.
- 4.11.3 The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Chief Officers are responsible for providing all necessary information to enable this to be achieved.

#### **4.12 Debt Collection**

- 4.12.1 The Cabinet is responsible for approving the Council's debt recovery policy.
- 4.12.2 The Chief Finance Officer is responsible for maintaining records of debts and the implementation of the Council's debt recovery policy.
- 4.12.3 Chief Officers are responsible for:
  - Ensuring effective systems are in place to allow sums due to the Council to be easily identified.
  - Ensuring debtor accounts are raised accurately and promptly and that adequate records are maintained to support the raising of the debt and any recovery action taken.
  - Assisting in the collection of debt by providing any further information necessary to pursue the debt or monitoring debts on the Council's behalf as requested by the Chief Finance Officer.
  - Establishing and initiating appropriate recovery procedures, including legal action, where necessary, for debts that are not paid promptly.
  - Recommending to the Chief Finance Officer all debts to be written off and to keep records of all sums to be written off.
  - Obtaining the appropriate approval when writing off debts, as specified in the Debt Management Policy.
  - Providing sufficient information regarding outstanding debts to the Chief Finance Officer to determine bad debt provisions at the year end.
  - Ensuring that all appropriate staff are fully aware of the debt management strategy and kept up to date with developments.
  - Ensuring that appropriate controls are in place to ensure that debt management recovery procedures are adhered to.

- Ensuring that adequate IT systems are in place that support debt management procedures.

#### **4.13 Voluntary Funds and Trust Funds**

- 4.13.1 Chief Officers, in consultation with the Chief Finance Officer, must approve any employee's involvement in a voluntary or trust fund.
- 4.13.2 Chief Officers and/or Trust Fund Managers are responsible for ensuring that funds are managed and administered in accordance with any statutory and specific requirement for each fund, and to equivalent standards as those applicable to the Council generally.

#### **4.14 Purchase Cards**

- 4.14.1 All applications for purchase cards must be approved by the Chief Finance Officer.
- 4.14.2 The Chief Finance Officer will issue guidelines regarding the application process and for their controlled use.
- 4.14.3 Card holders are personally responsible for the security of cards and for ensuring compliance with guidelines for their use.

#### **4.15 Employees**

- 4.15.1 The full Council is responsible for determining how officer support for executive and non-executive roles within the Council will be organised.
- 4.15.2 The Chief Executive is responsible for providing overall effective management to employees and for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 4.15.3 The Chief Finance Officer is responsible for paying employees securely, accurately and on time and for the payment of travel and subsistence claims.
- 4.15.4 Chief Officers are responsible for ensuring the operation of adequate and effective procedures for payroll and personnel matters to allow the Chief Finance Officer to fulfil his responsibilities.

- 4.15.5 Chief Officers are responsible for ensuring compliance with Council policies in relation to claims for travel and subsistence, and for arranging the most cost effective means of travel and subsistence.
- 4.15.6 Chief Officers are also responsible for controlling employee numbers by:
- Advising the Cabinet on the annual budget necessary to cover estimated staffing levels.
  - Adjusting the staffing levels to that which can be funded within approved budget provision and varying the provision as necessary within that constraint in order to meet changing operational needs.
  - The proper use of recruitment and appointment procedures.
  - Monitoring employee costs through monthly budget reports.
  - Monitoring vacancies.

## **5 FINANCIAL SYSTEMS AND PROCEDURES**

### **5.1 General**

- 5.1.1 Sound systems and procedures are essential for an effective framework of accountability and control.
- 5.1.2 The Chief Finance Officer is responsible for:
- The operation of the Council's accounting and financial systems.
  - The form of accounts and any supporting financial records.
  - Advising Chief Officers on the establishment and operation of trading accounts and business units.
- 5.1.3 Any changes proposed by Chief Officers to the existing financial systems or the establishment of new systems must first be approved by the Chief Finance Officer.
- 5.1.4 It is the responsibility of Chief Officers to:
- Ensure the proper operation of financial processes in their own Services and agree with the Chief Finance Officer any changes to these processes to meet their own specific Service needs.
  - Ensure that their employees receive relevant and appropriate financial training that has been approved by the Chief Finance Officer.
  - Ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection Legislation.

- Ensure that their employees are aware of their responsibilities under Freedom of Information and Data Protection Legislation.

## **5.2 Contracts, Agreements and Purchasing**

5.2.1 All contracts, agreements and purchases are subject to the requirements of the Council's Contracts Procedure Rules specified in this Constitution, and the procedures and financial limits which they prescribe (as revised from time to time), including any advice contained in the Procurement Advice Centre.

5.2.2 The Corporate Procurement Manager is responsible for developing the Corporate Strategy for Commissioning and Procurement and providing advice on procurement issues.

5.2.3 The Head of Legal and Democratic Services is responsible for agreeing the content and format of contracts and agreements and for signing any contract or legal agreement involving a charge upon assets or property.

5.2.4 The Chief Finance Officer is responsible for issuing guidance notes to Chief Officers on the procedures to be adopted in relation to:

- Placing requisitions for goods, supplies and services.
- Placing of official orders.
- Potential financing options e.g. buy, rent or lease.
- Receipt of goods.
- The authorisation of invoices, interim certificates and final accounts for building or construction contracts.
- The system and timescales for the payment of creditors.
- Records and procedures required in relation to monitoring and control of contracts.

5.2.5 The Chief Finance Officer has overall responsibility for ensuring safe and efficient arrangements for all payments.

5.2.6 Chief Officers are responsible for ensuring that:

- Before entering into purchasing commitments, the estimated cost is covered by financial provision in the budget to which it relates.
- Contract Procedure Rules, procurement and payments procedures are applied within their service areas, including adherence to any procurement guidance in the Procurement Advice Centre.
- Appropriate records are maintained to substantiate decisions made under delegated powers.
- All employees within their Service area are aware of the guidance issued by the Chief Finance Officer and for ensuring

that effective internal controls are established to ensure compliance.

- All employees within their service area are aware of the Council's Employee Code of Conduct and how this relates to this area.

### **5.3 Payment of Members Allowances**

5.3.1 The Chief Finance Officer is responsible for operating secure and reliable systems to process Members Allowances.

5.3.2 It is the responsibility of Members to submit properly certified claims in accordance with the format and timescales specified by the Chief Finance Officer.

### **5.4 Taxation**

5.4.1 The Chief Finance Officer is responsible for ensuring that appropriate advice and guidance is available to Chief Officers on all taxation issues that affect the Council, having regard to guidance issued by appropriate bodies and relevant/applicable legislation.

5.4.2 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all payments, receiving tax credits and submitting tax returns by their due date, as appropriate, and complying with HM Revenue and Customs regulations.

5.4.3 Chief Officers are responsible for compliance with any guidance issued by the Chief Finance Officer.

### **5.5 Council Tax Collection Fund**

5.5.1 The Chief Finance Officer is responsible for the establishment and maintenance of the Collection Fund and will make suitable arrangements for it to be administered in accordance with the Local Government Finance Acts 1987 and 1988 and any other Enactments relating to the proper administration of public funds.

5.5.2 The Chief Finance Officer will undertake the day to day management and administration of the Collection Fund, including the maintenance of a Collection Fund Account for administering the raising and recovery of Council Tax and for paying precepts and demands on those funds.

### **5.6 Business Rates Retention Scheme**

5.6.1 The Chief Finance Officer is responsible for the establishment and maintenance of a separate Collection Fund in respect of Business Rates and will make suitable arrangements for it to be administered in

accordance with Schedule 7B of the Local Government Finance Act 1988.

5.6.2 The Chief Finance Officer will undertake the day to day management and administration of the Collection Fund including the maintenance of a Collection Fund Account for administering the raising and recovery of Business Rates and for paying precepts and demands on those funds.

## **5.7 Housing Revenue Account**

5.7.1 The Chief Finance Officer is responsible for:

- Making arrangements for the preparation of annual Housing Revenue Account Budgets, (revenue and capital) as part of the Council's budget setting process.
- Making recommendations to the Cabinet and full Council to allow the Council to fulfil its statutory duties in relation to Housing Rent determinations and securing decent homes compliance.
- Preparing annual final accounts for the Housing Revenue Account to be incorporated into the Councils' Annual Statement of Accounts.

## **6 PARTNERSHIPS**

6.1 The Cabinet is the focus for forming partnerships with other local, public, private, voluntary and community sector organisations. The Cabinet is responsible for approving any delegations of its powers, to address local needs.

6.2 The Council or the Cabinet can delegate its functions, including those relating to partnerships, to officers. Details are set out in the Scheme of Delegation that forms part of this Constitution. Where its functions are delegated, the Cabinet remains accountable for them to the full Council.

6.3 The Chief Executive or the appropriate chief officer or senior officer nominated by the chief officer may represent the Council on partnership and external bodies, in accordance with the respective decisions of the Council and the Cabinet.

6.4 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct in partnerships that apply throughout the Council.

6.5 The Chief Finance Officer is responsible for ensuring that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must also ensure that the risks have been fully appraised before agreements are entered into with external bodies.

## Appendix A

### FINANCIAL MANAGEMENT STANDARDS

- FMS01 Introduction to Financial Management Standards
- FMS02 Budget Preparation and Medium Term Financial Planning
- FMS03 Budget Monitoring and Reporting
- FMS04 Accounting Policies
- FMS05 Accounting Records and Returns
- FMS06 Preparation and Monitoring of the Capital Programme
- FMS07 Annual Statement of Accounts
- FMS09 Maintenance of Reserves and Provisions
- FMS10 Risk Management
- FMS11 Audit Requirements
- FMS12 Internal Control
- FMS14 Insurance
- FMS15 Treasury Management
- FMS16 Banking
  
- FMS17 Income Collection
- FMS18 Debt Recovery
- FMS20 Corporate Procurement Cards
- FMS21 Payroll and HR Requirements
- FMS22 Taxation
- FMS24 Ordering and Paying for Work, Goods and Services

FMS25 Partnerships

FMS26 Grants and External Funding

FMS29 Voluntary Funds and Trust Funds

# Contract Procedure Rules

## 1. INTRODUCTION

### 1.1 What are Contract Procedure Rules?

- 1.1.1 The Contract Procedure Rules (CPRs) provide the framework for procurement activity across the Council, setting out how contracts for goods, works, services and utilities should be put in place and managed, and detailing the record keeping and reporting requirements related to procurement activity. They apply to all Service Groupings across the Council.
- 1.1.2 To avoid the need for regular amendment due to changes in post titles generic terms are included for officers as follows:
- The term “Chief Officers” refers to the Council’s Chief Executive and Corporate Directors
  - The term “Procurement Officer” refers to any officer of the Council responsible for carrying out a procurement exercise – not just to officers with “Procurement Officer” as their job title. Any Council officer undertaking a procurement exercise is a “Procurement Officer” for the purposes of these rules.
  - In addition to the above definitions, the general term “officer” refers to any employee of the Council.
- 1.1.3 The Contract Procedure Rules should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in the Constitution.
- 1.1.4 The content of these CPRs is supported by additional guidance and documentation contained in the Advice Centre in the “Procurement Catalogue” section of the Council intranet (henceforth referred to as the “Advice Centre”).

## 2. BASIC PRINCIPLES

### 2.1 All procurement procedures must:

- Realise value for money by seeking to achieve the optimum combination of whole life costs and quality of outcome,
- Be consistent with the highest standards of integrity,
- Operate in a transparent manner,
- Ensure fairness in allocation of public contracts,
- Support all relevant Council priorities and policies including the Medium Term Financial Plan,
- Comply with the Council’s Procurement Strategy, the Social Value Policy and Sustainable Buying Standards, and:

- Comply with all legislative requirements including European Union (EU) Treaty principles, which in relation to procurement are as follows:
  - transparency - contract procedures must be transparent and contract opportunities should generally be publicised;
  - equal treatment and non-discrimination - potential suppliers must be treated equally;
  - proportionality - procurement procedures and decisions must be proportionate;
  - mutual recognition - giving equal validity to qualifications and standards from other Member States, where appropriate.
- Be funded through the allocation of an appropriately established budget.

2.2 These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise.

### 3. OFFICER RESPONSIBILITIES

#### 3.1 Officers

3.1.1 Officers will comply with these Contract Procedure Rules (CPRs), the Council's Constitution and with all UK and EU legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

3.1.2 Officers will:

- Have regard to the guidance in the Advice Centre,
- Keep the records required by Rule 19 of these CPRs,
- Take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs,
- Prior to letting a contract on behalf the Council, check whether:
  - the Council already has an appropriate contract in place in the Corporate Contracts Register, or:
  - an appropriate national, regional or other collaborative contract is already in place.

Where the Council already has an appropriate contract in place, then this **must** be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with Corporate Procurement.

Where an appropriate national, regional or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

- Ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) (TUPE) and Pensions issues are considered and legal

and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

- 3.1.3 Failure to comply with any of the provisions of these CPRs, the Council's Constitution or UK or EU legal requirements may be brought to the attention of the Monitoring Officer, Chief Internal Auditor and Corporate Fraud Manager, or relevant Corporate Director as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.
- 3.1.4 In cases of non-compliance with these CPRs, the Chief Procurement Officer may, following consultation with the officer's Head of Service, temporarily or permanently suspend any officer's access to the Oracle system, e-tendering system, and use of purchasing cards or other payment mechanisms.
- 3.1.5 In addition, in cases of serious non-compliance, the Chief Procurement Officer may temporarily suspend any officer's delegated authority to place contracts, and refer the matter to the Council's Chief Internal Auditor and Corporate Fraud Manager for further investigation.

## **3.2 Chief Officers**

### **3.2.1 Chief Officers will:**

- Ensure their Service Grouping complies fully with the requirements of these CPRs,
- Ensure contracts are recorded in the corporate Contracts Register as held and maintained by Corporate Procurement, through the use of the Procurement Acceptance Report as detailed in Rule 19,
- Ensure that their Service Grouping provides the requisite information to allow the Council to maintain the Procurement Work Programme, including the submission of a Procurement Initial Request Form at as early a stage as possible.

Copies of the Procurement Acceptance Report and Procurement Initial Request Form are available from the Advice Centre.

## **4. VARIATIONS TO CONTRACT PROCEDURE RULES**

- 4.1 Except where the Public Contracts Regulations (2015) apply, the Executive has the power to waive any requirements within these CPRs for specific projects.
- 4.2 Additionally, and where proceeding under a Variation does not breach the Public Contracts Regulations (2015), these Rules may be waived or varied where the circumstances are certified by the Corporate Director, Resources (advised as appropriate by the Chief Procurement Officer) as meeting any of the following criteria:
  - (a) with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Council to unacceptable risk;
  - (b) involving cases of genuine, unforeseen urgency, where it is not possible to comply with the CPRs;
  - (c) for the purchase of a work of art or museum specimen, to meet the specific requirements of an artistic, cultural, or performing arts event, or otherwise

for the protection of exclusive rights which cannot be procured competitively due to the nature of the requirement;

- (d) in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this; or
- (e) where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.

- 4.3 The appropriate Officer must complete an Application for Variation, as contained within the Advice Centre, which must be authorised by their Head of Service before being submitted to Corporate Procurement. Corporate Procurement will review the Application for Variation before obtaining a decision from the Corporate Director, Resources (or other officer as delegated).
- 4.4 Committing to expenditure with a supplier, without a valid contract or a Variation in place, is a breach of these CPRs. Therefore, where a Variation is being sought retrospectively, for expenditure to which a Service Area has already, the retrospective application must be authorised by their Corporate Director, to make them aware of the breach, before it is submitted to Corporate Procurement.
- 4.5 Every Variation form will be recorded on a master register to be maintained by Corporate Procurement.
- 4.6 Where a Variation is being applied for by Corporate Procurement, it must also be scrutinised by Internal Audit, to ensure the robustness of the procedure.
- 4.7 The use of e-procurement does not negate the requirement to comply with all elements of these CPRs. The circumstances under which an exemption to the use of e-procurement can be requested are detailed in Rule 12.

## **5. EXEMPTIONS**

- 5.1 The following contracts and/or payments are exempt from these CPRs:
  - (a) Contracts for the execution of mandatory works by statutory undertakers, where the statutory undertaker is the only body which can perform the works. Such statutory undertakers include:
    - i. British Telecom – specifically for telecoms infrastructure works;
    - ii. Network Rail – specifically for works affecting the railway infrastructure;
    - iii. Northern Gas Networks – specifically for gas supply infrastructure works;
    - iv. Northern Powergrid – specifically for electricity infrastructure works;
    - v. Northumbria Water – specifically for water and sewerage infrastructure works;
    - vi. Highways England – specifically for works to the core road network under their management;

In addition, certain other organisations may be regarded as statutory undertakers in very specific circumstances, where works are required, involving disruption to, or re-siting of, existing infrastructure which they own and/or operate, particularly:

- vii. Any other telecoms provider for works to specifically-licensed mobile telecoms infrastructure which they own;
- viii. Any Independent Distribution Network Operator (IDNO) for works to electricity infrastructure they own.

Where fees are payable directly to a sub-contractor appointed by a statutory undertaker, and where the Council does not have the option of appointing a contractor itself, and where the statutory undertaker's procurement process for selecting the named sub-contractor complies with any obligations under the Utilities Contracts Regulations 2016, then the named sub-contractor shall be treated as a statutory undertaker for the purpose of this Rule.

- (b) Fees payable to Ofsted for the inspection of a school, children's home, or other facility;
- (c) Fees payable to the Care Quality Commission under section 85(1) of the Health and Social Care Act 2008;
- (d) Fees payable to the Driver & Vehicle Licensing Agency and/or Drive & Vehicle Standards Agency (formerly VOSA) ~~with regard to Council owned or operated vehicles;~~ ;
- (e) Fees payable to the Disclosure & Barring Service;
- (f) Fees for TV licenses in Council owned or operated premises;
- (g) Fees payable to Public Health England with respect to the Child Death Notification Service;
- (h) Contracts for the carrying out of statutory public health funerals under the Part 3 of the Public Health (Control of Disease) Act 1984;
- (i) Contracts for the purchase of broadcasting time, including for the placing of radio and television advertising;
- (j) Contracts to provide sponsorship to events, awards schemes, or other promotional activity being organised by a third party;
- (k) Contracts of employment which make an individual a direct employee of the authority;
- (l) A staff secondment, where an employee of another organisation shall work on a Council project, on a temporary basis, but where they will not become an employee of the Council;

**NB:** While the CPRs do not apply to staff secondments, authorisation to proceed must be obtained from Human Resources, and the terms of the secondment appropriately documented.

- (m) Contracts for legal representation by a lawyer (advocate, barrister, or solicitor) in arbitration or conciliation proceedings, judicial proceedings before the courts, tribunals or public authorities of a EU member state or third country or before international courts, tribunals or institutions;
- (n) Payments for legal advice given by a lawyer in preparation for, or connected to, any of the proceedings mentioned in (m) above;

- (o) Payments for documents, document certification and authentication services, which may only be provided by notaries, or from the issuing authority, such as the General Registry Office, HM Passport Office;
- (p) Payments for legal services provided by trustees or appointed guardians or other legal services, the providers of which are designated by a court or tribunal;
- (q) Fees payable to Phonographic Performance Ltd or PRS for Music, for the playing of recorded music in public, or for the use of the musical composition and lyrics in that recording;
- (r) Fees payable to Durham Constabulary to cover the cost of additional policing presence at public events or for temporary public safety purposes;
- (s) Appointment of independent planning inspectors nominated by the Royal Institute of Chartered Surveyors (RICS) under the NPIERS scheme;
- (t) Examination fees payable to a qualification awarding body for the certification of exam results only, for a professional or vocational qualification being undertaken by a Council Officer with the support of the Council;

**NB:** This exemption covers examination fees only, not the cost of any training or study materials, which remain subject to these CPRs;

- (u) Agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply), or:
- (v) The payment of grants to third parties.

**NB:** While grants are not covered by these CPRs, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat a procurement as a grant in order to avoid conducting a competitive process. Officers should follow any guidance contained in the Advice Centre.

- (w) Where the Council is providing a payment processing facility to a non-profit body undertaking community projects, and where this does not make the Council the accountable body for the contracts or transactions in question. (For example, where the Council provides a payment processing facility to Groundwork North East).
- (x) **Contracts** which have been procured on the Council's behalf by a Central Purchasing Body, where the process followed is in line with the Public Contracts Regulations (2015) (e.g. the North East Procurement Organisation, another Pro5 Organisation, or Crown Commercial Service).
- (y) To cover urgent **needs with regard to** special education, social care or **health**, or urgent operational needs, if in the opinion of the relevant Corporate Director it is considered to be in the Council's interests or necessary to meet the authority's obligations under relevant legislation. Use of this exemption by the relevant Corporate Director must be followed up with a Procurement Acceptance Report as detailed in Rule 19.
- (z) Those relating to residential and/or nursing care, or **independent living services**, to a person or persons to whom the Council has a duty or power

to provide under the Care Act 2014 and other relevant legislation relating to social care or health. Use of this exemption by the relevant Corporate Director must be followed up with a Procurement Acceptance Report as detailed in Rule 19.

## **6. RELEVANT CONTRACTS**

6.1 All Relevant Contracts must comply with these CPRs. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the supply of goods, or the carrying out of works or services.

These include arrangements for:

- The supply or disposal of goods,
- The hire, rental or lease of goods and equipment,
- The delivery of services, including (but not limited to) those related to:
  - the recruitment of staff
  - land and property transactions
  - financial and consultancy services

6.2 A contract awarded under a Variation to these CPRs (as per Rule 4) remains a Relevant Contract in all aspects other than those elements of the CPRs which were specifically waived.

## **7. RISK ASSESSMENT**

7.1 All procurements with a likely total value of £50,000 or greater, as well as lower value procurements where appropriate, must be supported by a risk assessment. This risk assessment must be carried out by the Service Area requesting the procurement, at the start of the procurement process.

7.2 The risk assessment process will identify where further specialist advice should be sought.

7.3 In order to ensure the Council meets its duties under the Public Services (Social Value) Act 2012, the risk assessment must include an appraisal of the opportunities to address social value outcomes through the proposed procurement, or a separate social value opportunity assessment should be carried out.

7.4 Full details of the process to be followed, including the approved risk log, matrix, and social value options appraisal, are available in the Advice Centre.

## **8. PRE-TENDER MARKET TESTING AND CONSULTATION**

8.1 The Council should seek to consult the potential supplier market, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation.

8.2 Sufficient lead-in time must be built into any major procurement project to allow for adequate pre-tender market testing.

8.3 When engaging with potential suppliers, the Council must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who

may have a commercial interest in them, and where this may prejudice the equal treatment of all potential bidding organisations or distort competition.

- 8.4 In undertaking any market testing activities, the Officer responsible should refer to any guidance contained in the Advice Centre.

## 9. COMPETITION REQUIREMENTS

### 9.1 Competition Requirements

- 9.1.1 The Procurement Officer must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded.

- 9.1.2 Based on this value, quotations or tenders must then be invited, and appropriately advertised, in line with the financial thresholds detailed in the Advice Centre.

- 9.1.3 Where Part 2 of the Public Contracts Regulations (2015) applies (i.e. for any contracts likely to exceed the relevant OJEU threshold), the Procurement Officer must determine, prior to advertising, whether the contract is to be divided into lots. If it is decided not to subdivide the contract into lots, the reason for this decision must be recorded in the Procurement Acceptance Report required by Rule 19.

- 9.1.4 Where Part 2 of the Public Contracts Regulations (2015) applies (i.e. for any contracts likely to exceed the relevant OJEU threshold), the Procurement Officer shall consult Corporate Procurement to determine the procedure for conducting the procurement exercise.

### 9.2 Negotiation with a Single Supplier (below OJEU)

- 9.2.1 In exceptional circumstances, a contract which will not exceed the relevant OJEU threshold may be awarded without a competitive procurement, via direct negotiation with a single supplier, following a similar process to the EU Negotiated Procedure without prior publication.

- 9.2.2 Such an award may **only** be made directly by, or with written approval from, Corporate Procurement, and **only** in the following circumstances:

- (a) for the purchase of goods which are patented or have such special technical characteristics that they may be considered unique, and where these goods are only available from one supplier.

(Note that the presence of a patent alone does not permit the use of this procedure – many patented products are available from more than one supplier);

Or:

- (b) for the execution of works or services involving unique, highly specialist knowledge or skills and where it can be demonstrated that only one organisation possesses the required knowledge or skills:

Or:

- (c) for the execution of works or services, where there is considerable benefit to the Council in negotiating with a particular proposed

supplier, and where this does not expose the Council to unacceptable risk.

Or:

(d) where an open or restricted Tender, or an openly-advertised Request For Quotation, has been undertaken, and in which no compliant bids were received.

9.2.3 The use of this process may be invalidated by prior negotiation or discussion (of any kind), between a Service Area and a proposed supplier, without the involvement of Corporate Procurement, where such negotiation may distort or restrict the potential market or otherwise prejudice the Council's position. Corporate Procurement reserves the right to refuse the award of a contract via this process where such unauthorised negotiation has taken place.

9.2.4 Contracts awarded under the provisions of this Rule may have a duration of no more than three years, **unless agreed in writing with the Chief Procurement Officer.**

**NB** Note that when using Rule 9.2 above, no contract may be entered into until the relevant notification has been issued by Corporate Procurement, as set out in Rule 19.3.

## **10. INVITATION TO TENDER / REQUEST FOR QUOTATION**

10.1 Invitations to Tender, Requests for Quotation, Further Competitions and Quick Quotes must be issued in accordance with the requirements of these CPRs, with particular attention to Rule 7, Rule 9 and Rule 17. The Procurement Officer must ensure they are familiar with, and adhere to, the minimum current threshold values, as published on the Advice Centre.

10.2 Above the single quotation threshold, all Invitations to Tender, Requests for Quotation and Quick Quotes must be issued via the Council's e-tendering system. Procurement documents must be issued via the e-tendering system.

10.3 In exceptional cases, where specific circumstances mean that a procurement process cannot be carried out electronically or for example, where there is a failure of the electronic system, **and where the value is below the relevant OJEU financial threshold,** permission to conduct a procurement process by alternative means must be obtained from the Chief Procurement Officer using the relevant exemption form. This can be found in the Advice Centre. This exemption must be sought before requesting quotations or tenders.

10.4 When advertising a contract, the Procurement Officer will also ensure that a notice is placed on the Contracts Finder website, as required by Regulations 106 and 110 of the Public Contracts Regulations (2015).

## **11. SHORTLISTING**

11.1 Any shortlisting (i.e. Selection Questionnaire (SQ)) must have regard to the economic, financial and technical standards relevant to the contract and the Evaluation Criteria. Special rules apply to contracts covered by the Public Contracts Regulations (2015), and must be issued using the Council's version of the Government Standard Selection Questionnaire template. Officers should refer to any further guidance contained in the Advice Centre.

- 11.2 Where the likely value of the procurement is less than the OJEU threshold for *goods and services* (even where the contract is not for goods or services), no shortlisting phase or SQ may be used.
- 11.3 Where applying financial turnover threshold as a shortlisting criteria, the threshold used must be no more than two times the estimated total value of the proposed contract.
- 11.4 When shortlisting as part of a Restricted tender process, a minimum of five bidding organisations should be shortlisted to tender, except in cases where fewer than five compliant SQ responses are received. In a Competitive Dialogue or Competitive Procedure with Negotiation, the minimum shall be three, except in cases where fewer than three compliant SQ responses are received.

## **12. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS**

### **12.1 Tenders**

- 12.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements. Where Part 2 of the Public Contract Regulations (2015) applies, Chapter 2 of the Regulations lays down specific minimum time periods for tenders.
- 12.1.2 As in Rule 10 (above) tenders, except those which have been approved as exempt from electronic tendering, must be submitted electronically via the e-tendering system. Tenders submitted by any other means must not be accepted.

### **12.2 Quotations**

- 12.2.1 As in Rule 10 (above), responses to Requests for Quotation and Quick Quotes must be submitted electronically via the e-tendering system, except where specifically exempt under Rule 10.3. Quotations submitted by any other means must not be accepted.

### **12.3 Electronic Arrangements**

- 12.3.1 Quotations, Further Competition bids and Selection Questionnaires which are received electronically via the e-tendering system will be opened by the Procurement Officer. The system will not allow any submissions to be opened until the allocated return date / time has passed.

### **12.4 Hard Copy Arrangements**

- 12.4.1 In the event that 'hard copy' tenders are to be accepted (see Rule 10 and Rule 12.1.2 of these CPRs for guidance) these must be submitted, sealed, in the envelope provided with the procurement documents and sent by recorded delivery, addressed to the Head of Legal & Democratic Services at the Council's registered business address, without any mark revealing the bidding organisation's identity. Hard copy tenders submitted by any other means will not be accepted.
- 12.4.2 All hard copy tenders will be held by the Head of Legal & Democratic Services until the tender opening date/time has been reached.
- 12.4.3 All hard copy tenders for the same contract will be opened at the same time by a representative of the Chief Officer who invited the tenders and a representative from Legal & Democratic Services. A register of tenders received will be kept by Legal &

Democratic Services and will be initialled on each occasion by the officers who are present at the opening of the tenders.

12.4.4 In the event that hard copy quotations are to be accepted (see Rule 10 and Rule 12.2.1 of these CPRs for guidance) these must be submitted in a plain envelope marked 'Quotation for....' followed by a description of the goods, works or services being procured.

12.4.5 Hard copy quotations will be received directly by Legal and Democratic Services. All quotations must be opened together once the official return date / time has been passed.

## **12.5 Late Submissions**

12.5.1 Tenders, Quotations or Selection Questionnaires which are received after the stated deadline shall be automatically rejected, except in the following circumstances:

- Where the delay in submission is the result of a failure of the electronic system, and where this can be verified to be the case, or:
- Where only one submission is received, and where this submission has arrived late, but is compliant in every other respect, and with the approval of Corporate Procurement.

## **13. EVALUATION CRITERIA AND STANDARDS**

### **13.1 Evaluation Criteria**

13.1.1 In any procurement exercise the successful bid should be the one which either:

- Offers the lowest price, or:
- Offers the most economically advantageous balance between quality and price.

In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example: price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date, delivery period and period of completion.

13.1.2 Issues that are important to the Council in terms of meeting its corporate objectives can be used to evaluate bids. The criteria can include, for example sustainability considerations, support for the local economy, or the use of subcontractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.

13.1.3 These criteria should be assessed through either:

- Essential Criteria – assessed on a pass / fail basis, or:
- Technical Questions – assessed on a scored basis.

13.1.4 The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria,

how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.

## **13.2 Evaluation Panel**

13.2.1 The Procurement Officer should establish an evaluation panel for the assessment of any Technical Questions at shortlisting and/or Invitation to Tender stages. Each element of the evaluation may have its own panel, provided that all of the responses to each Technical Question are evaluated by the same panel members.

13.2.2 The panel should have at least two members. The Procurement Officer should act as moderator, and may also take part in the evaluation.

Officers should refer to any further guidance in the Advice Centre.

## **13.3 Evaluation**

13.3.1 The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations. Evaluation should be conducted in line with Rules 13.1 and 13.2 above, and with regard any guidance detailed in the Advice Centre.

## **13.4 Standards**

13.4.1 Relevant British, EU and International standards which apply to the subject matter of the contract and which are necessary to properly describe the required quality must be included with the contract.

Officers should refer to any further guidance in the Advice Centre.

## **14. CLARIFICATION PROCEDURES**

14.1 The Council can ask bidding organisations for clarification of any details submitted as part of their bid. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission.

14.2 Clarification questions must be raised via the e-tendering system. Bidders must also be asked to respond via the e-tendering system. In cases where an e-tender exemption has been granted under Rule 10.3, the Council should ensure any clarifications are requested in writing, or by e-mail, and bidding organisations asked to respond by the same means.

14.3 When requesting clarification, the Procurement Officer must follow any additional guidance contained in the Advice Centre.

## **15. AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS**

### **15.1 Award of Contract**

15.1.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible. These written notifications should be transmitted via the e-tendering system unless a specific exemption has been granted under Rule 10.3.

15.1.2 Where procurement has been subject to the Public Contract Regulations (2015), the Alcatel Standstill (a 10 day standstill period before a contract can be awarded to allow an unsuccessful bidding organisation an opportunity to challenge the proposed

contract award) shall be included in the procurement timetable, and observed before the contract can be awarded. Full information regarding the Alcatel Standstill is contained within the Advice Centre.

- 15.1.3 Decisions on award of contract must be made in accordance with the scheme of delegations in Part 3 of the Constitution.

## 15.2 Debriefing

15.2.1 The written notifications sent to bidders, in accordance with Rule 15.1.1 above, shall include feedback explaining the outcome of the evaluation process, with specific reference to the evaluation criteria, so that bidders can understand why they were, or were not, successful.

15.2.2 The Procurement Officer should follow any additional guidance in the Advice Centre.

## 15.3 Notification of Awarded Contracts on Contracts Finder

15.3.1 For all contract awards with a value of £25,000 or greater, the Procurement Officer shall issue a notice on the Contracts Finder website, giving details of the contract award, as required by Regulations 108 and 112 of the Public Contracts Regulations (2015). This includes any contracts awarded without prior advertisement, as well as contracts awarded via a Further Competition.

## 16. CONTRACT DOCUMENTS

### 16.1 Format of Contract Documents

16.1.1 The Council's harmonised procurement documents or conditions issued by a relevant professional body will be used. Where there is any deviation from these, the documents to be used must be reviewed by Legal Services before being issued. These are available from Corporate Procurement or Service Area procurement staff detailed in the Advice Centre.

### 16.2 Contract Signature

16.2.1 Contract **signature must be undertaken as expressly stated in the contract terms and conditions, this would be:**

- (a) Where the contract is in the form of a deed, be made under the Council's seal and attested as required by the Constitution, or:
- (b) Where the contract is in the form of an agreement, either:
  - (i) be signed by at least two officers of the Council authorised as required by the Constitution, or:
  - (ii) be formalised by the sending of an award letter **and** the subsequent issuing of a purchase order.

The Procurement Officer should also follow any guidance on the use of deeds and agreements, **and / or electronic signature as** found in the Advice Centre.

### 16.3 Legal Services Review of Tenders and Contracts

16.3.1 To ensure the integrity of the procurement process:

- All proposed Invitations to Tender, Requests for Quotation or Quick Quote where they are not in compliance with the County Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by Legal Services.
- Any proposed Invitations to Tender which are the relevant OJEU advertising threshold, and which are deemed by Corporate Procurement to be of medium or high risk, must be reviewed by Legal Services.
- Any proposed contract where there is any deviation from the contract terms included in the invitation to tender must be reviewed by Legal Services.

## **17. APPROVED LISTS AND FRAMEWORK AGREEMENTS**

### **17.1 Approved Lists**

17.1.1 Approved lists must not be used where they are prohibited under the Public Contracts Regulations (2015).

17.1.2 Approved lists should only be used in accordance with the guidance contained in the Advice Centre.

### **17.2 Framework Agreements**

17.2.1 Framework Agreements are agreements between the Council and one or more suppliers for the provision of goods, works or services on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contract period.

17.2.2 The term of a Framework Agreement must not exceed four years, except where:

- (a) a longer duration is permitted under the terms of the light-touch rules for social and other specific services set out in Part 2, Chapter 3 of the Public Contracts Regulations (2015), or
- (b) where exceptional circumstances justify a longer duration, as provided for in Regulation 33(3) of the Public Contracts Regulations (2015).

17.2.3 Where Frameworks are established with several organisations, contracts based on Framework Agreements may be awarded in one of two ways, as follows:

- Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition, or:
- Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure:
  - inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids electronically via the Further Competition step on the e-tendering system, with an appropriate time limit for responses, taking into account factors such as the complexity of the subject of the contract,
  - awarding each contract to the bidding organisation who has submitted the best bid on the basis of the relevant Award Criteria set out in the Framework Agreement.

## 18. SUB-CONTRACTORS

18.1 This Rule applies to all contracts:

- (a) for works, where the value is above the OJEU works threshold, or:
- (b) for services, where the value is above the OJEU services threshold, and where the services are to be provided at sites or premises managed by the Council.

18.2 Where this Rule applies, following the decision to award the contract, but before the contract commences, the Procurement Officer must obtain the following details, from the winning supplier(s):

- The names and business addresses of any sub-contractor(s) the supplier intends to utilise in the delivery of any part of the works or services.
- The name and address of the legal representatives of each such sub-contractor.
- Information to verify each sub-contractor's compliance with the mandatory and discretionary grounds for exclusion listed in Regulation 57 of the Public Contracts Regulations 2015.

18.3 Where it is identified, as a result of the above procedure, that a sub-contractor is in breach of any of the mandatory grounds for exclusion, the supplier must be required to dismiss that sub-contractor from any involvement in the contract. The supplier should appoint a replacement sub-contractor, for which the information in 18.2 above must then be obtained and verified.

18.4 Where it is identified that a sub-contractor is in breach of a discretionary ground for exclusion, the Council may, at its discretion, require the sub-contractor to be dismissed and a suitable replacement appointed.

## 19. RECORDS

19.1 The Public Contracts Regulations (2015) require contracting authorities to maintain the following comprehensive records of procurement activities:

- Any proposed contract details including value
- Selection decision
- Justification for use of the selected procedure
- Names of bidding organisations, both successful and unsuccessful
- Reasons for selection
- Reasons for abandoning a procedure.

19.2 Prior to the contract being formally awarded, and prior to any bidding organisation(s) being notified, the result of any competitive procurement process must be recorded in a Procurement Acceptance Report **with Delegated Decision** and submitted to Corporate Procurement. Corporate Procurement will maintain a register of all Procurement Acceptance Reports. Information from Procurement Acceptance Reports will also be used for the tracking of procurement savings, sustainability benefits, and other data.

19.3 Following receipt of the correctly completed Procurement Acceptance Report, Corporate Procurement will issue a notification to the Procurement Officer, and other

relevant officers. Only once this notification has been issued should the contract be formally awarded.

19.4 Following the signature of the contract documents, the Procurement Officer shall ensure a copy of the signed contract particulars is retained on the e-tendering system for future reference and audit purposes.

19.5 Where a current contract requires modification and this includes an increase in contract spend, then this must be reported to Corporate Procurement in line with Guidance Note 16, Varying and Modifying Contracts (Advice Centre). Any contract value increase must be accompanied with appropriate Delegated Officer Approval.

Additional records management advice is contained in the Advice Centre.

## **20. PREVENTION OF CORRUPTION & DECLARATION OF INTERESTS**

20.1 Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.

20.2 Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

## **21. CONTRACT MANAGEMENT / MONITORING**

21.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Head of Service must ensure a Contract Manager is designated prior to award.

21.2 The Contract Manager must ensure they track the extension periods and expiry dates of contracts under their responsibility, to ensure that appropriate arrangements are in place to maintain contract coverage where ongoing requirements exist.

21.3 Where an original Procurement Acceptance Report does not include all extension options and contract values (for example where there is no current schedule end date), then the Contract Manager must submit the appropriate procurement extension report to identify contract extension period and the additional budget. This must be authorised via the Service's Principal Accountant, and recorded with an appropriate Delegated Decision Record.

21.4 Contract management, monitoring, evaluation and review must be conducted in line with guidance detailed in the Advice Centre.

## **22. INTERNAL PROVIDERS**

22.1 Where an in-house provider is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider and external bidding organisations.

22.2 Where a Service Area intends to procure goods, services or works which could potentially be delivered by an in-house provider, the commissioning service shall consult with that in-house provider before proceeding to issue any Invitation to Tender, Request for Quotation, or Quick Quote.

22.3 If the in-house provider has the capability and capacity to meet the requirement, and can deliver this within the appropriately established budget allocated by the commissioning service, then the in-house service shall be used and no procurement exercise should take place. A procurement exercise via the e-tendering system should only be undertaken if it can be established that the in-house service cannot meet the

requirement (or if it has been previously agreed by the appropriate Head of Service that external contractors may be engaged as part of an out-sourcing study or project).

- 22.4 The Procurement Officer should follow any additional guidance in the Advice Centre.

### **23. EXTERNAL BODY GRANT FUNDING**

- 23.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Procurement Officer must ensure that any rules or grant conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs.
- 23.2 Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed. Where there is any doubt over which requirement should be followed, the guidance should be sought from Legal & Democratic Services before proceeding.
- 23.3 Where a procurement process is funded, in whole or part, by grant funding, a Grant Authorisation Form must be completed as detailed in the Advice Centre.

### **24. REVIEW AND AMENDMENT OF CPRS**

These Contract Procedure Rules shall be reviewed and updated on an annual basis as part of the annual review of the Constitution.

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## Appendix 8: Code of Practice for Members and Officers dealing with Planning Matters

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### Code of Practice for Members and Officers Dealing with Planning Matters

This Code of Practice supplements the Council's Code of Conduct for Members and where appropriate members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice ~~may~~ **should** be sought on the interpretation of the Code of Conduct or this Code, **where required**.

#### 1. INTRODUCTION

- 1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.
- 1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between members and officers and between the public and the council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.
- 1.3 The general principles that underlie the Council's Code of Conduct for Members and apply to this Code of Practice are:
  - (a) Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
  - (b) Members should not place themselves in situations where their honesty or integrity may be questioned.
  - (c) Members should make decisions on merit.
  - (d) Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
  - (e) Members may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance

with those conclusions.

- (f) Members should respect the impartiality and integrity of officers.
- 1.4 The Council is committed to open, fair and transparent decision-making. Planning decisions should be made impartially, with sound judgment and for justifiable reasons.
- 1.5 This Code of Practice sets out practices and procedures that members and officers of the County Council shall follow when involved in planning matters. Planning matters include the consideration of planning **and associated** applications, the preparation of development plans and other planning policy and the enforcement of planning control.
- 1.6 This code is largely based upon the Local Government Association's Guidance entitled Probity in Planning for councillors and officers published in April 2013, which takes account of the ethical framework for local government. It takes account of the Royal Town Planning Institute's Code of Professional Conduct and advice issued by the Audit Commission, the Commissioners for Local Administration in England and the National Planning Forum. It complements the Council's Code of Conduct for Members. This code is consistent with meeting the requirements of Article 6 of the European Convention on Human Rights which confers a right to procedural fairness, transparency and accountability in the determination of civil rights and obligations. In respect to the advice contained at paragraph 7 regarding Member engagement in pre-application advice, account has been taken of advice issued by the Planning Advisory Service, the Standards Board for England and the LGA advice leaflet 'Positive Engagement' issued in 2009.
- 1.7 Failure to follow this code without good reason, could be taken into account in investigations into possible maladministration against the Council, or have implications for the position of individual elected members and officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Members. If in doubt about what course of action to take, a member or officer should seek the advice of the Council's Monitoring Officer.

## **2. THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS**

- 2.1 Members and officers have different, but complementary roles. Both serve the public but members are responsible to the electorate, while officers are responsible to the Council as a whole.
- 2.2 Whilst members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to members involved in making a planning decision. A key role of the planning system is the consideration of development proposals against the wider public interest.
- 2.3 Members' decisions shall not discriminate in favour of any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members must, therefore, consider all of the material issues in the light of Development Plan

policies, Government advice and their own individual judgment and make a decision in the interests of the County as a whole.

- 2.4 Whilst members should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.5 Members should treat with extreme caution any offer of a gift or hospitality which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, officers shall politely decline offers of hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, officers shall ensure it is of a minimal level and declare it in the hospitality book as soon as possible.
- 2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 2.7 That the Council may not always follow the advice of their professional planning officers is perfectly proper. The professional officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because an authority, its members, or other officers, have prevailed upon the officer to put forward his or her professional view as something other than it really is.
- 2.8 The County Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.
- 2.9 The County Council shall have a designated head of the planning service, who is qualified for election to membership of the RTPI and who has direct access to elected members as their professional adviser on planning matters. A superior officer shall not have the power to overrule the professional advice of the head of the planning service.
- 2.10 Officers shall follow the guidance on their standards of conduct as set out in the County Council's Staff Guidance, the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under Section 82 Local Government Act 2000 (as amended).

### **3. DECLARATION OF ~~OTHER REGISTERABLE~~ INTERESTS**

- 3.1 The Council's Code of Conduct advises members on the disclosure of interests and must be followed by Members at all times.
- 3.2 ~~If an interest is such that it would prohibit participation in council business under the Code of Conduct for Members. Where a member has an interest in~~

**an item of business**, the member shall declare it at the earliest opportunity, must not participate in any discussion or vote taken on the matter at the meeting, must leave the room where the matter is being considered and must not try to influence those making the decision or take any part in the consideration or determination of the matter.

~~3.3 Any other interest, not prohibiting participation in council business under the Code of Conduct for Members must be declared at the commencement of the meeting and the member may participate in the discussion and vote on the matter under consideration.~~

3.4 New rules in relation to bias and predetermination were introduced by section 25 of the Localism Act 2011. The rules apply if there is an issue about the validity of a decision and it is relevant to that issue whether a member had or appeared to have a closed mind when making the decision. Under the rules a member is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because she or he had previously done anything that directly or indirectly indicated the view the member took, or would or might take, in relation to a matter relevant to the decision.

3.5 The principle that members must not participate in decisions where they are perceived to be biased remains. An example would be a member who was a governor of a school which was putting forward a planning application.

3.6 Members should not act as agents for persons pursuing planning matters within their authority. If they submit their own proposal to the authority on which they serve, they should play no part in its consideration. When submitting proposals on behalf of themselves, the Member shall inform the Monitoring Officer of the submission.

3.7 Officers must always act impartially. An officer, who believes he or she may be seen to have an interest in a planning matter shall declare it at the earliest opportunity to the Head of Planning and the Monitoring Officer and have no further involvement in the processing or consideration of that matter.

3.8 Planning officers shall never act as agents for persons pursuing a planning matter within the county or one outside significantly affecting the county.

#### **4. 'DUAL-HATTED MEMBERS'**

4.1 The Council's Code of Conduct does not automatically prevent members from considering the same issue at more than one tier of local government, including speaking and voting at both tiers.

4.2 For example, if a member is also a member of a parish council, and the parish council is consulted on a planning application to be determined by the Planning Committee, the member may participate in the discussion and vote at the parish council meeting; but it would be prudent to inform the parish council that the member will reconsider the matter taking into account all the information that is put before the Planning Committee. At the subsequent meeting of the Planning Committee the member should declare **that a personal (but not prejudicial) interest** as a member of the parish council, **they**

~~have which has~~ already expressed a view on the matter, but make it clear that this view does not bind the member who will consider the matter afresh. The member will be free to participate in the debate and vote on the matter.

- 4.3 However, if the Planning Committee considers a planning application by an authority or body on which a member serves, then the member should declare an other relevant interest, ~~take no part in the discussion and determination of the proposal~~ and ~~withdraw from~~ leave the meeting room while the discussion and voting takes place.

## **5. DEVELOPMENT PROPOSED BY THE COUNCIL OR A COUNCIL OWNED COMPANY**

- 5.1 Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. Council owned companies also submit proposals that are decided by the Council.
- 5.2 Proposals submitted by the Council or a Council owned company shall be considered in the same way as those by private developers.
- 5.3 Members of the planning committee who sit on the board of a Council owned company which has submitted a planning proposal shall declare an other relevant interest, ~~and~~ take no part in the discussion and determination of that proposal ~~and leave the meeting room while the discussion and voting takes place~~.
- 5.4 Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

## **6. LOBBYING OF AND BY MEMBERS**

- 6.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local member or members of a planning committee. However, reacting to lobbying can lead to the impartiality of a member being called into question and require that member to declare an interest.
- 6.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees and neighbours and the assessment of the case by the planning officer all need to be considered before a member is in a position to make a balanced judgement on the merits of the case. Members should provide officers with copies of any lobbying material they may have received, whether in favour or against a proposal.
- 6.3 The time for individual members of the planning committee to make a decision on a proposal is at the committee meeting when all available information is to hand and has been duly considered.

- 6.4 A planning committee member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to officers). Even though they may agree with a particular view, planning committee members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if members do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members should make clear that they reserve their final decision on a proposal until the committee meeting.
- 6.5 Members of the planning committee shall not, in general, organise support or opposition for a proposal, or lobby other members (other than when addressing the planning committee). Members of the Council shall not put improper pressure on officers for a particular recommendation.
- 6.6 The local member who is not a member of the Planning Committee will be allowed to attend and speak at the decision-making meeting but not vote. The member of an adjacent division substantially affected by the proposal shall, at the discretion of the chair of the planning committee, be allowed to attend and speak but not vote. A local member who has a ~~personal or prejudicial interest~~ **disclosable pecuniary interest or other relevant interest** in an application, within the meaning of the Code of Conduct should seek prior advice from the Monitoring Officer about his or her position.
- 6.7 If a member of the Planning Committee identifies himself or herself with a group or individual campaigning for or against an application, he or she shall declare an other relevant interest and not vote or decide on the matter. However, that member shall be given the opportunity to address the Committee.
- 6.8 Members of a planning committee must be free to vote as they consider appropriate on planning matters. Political group meetings prior to the committee meeting shall not be used to decide how members should vote at the planning committee.

## **7. PRE-AND POST-APPLICATION DISCUSSIONS AND NEGOTIATIONS**

- 7.1 Discussions between an applicant and a planning authority, prior to the submission of an application can be of considerable benefit to both parties and is actively encouraged in accordance with the Council's protocol on pre-application advice. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.
- 7.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the officer only, and are provisional.
- 7.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.

- 7.4 A written note should be made of all potentially contentious meetings. Two or more officers should attend potentially contentious meetings. A note should also be taken of potentially contentious telephone discussions.
- 7.5 Members need to preserve their role as impartial decision makers and should not ordinarily take part in pre-or post-submission discussions and negotiations with applicants regarding development proposals. The exception to this is for those major schemes which are considered to be of importance to the County or schemes that are likely to be highly contentious and are therefore subject to the Council's Pre-Application Member Engagement protocol which provides for structured arrangements with officers and a prospective developer. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.
- 7.6 Members may receive information from applicants and give information to applicants and members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by members should be provided to the officers dealing with the application.

## **8. OFFICER REPORTS TO COMMITTEE**

- 8.1 The Head of Planning will submit written reports to the Planning Committee on planning applications to be determined by the County Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant Development Plan and Government policy considerations, together with any other material considerations. Where a planning application requires an environmental impact assessment the Head of Planning shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application including those made by the applicant. The Head of Planning in his/her report will give a reasoned assessment of the proposals and a justified recommendation.
- 8.2 Oral reports (except to present and update a report) should be extremely rare and fully minuted when they do occur.
- 8.3 The Head of Planning will have available for inspection by members the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.

## **9. THE DECISION MAKING PROCESS**

- 9.1 Members shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.

- 9.2 Where an environmental impact assessment is required, the Planning Committee shall take the information provided in the report into consideration when determining the application.
- 9.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 9.4 Where the Planning Committee decide to adopt the recommendation of the Head of Planning, the reasons contained in his/her report will be minuted, together with any additional reasons determined by the Committee.
- 9.5 Where the Planning Committee is minded to approve or to refuse a planning application, contrary to the recommendation of the Head of Planning, agreement shall be reached at the meeting on the reasons for that decision. They shall be fully minuted by the Head of Legal and Democratic Services.
- 9.6 **Members who are not present at the meeting for the duration of the planning officer's presentation, any subsequent representations and the entire Member debate shall not (save at the discretion of the Chair) be entitled to vote on the matter under consideration.**

## **10. SITE VISITS BY THE COMMITTEE**

- 10.1 A site visit is only likely to be necessary if:
- (a) the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers;
  - (b) the comments of the applicant and objectors cannot be expressed adequately in writing; or
  - (c) the proposal is particularly contentious.
- 10.2 Site visits will be organised in accordance with the following procedures:
- (a) The Head of Legal and Democratic Services will invite the local County Councillor to site visits. Where a proposal would have significant direct impact upon an adjacent electoral division, at the discretion of the Chairman of the Planning Committee, the local County Councillor for the adjacent division will also be invited.
  - (b) The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions. The applicant shall not participate in any discussions on site but may be asked to provide factual information.
  - (c) Objectors will not normally be invited to attend a site visit or participate in any discussions on site.

- (d) On assembling at the site, at the time specified, the Chairman will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Head of Planning, or his/her representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning, the Chairman will bring the site visit to a close.
- (e) When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application.
- (f) In all cases the safety of those engaged in the site visit is of paramount importance. In cases where Officers consider a proposal is likely to generate hostility as part of a site visit the Head of Planning or his / her representative will liaise with the Health and Safety Manager to undertake a risk assessment ahead of the planned visit. Appropriate control measures will be identified as part of the risk assessment and discussed with the Chairman in advance of the visit

## **11. REPRESENTATIONS ON PLANNING APPLICATIONS**

- 11.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee. Members of the Committee will be given the opportunity to inspect all letters received before the decision on the application is made.
- 11.2 There will be occasions when applicants, supporters, objectors, Ward Members and Parish/Town Council representatives or some of these, may wish to make representations in person to the Planning Committee. In such circumstances the following procedure will normally apply:
  - (a) The applicant and any supporters will be informed that the application and all supporting documents will be taken into account. The objectors will be informed that their written representations will be taken into account. The applicant/supporters, objectors, Ward Members and Parish/Town Council Representative will also be informed that they have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do so and, if so, will be invited to the meeting at which the decision is to be made. However, except for Ward Members, any person wishing to exercise their right to make representations in person will be required to confirm by registering their intention to speak by noon on the last working day before the Committee Meeting in the absence of which they will only be permitted to speak at the discretion of the Chairman.

- (b) Ward Members and the Parish/Town Council representative will be afforded an appropriate amount of time (at the discretion of the Chairman) within which to address the Committee.
- (c) Each other group of speakers (objectors and applicants/supporters) will be allowed a maximum of five minutes (except at the discretion of the Chairman) to address the committee. In the event that more than one person wishes to speak for or against a proposal the time will be divided. Groups of speakers will be encouraged to appoint a spokesperson.
- (c) At the meeting the Officer will present his / her report first.
- (e) The Parish/Town Council representative will then address the Committee.
- (f) The Ward Member will then address the Committee.
- (g) The objectors will then make their representations, and may be asked questions by the Committee but will not be permitted to make representations more than once.
- (h) The applicant/supporter will then make his or her representations and may be asked questions by the Committee but will not be permitted to make representations more than once.
- (i) Officers may comment on the representations and the merits of the application.
- (j) The Committee will proceed to debate the application and make a decision. The minute will include the reasons for the decision.
- (k) New documents should not be circulated to the committee; councillors may not be able to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material considerations arising.

## **12. REVIEW OF DECISIONS**

- 12.1 The Audit Commission's Report, 'Building in Quality', recommended that elected members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.
- 12.2 Visits to application sites previously considered by the County Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 12.3 Attendance at the review site visits shall be restricted to members of the committee and the local County Council members.

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## Appendix 9: Table of Changes

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## APPENDIX 9 – Table of Changes

Section of constitution	Change	Detail
The whole document and Article 12	<p>Updated terminology throughout the document.</p> <p>Clarification on references to legislation</p>	<p>Whole document- To amend the terminology of ‘Chairman’ to a gender-neutral title of ‘Chair’, and that other references to gender throughout the document be neutralised, with such references as he/she, himself/herself, be replaced according to the data subject referenced whether that be member/ councillor/ officer/ member of the public etc.</p> <p>Art 12- Review, Revision and Suspension of the Constitution- 12.04 inclusion of an additional sentence to provide clarification that any reference to legislation in the constitution also includes subsequent amendments to it without the need to reference in the document.</p>
Articles	To amend the terms of reference of the Corporate Parenting Panel.	Art 4 E – Corporate Parenting Panel– to make minor corrections, and includes an increase in the number of non-voting co-opted members, consisting of school representatives and representatives from other agencies, from 6 to 10. The change is required to seek an increase in attendance by external professionals at meetings of the panel and its sub groups.
Officer Scheme of Delegations	Updated to reflect changes in legislation and organisational structure	<p><u>Table 4- Corporate Director of Adult and Health Services</u></p> <ul style="list-style-type: none"> <li>Paragraph 3 relating to the delegations to the Director of Public Health have minor amendments to clarify the role of the Director.</li> </ul> <p><u>Table 5- Corporate Director of Regeneration and Local Services</u></p> <ul style="list-style-type: none"> <li>Executive functions- to amend the delegated transport functions to reflect these are from the North East Transport Committee.</li> <li>Streamline the delegations to the Corporate Director of Regeneration and Local Services by removing extensive lists of legislation and replace with generic wording relating to the functions of the Directorate. These changes do not add to/remove</li> </ul>

delegated powers to the Corporate Director but will make the delegations more consistent with those to the other Corporate Directors.

- Extension to the range of delegated decisions the Head of Planning by the addition of:-
  - (a) Review of existing mineral planning permissions which generally relate only to the variation/addition of conditions and
  - (b) Waste sites smaller than 4 hectares
- A new paragraph 19 has been added to make clear that the Head of Planning may dispose of applications which members were minded to grant if a suitable s 106 agreement was entered when applicants have failed within a reasonable time to enter the agreement.
- Paragraph 35 makes it clear that officers can grant consents under tree preservation orders as well as make or vary the original order.
- Paragraph 36 is intended to establish the delegated power to take necessary decisions under the Neighbourhood planning system.
- Paragraph 39 makes it clear that default action on complaints about high hedges is delegated to officers.
- The above changes are proposed as a result of experiencing potential loopholes in the existing Constitution which need remedying to avoid Cabinet or Committees unnecessarily dealing with minor decisions which can properly be delegated.

Table 6- Corporate Director of Resources

- Paragraph 1- Adding to the delegation by including making arrangements for the use of Enforcement Agents where appropriate.  
Enforcement Agents (bailiffs) powers are covered by statutory regulation as is their fees and charges. We currently have two externally appointed Enforcement Agents on a contract until June 2020. We are considering (as part of our MTFP proposals) in-sourcing this at that point and having our own internal bailiff service. The Debt Management Strategy references the use of Enforcement Agents (Bailiffs) as part of our recovery processes but the scheme of delegation is totally silent on this.

- A new paragraph 3 to establish and amend / update the Councils Discretionary Housing Payments Policy.  
The DHP Policy is overseen by the PASG. We have in recent years made several tweaks to the Policy to ensure we fully allocate / spend the DHP grant that is provided to us. Each time we need to report back to Cabinet any such amendment to the Policy, which are often after the fact and reported for information, with decisions having been taken under delegated “emergency powers” outside of the Cabinet process. Including this in the scheme of delegation will ensure that such decisions are streamlined in future. Relevant Cabinet members would be involved in any delegated decision making in this regard. Any major changes would be still presented to Cabinet if required.
  - A new paragraph 4 to establish and amend / update the Council’s Welfare Assistance Scheme Policy and to administer applications and awards under the scheme.
  - A new paragraph 5 to establish and amend / update the Council’s Residential Care Charging Policy, in line with the Care Act 2014, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payment, including:
    - (a) To waive or reduce charges for care services in individual cases.
    - (b) To disregard the value of a property in a financial assessment.
  - A new paragraph 6 to establish and amend / update the Council’s Non-Residential Care Charging Policy, in line with the Care Act 2014, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payment Arrangements, including:
    - (a) To waive or reduce charges for care services in individual cases.
    - (b) To disregard the value of a property in a financial assessment.
- The proposals are to give the Corporate Director delegated powers to update and amend policies as applicable amounts etc are updated without the need to go back to Cabinet. Including this in the scheme of delegation will ensure that such decisions are streamlined in future. Relevant Cabinet members would be involved in any delegated decision making in this regard. Any major changes would be still presented to Cabinet if required.

- Amendment to paragraph 3 (new 7) as:- The provision ~~operation and commissioning~~ of a Welfare Rights ~~Service~~ and ~~the commissioning of Citizens Advisory Service Advice Services, including overseeing the Advice in County Durham Partnership.~~ The CAB are currently commissioned to provide Advice Services. They are actually called Citizens Advice County Durham. It is not appropriate to name them in the constitution specifically as we may in future commission this in a different way via the Advice in County Durham Partnership. These changes provide the necessary flexibility in this regard whilst retaining the responsibility for making the appropriate arrangements.
- A new paragraph 31 To establish and amend / update the Council Tax Exemption for Care Leavers Policy and to administer applications under this policy. This Policy was first adopted at Cabinet in July 2017 and is reviewed annually (last reported to Cabinet in July 2018). Any teaks or revisions need to be appended to the Cabinet report. Having established this Policy, this provision would allow for it to be updated under delegations with only a summary of any changes being reported for information going forward. Including this in the scheme of delegation will ensure that such decisions are streamlined in future. Relevant Cabinet members would be involved in any delegated decision making in this regard. Any major changes would be still presented to Cabinet if required.
- A new a paragraph 32 To establish and amend / update the Council's Discretionary Rate Relief Policies and to administer applications under these schemes. These Policies are long standing and are reviewed annually (last reported to Cabinet in July 2018). Any teaks or revisions need to be appended to the Cabinet report. Having established this Policy, this provision would allow for it to be updated under delegations with only a summary of any changes being reported for information going forward. Including this in the scheme of delegation will ensure that such decisions are streamlined in future. Relevant Cabinet members would be involved in any delegated decision making in this regard. Any major changes would be still presented to Cabinet if required.
- To amend paragraph 27 (new 33) by:- To establish ~~and amend~~ the Council Tax Discretionary Reduction Policy and Business Rates Hardship Relief Policy and

administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.

Currently any minor wording change needs to be agreed by and appended to a Cabinet report. Having established these Policies, this provision would allow for it to be updated under delegations with only a summary of any changes being reported for information going forward. Including this in the scheme of delegation will ensure that such decisions are streamlined in future. Relevant Cabinet members would be involved in any delegated decision making in this regard. Any major changes would be still presented to Cabinet if required.

- To amend paragraph 28 (new 34):- To liaise with the Schools Forum on School Funding formula allocations and to advise Council on formula changes to ensure compliance with Department for Education guidance and regulations and the proper administration of Dedicated Schools Grant (DSG) allocations, including making applications to the Secretary of State for Education as appropriate for any necessary transfer of funding between the DSG funding blocks.  
Included for clarification – this is what happens now. The (Assessment and Awards Manager) is the nominated Financial Deputee / Appointee.
- To amend paragraph 29 (new 35):-  
To apply to the Court of Protection for Deputyship or single orders related to finance and property and to act as dually appointed Financial Appointee or Deputee for those individuals who lack mental capacity and are subject to such orders.  
Included for clarification / future proofing as we develop our integration plans – covers the joint working on Winter Pressures spending etc.
- To add to the pension delegations at paragraph 33 (new 39):-
  - (a) To authorise sending instructions to and completing contracts, deeds or agreements with Border to Coast Pensions Partnership Limited to facilitate transition of assets to and management of collective investment vehicles within the pooled arrangements.
  - (b) To monitor and review the investments made by Border to Coast Pensions Partnership Limited under pooled arrangements and to review performance against established benchmarks. To report on the performance of the investment managers to each meeting of the Pension Fund Committee.

		<p>The scheme of delegation needs to be updated to reflect the creation of the BCCP.</p> <ul style="list-style-type: none"> <li>To amend paragraph 40 (new 46):- To approve overtime payments for employees above Grade 8, in line with the Local Collective Agreement</li> </ul> <p>New Spinal Column Points will apply from 1 April 2019 as part of the local government pay settlement. Current SCP 28 is bottom of Grade 8. This is a more appropriate reference and is included for future proofing this part of the scheme of delegation.</p>
Council Procedure Rules/ Executive procedure Rules	Updated to reflect changes in practice	<p>Rule 2 of Council Procedure Rules be amended to reflect at the ordinary meeting of council where there is consideration of the annual budget and setting of the council tax (usually held in February) agenda items relating to motions on notice, and questions from the area action partnerships will not be taken, unless there are exceptional circumstances and have the approval of the Chairman of the Council, and Head of Legal and Democratic Services.</p> <p>Rule 9.5 of Council Procedure Rules and 2.8.1 of the Executive Procedure Rules- amend the rules relating to the scope of questions that are to be considered at meetings of the Executive and Council. The current rules provide that a question will be rejected if it is substantially the same as a question which has been considered in the last 6 months. However, it is proposed that this is strengthened slightly to include questions which are similar to a question asked in the last 6 months.</p> <p>Rule 12.5 of Council Procedure Rules- amend to clarify that a member with the right of reply on a motion under consideration has no more than 3 minutes to speak</p>
Financial Procedure Rules	Updated to reflect changes in external auditors, and legislation.	Amend references to the Audit Commission following the appointment of external auditors, and the references to the Accounts and Audit Regulations 2011, which have now been superseded by the 2015 version.
Contract Procurement Rules	Updated to reflect changes in the organisational structure of the Council	<p>The key changes summarised:</p> <ul style="list-style-type: none"> <li>Rule 5 - point (d) has been amended to capture all potential spend and fees payable to DVLA/DVSA by the Council.</li> </ul>

	<p>A small number of other minor changes are made for accuracy and readability</p>	<ul style="list-style-type: none"> <li>• Rule 5 – point (o) has been expanded to provide clarity regarding payments to authorising offices/notaries.</li> <li>• Rule 7 – point 3, expanded for clarity with regard to the inclusion of an assessment of social value opportunities within a procurement process.</li> <li>• Rule 9 - point 2.4 is in line with the Public Contract Regulations 2015 (PCRs), the amendment allows for flexibility by the Chief Procurement Officer to authorise longer contract durations as a result of Single Supplier Negotiations, in context to risk.</li> <li>• Rule 10 – point 3 amendment to provide clarity regarding the use of E-Exemptions (paper based procurement activities), there must be a clear rationale for use, and the contract value must be below the relevant European Union advertised tender (OJEU publication) financial threshold.</li> <li>• Rule 16 – point 2.1 with regard to contract signatures this rule has been updated to provide clarity on use of e-signatures as this is likely to be in development in the coming 12mths.</li> <li>• Rule 19 – point 5 has been added to provide clarity on the appropriate recording of contract modifications to ensure that additional spend is appropriately authorised and accurately recorded.</li> <li>• Rule 21 – point 3 has been added to provide clarity, where in certain circumstances, such as rolling contract periods, that contract spend is appropriately authorised and accurately recorded.</li> <li>• Some overall minor updates have been made with regard to corrections of previous typing errors or formatting, these are not significant, and therefore have not been itemised above.</li> <li>• Procurement Strategy &amp; Planning group also considered whether there was any need to amend the competitive procurement threshold. On balance it is felt that retaining</li> </ul>
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		the £5,000 threshold is sensible at the present time as this permits appropriate control of spend and visibility of contracts awarded.
Code of Practice for Members & Officers dealing with Planning Matters	Updated to reflect changes in practice, and in line with changes in legislation.	<p>A new paragraph 9.6 to make it clear that members cannot vote on the application if they have missed part of the presentation or debate.</p> <p>The Code has been updated to reflect the interest arrangements of members under the Localism Act 2011.</p>

**Cabinet**

**13 March 2019**

**County Durham Health and Social Care  
Plan update**

**Ordinary Decision**



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**Report of Corporate Management Team**

**Jane Robinson, Corporate Director of Adult and Health Services**

**Councillor Lucy Hovvels, Cabinet Portfolio Holder for Adult and Health Services**

**Electoral division(s) affected:**

Countywide.

**Purpose of the Report**

- 1 To provide an update on the Integration of Health and Social Care in County Durham as outlined in the report to Cabinet in April 2018, which described a developing Health and Social Care Plan for the County.
- 2 To provide a progress update on the development on an Integrated Strategic Commissioning function.

**Executive summary**

- 3 Since 2018 progress has been made on each of the key elements described in the earlier Cabinet report;
  - (a) A new Integrated Governance Framework has been implemented;
  - (b) An Integrated provider model for community services went live on 1 October 2018 and;
  - (c) Work has been progressing on the development of an Integrated Strategic Commissioning Function.

## **Recommendation(s)**

4 Cabinet is recommended to:

- (a) Note the progress made in integrating Health and Social Care since April 2018;
- (b) Note that this report will also be presented to the Governing Bodies of both North Durham and Durham Dales, Easington and Sedgefield Clinical Commissioning Groups;
- (c) Endorse the direction of travel in relation to the development of an Integrated Strategic Commissioning Function;
- (d) Agree the principles upon which an Integrated Strategic Commissioning model will be based;
- (e) Receive further reports on Options for an Integrated Strategic Commissioning Function.

## Background

- 5 In County Durham, there is a strong and long-standing track record of effective partnerships and integrated working i.e. Mental Health and Learning Disability Services and Intermediate Care plus, which are well established. In addition, the Council and CCGs have jointly commissioned in areas such as; Community Equipment; Carers Services; Social Prescribing and the post diagnosis Autism service.
- 6 The benefits of such an approach include;
  - a) Faster improvements in care.
  - b) Improved health outcomes across whole populations.
  - c) An improved approach to prevention with a focus on joined up solutions.
  - d) Less duplication across the system, making it easier to navigate for the public and staff.
  - e) Maximising the impact of the Durham pound by using collective resources more efficiently.
  - f) Connecting and supporting people more effectively in their own communities.
- 7 In April 2018, a joint report was presented to Cabinet and to the Governing Bodies of both North Durham and Durham Dales, Easington and Sedgefield Clinical Commissioning Groups (CCGs) which outlined a proposed direction of travel in developing a Health and Social Care Plan for County Durham.
- 8 The report described three key elements;
  - (a) A new Integrated Governance Framework;
  - (b) An Integrated provider model for community services, and;
  - (c) A proposed Joint Strategic Commissioning Function
- 9 Given this strong track record of integrated working in the County and integration being a key policy driver for many years, both Cabinet and the CCG Governing Bodies endorsed the report fully.
- 10 The NHS Long-Term Plan, which was published on the 7 January 2019, supports the direction of travel underway within the County.

## Current position

- 11 Since April 2018 progress has been made against each of the areas outlined above;
- a) A new Integrated Governance Framework has been implemented, with all groups now established and key meetings chaired by Chief Officers. The Integrated Care Board has also expanded its membership to include Primary Care. It is important to note that the new governance arrangements include an Integrated Commissioning Group and an Integrated Steering Group for Children. A copy of the governance chart is attached as Appendix 2.
  - b) In August 2018, an appointment was made to the joint post of Director of Integrated Community Services, who has overall responsibility for the delivery of Integrated Community Services. In October 2018, the new community contract for NHS services went live and the Director of Integrated Community Services has brought together the Integrated Senior Leadership Team, aligning health and social care.
  - c) Teams Around Patients (TAPS) – are well advanced and fit well with the development of Primary Care Networks as set out in the NHS Long-Term Plan. We have wrapped community nurses, mental health and social care workers around populations of 30-50,000 people. Those networks are already delivering proactive care to our frail and elderly populations, with a view to enhancing independence at home and supporting a movement of care out of acute hospital settings.
  - d) As part of the new governance arrangements the Integrated Commissioning Group has been developing the options for an Integrated Strategic Commissioning function.

## Integrated Strategic Commissioning Function

- 12 The Integrated Commissioning Group has met several times over recent months, undertaking a number of tasks to shape the potential options for County Durham. This has included;
- a) Completion of a self-assessment against the Local Government Association publication; *Integrated Commissioning for Better Outcomes Framework*;
  - b) Reviewing functions which could be included within an Integrated function;
  - c) Agreeing potential budgets for inclusion, which could amount to in excess of £1billion.

- 13 As a result, emerging actions from the above are now being formulated into an action plan with dedicated project support to manage this as a discrete piece of work.
- 14 In parallel to this work Commissioners have continued to look for opportunities to work more jointly whilst operating within current arrangements i.e. a joint approach is currently being taken towards to the commissioning of Domiciliary Care.

## **Emerging Principles**

- 15 The following have been proposed as working principles upon which a new model for Integrated Commissioning will be developed;
  - a) That the function would capture all ages i.e. commissioning for Children and Adults across the whole life course.
  - b) That whilst the initial focus would be on Community Services it is acknowledged in line with national policy, that the direction of travel is for more hospital based services to be provided in the Community.
  - c) That any model would need to work with existing and emerging elements on a potential Hub and Spoke model i.e. links with; Primary Care Networks and Teams Around The Patients; the Accountable Care Partnership and the five CCGs operating across the Tees Valley.
  - d) Joint Management arrangements would be required reporting to the Corporate Director of Adult and Health Services and the Chief Officer, Durham Dales, Easington and Sedgefield CCG.
  - e) Any integrated team would follow the same approach adopted within the Community Services model where staff retain their employment status with their own organisation and associated Terms and Conditions.
  - f) That Durham County Council would host an Integrated Function giving opportunities to explore support to CCGs, for example in terms of legal advice.
  - g) That the existing connections with Primary Care would be enhanced to ensure the local influence of clinical leads across the Primary Care Network is maximised.
  - h) That both Durham County Council and the Clinical Commissioning Groups would retain their statutory responsibilities and decision-making processes.

## **Next Steps**

- 16 The Integrated Commissioning Group will continue to meet to develop an options paper for future consideration by Cabinet and the CCG Governing bodies.
- 17 This will include options around future management arrangements.

## **Main implications**

### *NHS Long-Term Plan*

- 18 The NHS Long-Term plan states the importance of Health and Social Care integration in the future. However, consideration needs to be given to the interface between work in County Durham and the emerging Integrated Care System across North Cumbria and the North East as well as the Integrated Care Partnerships (ICP) below that where Durham sits centrally with Sunderland and South Tyneside.
- 19 Whilst the NHS Long-Term plan supports the direction of travel, it creates some uncertainty in that it references future plans for there to be one CCG per Integrated Care System, giving a clear expectation that CCGs will be expected to merge in the future. In the North East and North Cumbria, it is expected that CCGs will be merged across current Integrated Care Partnerships (ICPs).
- 20 Currently both Durham CCGs are working closely together but are also working under one management team across the five southern CCGs in the Tees Valley. If a CCG merger does not happen across ICP boundaries, a merger of the five southern CCGs might be a future possibility.
- 21 Consideration of what this will mean and the implications, particularly financial, will be given during the development of an Options paper.

## **Conclusion**

- 22 It is clear that integration of Health and Social Care continues to be the direction of travel within the NHS Long-Term Plan.
- 23 Since April 2018, considerable progress has been made in moving forward with the Integration of Health and Social Care in County Durham. This has resulted in:
  - a) Established Primary Care Networks (PCN) which will make practices more resilient at a time when Primary Care is in crisis from a workforce point of view. PCN's are now in a central position, to help support and influence local commissioning activity.

- b) The PCN model expanding to include paramedics, Improved Access to Psychological Therapy Services, the voluntary sector and pharmacists.
  - c) PCNs have already taken on additional work that used to be performed in secondary care, providing it closer to patients own homes and in a more cost effective way.
  - d) Teams Around Patients (TAPs) involving Mental Health, Community Nurses, GPs and Social Workers providing proactive care and support to promote independence.
  - e) TAPs already improving the care of people in care homes and are reducing hospital lengths of stay and hospital re-admissions.
  - f) Improved relationships and communication between GPs and community services, with reduction of duplication in the system.
- 24 Changes to CCG configuration create uncertainty and may impact on progression of local plans but given there is limited detail on this and the fact that there is stability and positive relationships locally it is important to continue to progress.

### **Background papers**

- Cabinet report April 2018. Developing a Health and Social Care Plan for County Durham.

### **Other useful documents**

- Previous Cabinet reports / None

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## **Appendix 1: Implications**

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### **Legal Implications**

In recent years, there have been a number of legislative and policy developments to assist the development of integrated health and social care. This report sets out how the local authority and CCGs are discharging their respective statutory duties to promote the integration of care under the Health and Social Care Act 2012 and the Care Act 2014.

### **Finance**

There are no cost implications at this stage. Clearly, in progressing the development of Options and given the size of budgets involved i.e. c. £1bn finance colleagues from both the Council and CCGs will continue to be involved.

### **Consultation**

There are no consultation requirements at this stage.

### **Equality and Diversity / Public Sector Equality Duty**

Equality and Diversity will be considered in the development of the options.

### **Human Rights**

Human rights are not affected by the recommendations in this report.

### **Crime and Disorder**

Not applicable.

### **Staffing**

There are no specific staffing implications at this stage. The Principles outlined in the report describe joint management arrangements, which will be considered carefully with advice from HR in both the Council and CCGs.

### **Accommodation**

No Issues at this stage.

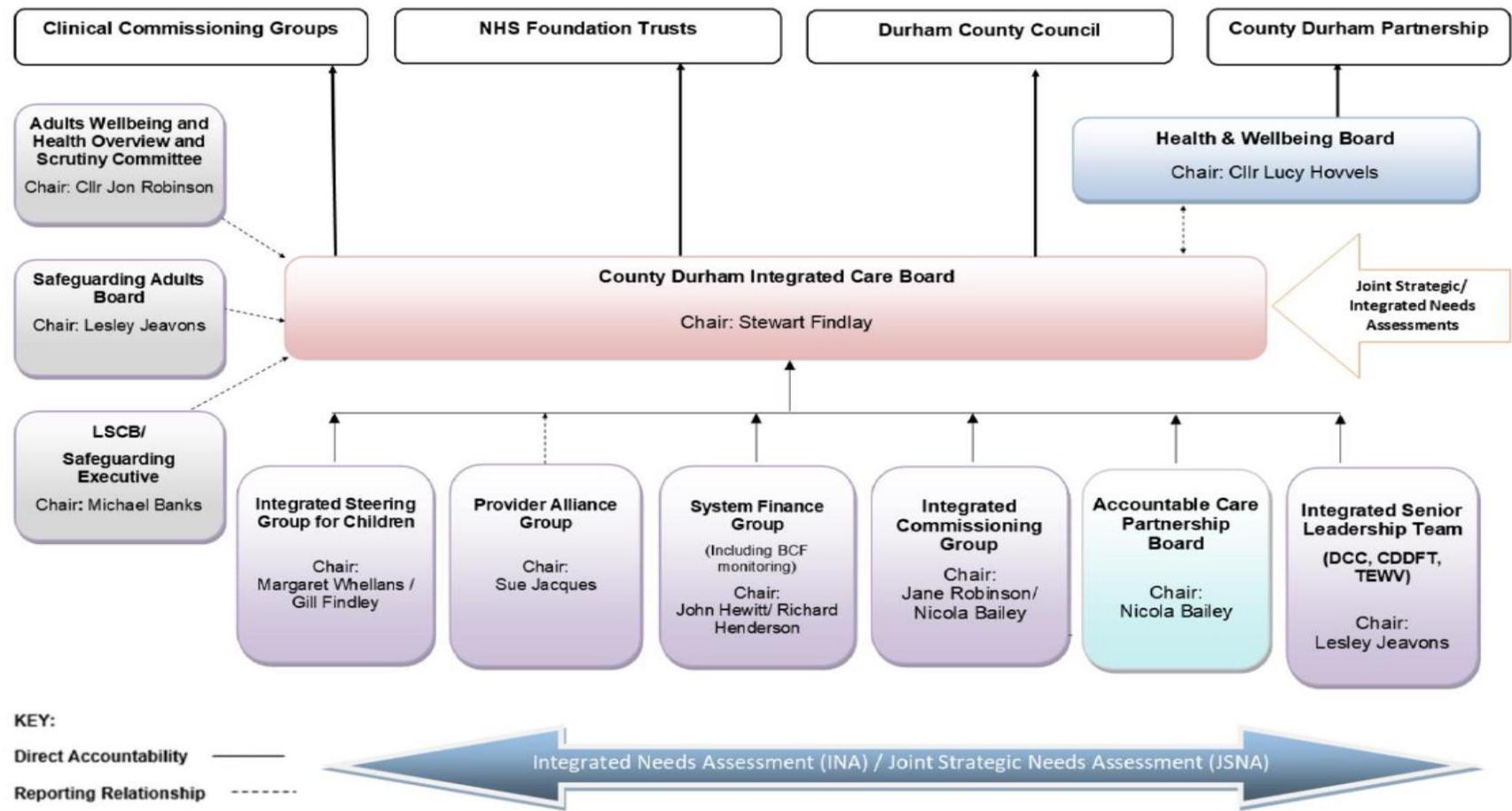
### **Risk**

Current risks link to uncertainty over future CCG configuration, which will need to be considered in detail as Options are developed. Any future model will need to include a detailed risk share agreement, development of which will be part of the project plan.

### **Procurement**

No issues at this stage but will form part of the consideration moving forward.

Appendix 2





**Cabinet**

**13 March 2019**

**Council Activity Report**

**Ordinary Decision**



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**Report of Corporate Management Team**

**Lorraine O'Donnell, Director of Transformation and Partnerships**

**Councillor Simon Henig, Leader of the Council**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To provide an update on work to support some of the council's key priorities.

**Executive summary**

- 2 The report provides an update on progress towards delivering some of the council's key priorities.
- 3 This month's report covers:
  - (a) Inspire Transformation update – Crook Civic Centre Strategic site
  - (b) Macmillan Joining the Dots
  - (c) Good mental health
  - (d) Unique educational and cultural opportunities for our children and young people
  - (e) Regional business event

**Recommendation**

- 4 Cabinet is recommended to note the contents of this update.

## **Background**

- 5 The council undertakes a great deal of work across the county.
- 6 This report offers an overview of some key projects.

### **Inspire Transformation update – Crook Civic Centre Strategic site**

- 7 The first stage in our Inspire Transformation programme - the refurbishment of Crook Civic Centre as our first strategic site - is now complete.
- 8 Our Transformation programme was launched in response to continued significant cuts in Government funding of almost £250m and a reduction of almost 3,000 posts. Since our requirements have increased at the same time as resources have been reduced, it is clear that we have to do all we can to continue to improve productivity to ensure we continue to deliver quality frontline services.
- 9 It is also part of our commitment following unitisation to ensure our services and staff are distributed across the county, keeping services close to residents and benefitting local towns and communities.
- 10 Whilst it is early days in the programme we have already seen benefits following the refurbishment of Crook, which re-opened in May 2018. The number of staff based at the building has doubled from 193 to 399, and after just over six months of operation, there is some evidence of improved productivity, better staff morale and increased spend in local businesses.
- 11 The transformation programme will see the development of three other strategic sites across the county, in addition to Crook. They are at Meadowfield, Seaham and Spennymoor and this enables us to develop a new smaller, modern County Hall in Durham City.
- 12 Through a county-wide approach we will stimulate our town centres and provide them with an economic boost by dispersing staff across the county at our key sites, improve our resilience and through more modern ways of working our staff will be more productive and serve our residents better.
- 13 1,000 staff will be based at the new HQ (subject to planning permission), providing an economic boost to the city centre 52-weeks of the year whilst more than 800 staff will be relocated to the other

strategic sites, closer to the residents they serve and increasing footfall to the local towns.



- 14 The success at Crook has been achieved following close working with staff, members and trade unions. This has included providing practical help and support, training and equipment to enable our staff to adopt more modern ways of working.
- 15 Work is now beginning to re-develop our next strategic site at Green Lane, Spennymoor.

### **Macmillan Joining the Dots**

- 16 Around 3,000 people in County Durham are diagnosed with cancer every year and an estimated 15,000 people in Durham are currently living with the disease – a figure which is expected to rise to 28,000 by 2030.
- 17 Cancer also has a knock-on effect on the tens of thousands of friends and family members who need support to adjust when a loved one is diagnosed.

- 18 Officially launched at the beginning of the year by the council and Macmillan Cancer Support, Joining the Dots aims to bring services together in order to ensure everyone in County Durham who is affected by cancer can access the help and support they need around non-medical needs. More than 90 people from a wide range of organisations attended an event, where Cllr Lucy Hovvells, Cabinet member for adult and health services, officially launched the service.



- 19 The initiative, the country's first joint project between Macmillan and a local authority, was set up following extensive research by the council's public health team, which included surveys, one-to-one interviews, using the Macmillan Outreach Bus and stakeholder events where local support groups were in attendance.
- 20 This engagement demonstrated a need for advice and guidance on a wide range of issues such as finances, employment and housing as well as practical support ranging from help with cooking and cleaning to coping with loneliness.
- 21 The team also undertook a mapping exercise to assess the support available around County Durham. This revealed a large number of services offering assistance, although not all were cancer specific. However, many people were not aware of the help available, were unsure how to access them or didn't think they would be eligible for support.

22 Ten coproduction volunteers, all of whom had experience of cancer themselves, were recruited to help design what Joining the Dots should look like. Halina, Veronica, Kath, Rosemary, Steve, Mike, Andrea, Allison, Beverley and the late Vicky dedicated many hours of their time looking at the engagement work and identifying issues they felt needed to be solved. Their key principles for accessing support were:

- A single point of contact (telephone number, email address, SMS number) to enable access to all support services;
- A named facilitator to help support identification of personal needs (through a holistic needs assessment) and access to services (through a support plan that is produced with the person affected by cancer);
- 'Go-to' people (outreach);
- To build on what is already there by bringing it all together;
- Where gaps are identified, support local community and voluntary organisations to bridge the gaps;
- Cover the whole journey (from diagnosis to living with and beyond or palliative and end of life care)

23 The Macmillan Joining the Dots Service has been operational since September 2018 and was officially launched on 24<sup>th</sup> January 2019. It is provided by the Wellbeing For Life Service. There are six facilitators who cover the whole of County Durham who are already making an impact on the lives of almost 100 people who are currently involved with the service.



- 24 Those already benefitting include Ken who self-referred to the service following a terminal diagnosis of cancer. Ken lived in the east of the county in a social rented property which was leased to his mother who had recently passed away. Ken had already asked to take over the tenancy on his mother's home but it was initially declined.
- 25 A holistic needs assessment, identified that Ken required support around accessing alternative therapies; preferred to have end of life care in a hospice and not in a hospital; and needed support with his housing situation.
- 26 A Joining the Dots facilitator accompanied Ken to his meeting with the housing agency to appeal the decision not to transfer the tenancy to him. With the support of the facilitator, Ken won his appeal and is now able to stay in the property. A referral was made to the Welfare Rights team and, as a result, Ken is now able to access benefits that he was previously unaware he was eligible to receive. A referral was also made to St. Cuthbert's Hospice and Ken now has plans in place for his death and is receiving treatment for his symptoms.

### **Good mental health**

18. Improving the population's mental health and wellbeing and preventing mental illness is a key priority for Durham County Council. It is also a priority for local government to demonstrate leadership in addressing the mental health and wellbeing needs of local communities and council employees.
19. There is no health without mental health. Promoting and protecting the mental health of everyone is vital to improving the quality of people's lives. Statistically, one in four of us will fight a mental health problem in any given year. That is why this work is so important. No one should have to fear being treated differently because of a mental health problem.
20. As a council we signed the Time to Change Employer Pledge on World Mental Health day in October 2018 at the County Durham Partnership event. Time to Change is founded on the basis that we all have a part to play in changing the perception and stigma around mental health.



**let's end mental health discrimination**

21. The Time to Change campaign aims to change the way we all think and act about mental health problems. It has already reached millions of people and has started to have an impact on attitudes and behaviour.
22. The council is committed to changing the culture and negative stigma associated with mental health and ensure that staff feel they can talk openly about mental health and access support.
23. Colleagues have been encouraged to make mental health an agenda item at team meetings, encourage all managers to approach the subject and make staff aware that they can talk about their mental health.
24. Since the council signed the Time for Change Employer Pledge, more than 100 colleagues across the council have volunteered to become Time for Change champions. The champions' role is to actively tackle stigma and discrimination in their workplace and promote good mental health.
25. Our health advocates were active during Time to Talk day promoting Time to Change at many of the council's sites as possible to encourage conversations about mental health.
26. Communications on the intranet promoted Time to Talk day and highlighted the approaches colleagues can take to help improve their own wellbeing.

27. For example, exercise has been shown to improve mental health and taking time out from the workplace can help staff feel refreshed and re-energised as exercise releases endorphins. Encouraging colleagues to talk outside of the workplace can also open up the conversation on mental health.
28. Training has also been developed to improve awareness of the importance of good mental health. The council's senior management team attended training towards the end of 2018 and mental health awareness training was launched on Time to Talk Day for Tier 5 managers. Corporate training on managing stress in the workplace and mental health awareness e-learning courses are available for all staff.

### **Unique educational and cultural opportunities for our children and young people**



29. The council is committed to raising the aspirations of children and young people across the county, encouraging them to strive for greater things, providing them with unique educational and cultural experiences and instilling in them a belief that they can achieve.
30. The vision that every child can achieve their greatest potential is combined with the desire to foster in them a sense of pride about their home county. This creates advocates for the future who will help share the message that our county is a wonderful place to live and inspire them to stay in the county as they grow into adults, looking for careers and starting families of their own.

31. Working across a range of the council's departments, we have been providing children with access to some of the best educational and cultural experiences. This includes access to some of the region's and the UK's finest talents in their field, who have been helping to inspire them.
32. Last month's Durham Vocal Festival, one of the county's flagship musical centrepieces, brought some of the UK's most talented singers, musicians and composers together with choirs and musical groups of all ages from across County Durham and Darlington.
33. As part of the festival, local children took part in various workshops and events including:
  - Pupils from five schools, (Framwellgate School Durham, Finchale Primary, St. Bede's Catholic School and Sixth form (Lanchester), St. Bede's RC Comprehensive and Byron Sixth Form, Teesdale School and Sixth Form) worked with professional composer Paul Smith to create a specially commissioned piece of music called Dunelm Lux Aeterna (Durham's Light Eternal), which was performed by them alongside professional singing group VOCES8 in Durham Cathedral.
  - Around 70 pupils were selected to take part in a two-day taster course with singers and tutors from the National Youth Choirs of Great Britain. This gave them access to tuition and expert advice from some of the country's leading vocal coaches and singers.
  - Children from special schools across the county and the wider North East have been working with Dr Paul Whittaker OBE, a leading light in the field of signed singing and musical performances. Under his baton, hundreds of children joined together for the first time in a celebration of singing and signing at Gala Theatre.
  - Meanwhile, professional musicians from the renowned Orchestra of the Age of Enlightenment came together with pupils with special educational needs and disabilities (SEND) for a specially adapted performance of Handel's The Fairy Queen, featuring some of our SEND pupils alongside the orchestra and our own music service musicians.
34. Continuing in the cultural sphere, Gala is set to offer local children the chance to be inspired by top children's illustrator Nick Sharratt, known for his imaginative drawings in books by authors Julia Donaldson, Jacqueline Wilson and Jeremy Strong.
35. Run in conjunction with our library service, the Right Royal Drawalong is an event at which children and families can come and get tips from the creator of much-loved characters like Tracy Beaker and Timothy Pope as he teaches them how to draw anything from dragons to unicorns.
36. The team at Gala is in regular contact with children and young people across the county as part of its theatre education programme. Offering local children the chance to meet and engage with working professionals on a range of

themes from technical delivery, development of dramatic works, music and dance.

37. Already this year 30 local children have signed up to a summer school (Act Up) to create and produce their own piece of work with two professional artists.
38. Last year, our relationship with Northern Ballet allowed school children to take part in workshops as part of *The Ugly Duckling* production before coming to the theatre to see the ballet and take part in a backstage tour. This relationship has been further developed this year as six primary schools have been offered an arts award for involving the children with the dance and technical sides of the production.
39. Other engagement work with local schools has included professional masterclasses and 'meet the cast and creatives' sessions as part of the Two production in October; workshops with the Muddy Choir in November; and, in May, school children will be working with the professionals from Teechers to explore the script, dialect and changes in education over time.
40. Our annual events programme also incorporates educational outreach work to help enrich the lives of our children.
  - Lumiere is the UK's largest light festival and in 2017, the art installation 'For the Birds' by Simeon Nelson, Cosmoscope, and, a collective of artists involved more than 700 primary school pupils from 25 schools across the county. They took part in art and science workshops before visiting the festival. Education and community outreach work will be a key part of this year's Lumiere too - the tenth anniversary edition of the popular festival.
  - Bishop Auckland Food Festival includes an educational outreach element. In 2018, Chris Bavin (from the popular BBC programme Eat Well For Less) and Anjula Devi, brand ambassador for the world's largest Indian food company delivered healthy eating workshops in ten primary schools involving nearly 500 children. The education programme for this year's festival on 8 and 9 April is currently being planned.
  - Returning to the music theme, our annual BRASS festival runs educational activities every year. Last year, school workshops gave 13,500 youngsters across the county a taste of how exciting brass music can be. As well as offering children the chance to play instruments, the workshops provided insights into different cultures and challenged preconceptions of brass music.
41. Our cultural portfolio, just some of which is outlined above, plays an immensely important role in the work we do to broaden the experiences of the county's children and raise their aspirations.

42. For a number of years County Durham has had continued growth and investment in cultural activity both through the county council, wider partners and cultural institutions large and small. In 2019 the compounding effect of this sustained investment in cultural activity has resulted in a seminal year of openings, activities, festivals, events and anniversaries – a year of culture.
43. Together with our cultural partners, we aim to involve the community as much as possible in #Durham19 and our hope is that by the end of the year, every resident and importantly, every child, would have had a chance to participate.

## Regional Business Event



44. Encouraging inward investment in County Durham is a key priority for the council. Over the last three years, 40 multi-national investors have been attracted to the county through the work of the council, Business Durham, the economic development arm of Durham County Council, and their partners.
45. On 31 January, the council and Durham University jointly hosted a Regional Business Leader's Summit, which was attended by 120 businesses and stakeholders. Key note speakers included Heidi Mottram, Chief Executive of Northumbrian Water and Vice Chair of the North East Local Enterprise Partnership.
46. The regional event showcased all that has been done to raise the national and international profile of the county and share insight into future direction.

47. The new Powered by People initiative was also launched to businesses at the event. The campaign supports the county's drive for inward investment, jobs and growth and uses one of the strengths of the county – its people – at its heart.
48. The objectives of the campaign, which was developed in response to requests from businesses, are to:
  - grow business and jobs across the county
  - give the business community, influential developers, employers and partners; the opportunity to promote Durham as a place to do business
  - ensure Durham has a distinctive presence in a competitive market place and to promote our uniqueness
  - place the stories of the people of County Durham at the heart of our communications
49. To support the initiative, and with the help of businesses, the council has developed a brochure of business success stories and a series of short films – our manifesto read by people of Durham, a promotional film and a series of 10 case study films of different business from across the county.
50. With the help of local businesses, the campaign will continue to be developed as part of the council's priority for inward investment and to create jobs and growth.
51. A new quarterly business magazine for the county, 'D magazine' was also launched at the regional business event.
52. A further four business events are being planned venues across the county for the year.

### **Background papers**

- None

### **Other useful documents**

- Ofsted Children's Service's Focused Visit – 4 February 2019

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## **Appendix 1: Implications**

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### **Legal Implications**

Not applicable.

### **Finance**

Not applicable.

### **Consultation**

Not applicable.

### **Equality and Diversity / Public Sector Equality Duty**

Not applicable.

### **Human Rights**

Not applicable.

### **Crime and Disorder**

Not applicable.

### **Staffing**

Not applicable.

### **Accommodation**

Not applicable.

### **Risk**

Not applicable.

### **Procurement**

Not applicable.

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