



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 18 March 2020**. The decisions will come into force and may be implemented from **Monday 30 March 2020** unless the Corporate Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Local List of Historic Parks, Gardens and Designed Landscapes [Key Decision: REAL/01/2020]

Summary

The Cabinet considered a report of the Interim Corporate Director of Regeneration and Local Services which detailed the Local List of Historic Parks, Gardens and Designed Landscapes for County Durham, which will be used in the consideration of planning proposals and for helping to conserve the County's historic environment. The report requested that Cabinet grant approval of a review process to update and add to the Local List on a 5 year cycle using a similar assessment methodology.

County Durham's most important historic parks and gardens are identified in Historic England's Register of Parks and Gardens of Special Historic Interest in England. A number of parks and gardens of local interest have been identified in the past in some Local Plans, but many remained unidentified. A systematic review was carried out between 2017 and 2019 to develop a Local List of Historic Parks, Gardens and Designed Landscapes as part of the evidence base of the County Durham Plan.

Government guidance on the historic environment advises that plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets such as being a Scheduled or Listed asset. While the primary impetus to the production of a local list has been to support the Council's planning function, it has wider benefits in raising awareness and understanding of these important components of the county's landscape.

A list of potential sites was drawn up by Durham County Council Landscape, Archaeology and Design specialists. The list was reviewed by a panel of experts, including a representative of the Northumbria Gardens Trust, which produced a list of 109 candidate sites for further assessment. Durham County Council appointed consultant garden historian Fiona Green to undertake an assessment of the significance of each candidate site: 96 were recommended for inclusion in a local list. Consultation on the findings of the assessment was carried out between January 2019 and March 2019. Residents and landowners were contacted and directed to an online public consultation hosted on the Durham County Council website. Comments were reviewed by the expert panel and by the consultant garden historian. Some changes were recommended to individual sites including changes to boundaries, background information and/or assessments of significance. The proposed local list includes 96 sites. Following adoption, the list and its supporting information will be publicly available and reviewed on a 5 year cycle.

The review represents a systematic assessment of parks, gardens and designed landscapes on a county-wide basis. It will support the Council's planning function, whilst delivering wider benefits in raising awareness and understanding of these important components of the county's landscape.

Decision

The Cabinet:

- (a) adopted the Local List of 96 recommended sites;
- (b) approved the proposals to review the list on a five year cycle using a similar process used in this review;
- (c) noted that in exceptional cases, a nomination may be considered ahead of the 5 year cycle if there is a clearly demonstrable and immediate need.

Options for the future of the two schools that constitute the Durham Federation

Summary

The Cabinet considered a joint report of the Corporate Director of Children and Young People's Services and the Corporate Director of Resources which outlined the educational and financial sustainability issues relating to Durham Community Business College (DCBC) and Fyndoune Community College (FCC), which jointly make up the Durham Federation.

In September 2014, both FCC and DCBC were inspected by Ofsted and deemed to be 'inadequate'. As a result they were issued with a directive 'Academy Order' by the Secretary of State requiring them to convert to academy status.

This was followed by a protracted period of time in which the Department for Education (DfE) failed to secure an academy sponsor for the schools. In 2018, the DfE agreed that no academy sponsor could be found and that the Academy Orders for the schools would be revoked and therefore they would remain under Local Authority maintained control. Revocation of the Academy Orders was dependant on the council taking steps to amalgamate the schools and remove one unique reference number (URN) through this process. This step would in effect amount to the closure of one of the schools. Pupil numbers had fallen steeply during the prolonged period in which the future of the schools remained very uncertain following the inadequate Ofsted judgement.

These pupil numbers alone mean a split-site amalgamated school is unviable. The numbers also indicate that without a reversal of the current admission trend the sustainability of a single site school is also of significant concern. DfE guidance is that a minimum size new secondary school requires 600 pupils to be financially viable.

The report presented a set of options and recommended Cabinet to agree that Fyndoune Community College (FCC) is closed but that the site be retained for educational purposes and community use, as detailed in the report. The options explored were as follows:

- Option 1 Amalgamate the schools and continue provision across both sites.
- Option 2 Close Fyndoune Community College and educate all pupils on Durham Community Business College site.

The consequences of taking either these options were addressed in the report.

The conclusions drawn from the analysis of options is that the closure of FCC is necessary. This will meet the DfE stipulation of removing one URN from the two schools and provides the only option for future sustainability of a single site school. Even taking this action does not fully address the future sustainability concerns of a single site school.

The report provided full details of the implications of taking the recommended action, the alternatives which have been considered and rejected, and the reasons for all decisions. It also describes the intention of the council to explore future usage of the FCC site, following proper consultation with all stakeholders.

The demand for future school places in this part of the county is described in the report, and clearly demonstrates the need for one of the schools to remain open.

The case for this being DCBC is also expanded upon, influenced not least by the substantial building programme on that site during 2018-19, funded by the ESFA, to a total of circa £3 million. The admissions pattern and potential catchment capacity of the two sites also indicate that DCBC should be the future base.

To support improvement in standards and future growth in pupil numbers to enable a sustainable single site at DCBC it is proposed also to explore brokering a relationship with one or more educational establishments or with a multi academy trust (MAT).

Since 2014 when Ofsted found both schools to be inadequate there have been a range of issues impacting on the sustainability of both schools. The uncertainty created by the 'inadequate' judgements and the Department of Education's failure to secure a suitable sponsor has seriously undermined attempts to address the underlying issues. As a result, pupil numbers have fallen and significant challenges have exacerbated the difficult situation and the recommendations of the report represent a measured but increasingly urgent response to safeguard the future education of children living within the area served by the Federation.

Decision

The Cabinet:

- a) agreed to the process of closure of Fyndoune Community College (option 2) which will begin with statutory consultation: and
- b) approved the action by which local authority officers will work with school leaders and governors of Durham Community Business College to secure a relationship with another education provider to improve the long-term financial sustainability and educational standards of that school.
- c) agreed to the Council working with the local community to find a sustainable approach for the Fyndoune Community College site that protects and expands on existing community use.

Forecast of Revenue and Capital Outturn 2019/20 – Period to December 2019

Summary

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

- (a) updated forecast revenue and capital outturn for 2019/20;
- (b) updated forecast for the council tax and business rates collection fund position at 31 March 2020;

- (c) updated forecast use of earmarked, cash limit and general reserves and estimated balances to be held at 31 March 2020.

The report also sought approval of the budget adjustments and proposed sums outside the cash limit.

The 2019/20 projected revenue outturn a forecast cash limit overspend of £3.479 million plus an underspend on all other budgets of £4.107 million. This forecast net underspend of £0.628 million represents 0.1% of the net expenditure budget of £421.576 million. Total earmarked and cash limit reserves (excluding school reserves) are forecast to reduce by £18.220 million in 2019/20, from £209.069 million to £190.849 million.

The updated projected capital outturn is £117.574 million.

The estimated outturn for the Council Tax Collection Fund is a surplus of £0.446 million. Durham County Council's share of this forecasted surplus is £0.373 million.

The estimated outturn for the Business Rates Collection Fund is a surplus of £14.116 million. Durham County Council's share (49%) of this estimated surplus is £6.917 million. This improved forecast outturn position has been influenced by the outcome of a review of the provision for appeals. This provision is no longer required in relation to a liability to refund business rates to NHS bodies within County Durham, following the result of a recent High Court case.

Decision

The Cabinet:

- (a) noted the council's overall financial position for 2019/20;
- (b) agreed the proposed 'sums outside the cash limit' for approval;
- (c) agreed the revenue and capital budget adjustments;
- (d) noted the forecast use of earmarked reserves;
- (e) noted the forecast end of year position for the cash limit and general reserves;
- (f) noted the position on the capital programme and the Collection Funds in respect of Council Tax and Business Rates.

Update on the delivery of the Medium Term Financial Plan 9

Summary

The Cabinet considered a report of the Corporate Director of Resources which provided an update on the position of the delivery of the 2019/20 Medium Term Financial Plan (MTFP9).

The report provided details of the cumulative MTFP savings during since 2011 and confirmation of the savings achieved up to the end of quarter 3 (December 2019) for the MTFP9 period of 2019/20. For MTFP9 the council has delivered quarter 3 savings of £9,601,545 which is 93% of the £10,334,712 target. Since 2011, the council has delivered over £233 million in savings.

The council continues to plan on the basis that the government's austerity will continue for several more years. From MTFP10 onwards, monitoring will include an additional element to track progress against Council Wide Transformation based efficiency savings and income targets.

Decision

The Cabinet:

- (a) Noted the contents of this report and the amount of savings delivered during quarter 3 of the MTFP period.
- (b) Noted the savings met to date through the use of cash limits and ensure alternative proposals are in place.
- (c) Agreed that future quarterly updates will be included in the finance reports which are presented to Cabinet.

Durham County Council Festivals & Events Programme 2020/21

Summary

The Cabinet considered a report of the Interim Corporate Director of Regeneration and Local Services which confirmed details of the 2020/21 festivals and events programme, and sought agreement to obtain agreement for the allocation of funding to the programme.

The county is becoming increasingly known, nationally and internationally, for its arts and cultural offer. Events have played a significant role in this perception change, in particular the biennial Lumiere Durham, high profile exhibitions at The Bowes Museum, and international cricket at Durham County Cricket Club; supported by the extensive annual programme of exhibitions, events and festivals across the county.

In 2020, the Council, Visit County Durham and cultural partners are once again looking at a programme of activity across the year. 'Year of Cathedrals, Year of Pilgrimage 2020' is a national theme that is being celebrated in the county as Durham's Year of Pilgrimage #Pilgrimage2020. Part of the celebrations will see the launch of new walking trails across the region, which tell the fascinating stories of the region's Northern Saints. The programme proposed is for DCC's annual programme of festivals for 2020/21, which continues to demonstrate the Authority's commitment to culture-led regeneration.

It was reported that the annual programme has not seen festival resources increase for many years. It recognised that inflationary and other factors mean the cost of event delivery has increased without a matched increase in funds. For this reason, the report proposed to give certain events an uplift in-line with the actual costs of delivery, as follows:

- Miners' Gala - an increase of £10,000 to £20,000 to cover increases in traffic management costs, Hostile Vehicle Mitigation provision, and land testing costs;
- BRASS - an increase of £5,000 to £120,000 to cover increasing infrastructure and artist costs;
- Bishop Auckland Food Festival - an increase of £5,000 to £60,000 to cover increasing infrastructure costs;
- TakeOff Festival - our agreement is to provide £16,000 of direct funding, plus £7,000 support for marketing. It is proposed that these marketing costs should be covered from the Festivals budget, as currently this is a budget pressure borne by the Gala Theatre.

The report proposed some budget reallocation.

After seven years of funding, the Tour Series Cycle Race is not providing the profile and economic impact required. Cash investment in the Tour Series over the seven year period has been in the region of £560,000. Over the period of support, the event has not attracted spectator numbers proportionate to the amount invested. Over recent years, changes have been made to the event in the hope that the event would to grow and develop, which has not materialised. An evaluation of spectator numbers attending the 2019 event, estimated only 1,200 people attending at the peak of the event. This contrasts with all other events in the Annual Festivals & Events programme showing an increase across the same period. The report recommended that the Tour Series be removed from the festivals programme and the money be reinvested into other events.

Decision

The Cabinet:

- a) approved the proposed allocation of budget for the 2020/21 Annual Programme and Investment and Development programme of events, noting the decision to enhance DCC funding to this area of work from within service budgets;
- b) approved the proposed changes to the programme;
- c) noted the draft forward plan for potential signature events or support requests;
- d) noted the wider cultural festival and events offer from other partner organisations which Durham County Council support and promote.

County Durham Joint Commissioning Strategy for Children and Young People and their families 2019-21

Summary

The Cabinet considered a report of the Corporate Director of Children and Young People's Services and Corporate Director of Adult and Health Services which presented the County Durham Joint Commissioning Strategy for Children and Young People and their Families (2019-2021).

Commissioning is the process that public bodies use to identify needs, secure new or transform existing services and pathways to meet those needs and then monitor their effectiveness. Joint commissioning represents a method for two or more partner agencies to commission collaboratively to secure better outcomes for a defined population than either can achieve on their own. This joint commissioning strategy builds upon the existing joint commissioning arrangements and sets out the key joint commissioning priorities and activities required to support improvements in services for children and young people (aged 0-25 years) and their families, that will be prioritised over the next two years by Durham, Dales, Easington and Sedgefield Clinical Commissioning Group, North Durham Clinical Commissioning Group and Durham County Council.

Whilst the majority of joint commissioning activity focuses upon the needs of children and young people with special educational needs and disabilities (SEND), ensuring compliance with the SEND Code of Practice, the strategy seeks to optimise all opportunities for joint commissioning relating to children, young people and their families.

The strategy draws upon several recent local health needs assessments and strategic reviews to support the development of a joint understanding of need and makes full use of Durham Insight which provides commissioners with an evolving analysis of the local needs and pressures faced by children, young people and families across County Durham.

The plan identifies the following priorities that will facilitate the joint commissioning and how this will work together to understand, plan deliver and review, as appropriate, children's services in County Durham:

- Improve a range of local services to support the transformation of the local education, health and care system
- Secure the provision of high quality, cost effective services
- Ensure effective partnership working
- Harness the views of children and young people, their families and carers
- Develop integrated approaches across key pathways
- Support arrangements for Personal Budgets
- Understanding Outcomes and impact
- Development of an integrated commissioning function

The strategy seeks to capture this activity via a 'Plan on a Page'. A detailed action plan that sets out how each of the activities will be delivered over the coming two years is in development.

The SEND Joint Commissioning Group, which is made up of Education, Health and Local Authority colleagues, is responsible for this Strategy including the overarching action plan. This group is accountable to the County Durham Joint Commissioning Group and the Integrated Steering Group for Children. The County Durham Health and Wellbeing Board has oversight of the implementation of this strategy with regular reports submitted to County Durham Clinical Commissioning Group's Joint Executive Committee. This document will remain live and evolve in response to developments and findings as it is implemented.

The review of the overall progress against each of the key priorities is scheduled to be monitored via the Durham Joint Commissioning Group and Integrated Steering Group for Children.

Decision

The Cabinet:

- (a) agreed the County Durham Joint Commissioning Strategy for Children and Young People and their Families 2019-2021
- (b) agreed reporting, monitoring and governance arrangements for the plan to secure accountability, support and challenge.

Council housing delivery – Durham County Council development potential

Summary

The Cabinet considered a report of the Interim Corporate Director of Regeneration and Local Services which provided an update to Cabinet in terms of the potential for the Council to develop and own social housing stock, Council Housing, going forward. The report identifies next steps in respect of developing a business case assessing the long term strategy and scale of the opportunity.

The Council makes use of its Strategic Housing Market Assessment (SHMA) to assess the need for affordable housing in County Durham. The SHMA identifies a net shortfall of 836 affordable dwellings per year (2016 – 35). However, in terms of delivery, taking account of all types and developers, the Council rarely meets 50% of this need on an annual basis.

The Housing Strategy identifies a number of ways in which this gap can be filled, including buying back houses that have been the subject of right to buys; the Council seeking to purchase property to assist in getting people back onto the housing ladder; and working in partnership with Registered Providers (RPs) to deliver more ambitious delivery plans in relation to general need housing, ensuring that they locate in areas of most need and to meet the aims and ambitions of the Housing Strategy.

The Government White Paper - Fixing our Broken Housing Market (Feb 2017) sought to diversify the market to achieve the amount, quality and choice of housing that people want. The White Paper noted that this includes supporting new and different providers. In this context the White Paper identified the intention to support local authorities to build more homes and to ensure that the public sector plays its part by encouraging and making possible more building by councils. The White Paper set out that local authorities' role in delivering new housing goes beyond their planning powers and that they have an important role in delivering homes themselves.

On 12 February 2020, Cabinet identified £1 million over two financial years (second year subject to revenue settlement) for a pilot scheme to increase the supply of social housing.

It is suggested that this be utilised looking at opportunities currently in the pipeline and developing new build projects that meet local housing need. The proposals will need to be supplemented by grant match from Homes England and possible Section 106 contributions.

In 2013 the Council agreed a Large Scale Voluntary Transfer of the ownership of its housing stock, Believe Housing to manage the homes in order to maintain a decent homes standard going forward. Government agreed to write off £130 million debt in order to allow the transfer to proceed.

In doing so the Council was required to close the Housing Revenue Account which was the financial tool by which all housing stock was managed. In the event that the Council builds and acquires over 200 new council homes in the future, it will need to re-establish a Housing Revenue Account. The Council continues to be a Registered Provider with Homes England and in addition, would need to be approved as an Investment Partner in order that grant subsidy can be access.

This process will require significant financial support and there will be a number of challenges that will need to be overcome. It was therefore recommended that the Council develops a business plan based on a number of scenarios and funding opportunities in assessing the scale and opportunity of once again building and owning Council homes.

Decision

The Cabinet:

- (a) noted the contents of the report and the strategic argument for the Authority to intervene within the housing market by directly building and owning Council houses;
- (b) agreed to the development of a business plan and associated strategy which will be the basis of a future report.

Helen Lynch
Head of Legal & Democratic Services
20 March 2020