



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 6 April 2022**. The decisions will come into force and may be implemented from **Wednesday 20 April 2022** unless the Corporate Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Proposal to close the Sunnydale site of Greenfield Community College on 31 August 2022 and rebuild the Newton Aycliffe site, Key Decision No. CYPS/01/2022

Summary

The Cabinet considered a report of the Corporate Director of Children and Young People's Services to seek approval to close the Sunnydale site of Greenfield Community College on 31 August 2022 and rebuild the Newton Aycliffe site, taking account of the Local Authority's duties as prescribed in the Education and Inspections Act 2006 to secure sufficient places and to ensure good outcomes for all children and young people in the local area.

Following an Ofsted inspection judgement of 'inadequate', Sunnydale School in Shildon was amalgamated with Greenfield School, Newton Aycliffe. Greenfield School was enlarged from 1 January 2015, becoming Greenfield Community College, and Sunnydale School was closed as a separate school on 31 December 2014.

These schools were 2.2 miles apart and prior to the reorganisation, had already been working together in an educational trust. At the time of the Ofsted inspection in 2014 there were also significant sustainability issues for Sunnydale school with only 405 pupils attending the school.

Education delivery across a split-site took place until January 2020 whereupon health and safety concerns forced the temporary closure of the Sunnydale site. At this point all pupils were safely accommodated on the Greenfield site, with temporary additional accommodation provided.

The establishment of a single school operating on a split-site model in 2015 did not address the underlying challenges evident before the amalgamation. Pupil numbers had continued to fall as education standards had declined with

challenge from both DfE and Ofsted. As a result, the school had faced financial challenges compounded by the long-standing site issues.

In addition, the very poor condition especially of the Sunnydale site, had combined to create a situation that must be resolved by considering long term options for improved educational provision.

In a report dated 13 October 2021, Cabinet agreed that consultation could commence on a proposal to close the Sunnydale site of Greenfield Community College on 31 August 2022 and to rebuild the Newton Aycliffe site.

Following the completion of the initial consultation process, the Corporate Director of Children and Young People's Services approved the issuing of a statutory notice proposing to close the Sunnydale site of Greenfield Community College on 31 August 2022 and to rebuild the Newton Aycliffe site.

The statutory notice was issued on 20 January 2022. During the 4 week statutory representation period, 14 comments were received, 12 in support of the proposal and 2 not in support of the proposal.

Decision

The Cabinet:

Agreed to close the Sunnydale site of Greenfield Community College on 31 August 2022 and to rebuild the Newton Aycliffe site.

Declaration of an Ecological Emergency, Key Decision No. NCC/03/22

Summary

The Cabinet considered a report of the Corporate Director of Neighbourhoods and Climate Change to respond to the Environment and Sustainable Communities Overview and Scrutiny Committee (ESCOSC) report to Cabinet on the consideration of an ecological emergency and to formally declare an ecological emergency for County Durham.

The considerable work of the ESCOSC in assessing evidence on the state of the environment in County Durham and reported in the circulated report was acknowledged and much appreciated. Their findings showed overwhelming evidence for global and national decline in habitats and species, and whilst the local data was understandably less extensive, it not surprisingly strongly mirrors the national and global trends.

County Durham had a rich tapestry of habitats – from its upland peatland and moorland, to the Wear and Tees lowlands with semi-natural ancient woodland, meadows and wetlands, to the magnesian limestone plateau with its species

rich pasture and Heritage Coast. This represented not only a valuable resource for biodiversity, and a store for carbon, but an incredible asset for recreation and wellbeing. The environment had of course been shaped by farming, industrial heritage and settlements, and as in the past, human influence would hold the key to improvements in the future.

The ESCOSC report rightly recognised the considerable work being undertaken by the Council and Partners in several landscape scale initiatives, habitat restoration and creation, including tree planting and the management of nature reserves. The new investments announced as part of the Medium Term Financial Plan 2022/23 to 2025/26 provided further impetus for this work through the appointment of two nature reserve officers, and staff to promote education/awareness, volunteer investment and a post of a Local Nature Recovery Strategy Officer.

One of the recommendations from ESCOSC was for the development of an Ecological Emergency Response Plan mirroring and perhaps in due course merging with the Climate Emergency Response Plan (CERP). Should this be accepted, then just like the CERP it would need to consider not only what the Council can do with its landholdings and services, but also crucially how it can do work with Partners to influence and support countywide activity which benefit habitat and species diversity, including farmers and landowners.

In a climate of tight resources, it was essential that our work at both a Council level and as a countywide influencer was targeted to those areas where the biggest impact can be had. Future work and investment in this area would therefore be built in to established Council processes including the annual MTFP planning cycle where capital and revenue expenditure would be considered alongside the needs of other services projects and programmes. Resources would be allocated to maximise the benefits from those available. Additionally external funding would be sought wherever possible to supplement council budgets.

In response to national concerns of ecosystem decline Government was now requiring through the Environment Act 2021 “responsible authorities” (which Durham County Council had been selected and agreed to be) to prepare Local Nature Recovery Strategies (LNRS). Whilst formal guidance had yet to be produced on its precise form, it was clear that LNRS must culminate in a statement of biodiversity priorities for the strategy area, and a local habitat map, informed by an assessment of opportunities for enhancement or recovery of our habitats and species. It was proposed that the Local Nature Recovery Strategy, when produced, was a key high level guide to influence the priorities in the Council’s future action plans.

Further guidance was awaited from Department of Agriculture Food and Rural Affairs (Defra) on the Local Nature Recovery Strategy but this did not prevent the County Council considering what more it could do in further enhancing biodiversity from its own landholdings. Whilst the Council already had 31

designated Local Nature Reserves and an additional 61 sites identified as important for local wildlife, it was fully recognised that the Council's plans would need to go beyond the managed sites to consider what more could be done through different services (clean and green management of open spaces, planning for instance) and key relationships with education, awareness and volunteering. This work in compiling an initial plan could commence immediately.

The decline in natural habitats, species and diversity so well illustrated in the ESCOSC report was a concern, not just for the sake of wildlife, but this loss of nature diminishes something that enriches the quality of all our lives. It was therefore proposed that the recommendations from ESCOSC were accepted in full, with work examining what the Council could do commencing immediately, and the development of a Local Nature Recovery Strategy to further inform action plans in due course.

Decision

The Cabinet agreed:

- (a) to thank ESCOSC for its work detailed in their report in examining evidence relating state of habitats and species across the County, and for its recommendations to Cabinet;
- (b) declare an ecological emergency for County Durham;
- (c) ask for an initial action plan on Council activities in response to this declaration be provided within six months;
- (d) include planning for the ecological emergency in future MTFP planning cycles with a value for money outcome-based focus alongside other projects and programmes;
- (e) noted that the Council was required to prepare a Local Nature Recovery Strategy and that this document, when complete would inform future plans that consider opportunities for enhancing biodiversity both by the Council and countywide Partners.

Annual review of Constitution

Summary

The Cabinet considered the report of the Head of Legal and Democratic Services and Monitoring Officer to present the Constitution as updated following the annual review, for adoption by Council.

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 provided 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, the 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;

The Constitution was reviewed on an annual basis with a fundamental review undertaken periodically. The last review of the Constitution was presented to Cabinet on 24 March 2021 and was presented to Council for adoption on 26 May 2021.

Decision:

That the Leader and Cabinet:

- a) Approved the delegation of executive powers as set out in the proposed amendments to the officer scheme of delegation at paragraphs 35 - 44 of the report; and
- b) Recommend that Council agree to the proposed revisions to the Constitution at its meeting on 25 May 2022.

County Durham Plan: Parking and Accessibility, Developer Contributions and Residential Amenity Supplementary Planning Documents

Summary

The Cabinet considered the report of the Corporate Director of Regeneration, Economy and Growth to seek Cabinet's approval to commence consultation on the second draft of the Parking and Accessibility Supplementary Planning Document, the first draft of the Developer Contributions Supplementary Planning Document and minor alterations to the Residential Amenity Supplementary Planning Document. All three documents supported the recently adopted County Durham Plan.

The adopted County Durham Plan seeks to ensure that County Durham was a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities.

In order to provide more detailed advice or guidance on policies in the County Durham Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. Three SPDs that are specifically mentioned in the County Durham Plan are the Parking and Accessibility SPD, the Developer Contributions SPD and the Residential Amenity SPD. There would also be others prepared in the future.

Decision:

The Cabinet:

- (a) Agreed the second draft of the County Durham Parking and Accessibility Supplementary Planning Document (Appendix 2 of the report) for consultation from 22 April to 3 June 2022. Agreed to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the document following consultation (if significant changes are required then the SPD would need to return to Cabinet for adoption);
- (b) Agreed the first draft of the Developer Contributions Supplementary Planning Document (Appendix 4 of the report) for consultation from 22 April to 3 June 2022;
- (c) Agreed the modifications to the Residential Amenity Supplementary Planning Document (Appendix 5 of the report) for consultation from 22 April to 3 June 2022. Agreed to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the document following consultation (if significant changes are required then the SPD would need to return to Cabinet for adoption); and
- (d) Agreed the modifications to the Highways Design Guide (Appendix 6 of the report) for consultation from 22 April to 3 June 2022. Agreed to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the document following consultation.

Updated SEND Strategy for County Durham 2022-24

Summary

The Cabinet considered the report of the Corporate Director of Children and Young People's Services that introduced a new Special Educational Needs and Disability (SEND) Strategy for the county for the period 2022-24.

The current SEND Strategy for County Durham required review and a new strategy had been developed through extensive stakeholder engagement as well as reference to required legislative frameworks, other related county strategies and the public consultation undertaken on the High Needs Block funding.

At the heart of the approach to the SEND Strategy was a vision for children and young people with special educational needs and disabilities that was the same as for all children and young people in County Durham: that they are safe and part of their community, have the best start in life, have good physical and mental health, and gain the education, skills, and experiences to prepare them for adulthood.

The Strategy vision, aims and indicators were consistently supported by all stakeholders. The implementation and further development of the Strategy would be supported by the SEND strategic partnership and agreement to this partnership Strategy was also being sought through the Health and Wellbeing board on the 11 May 2022.

Decision:

The Cabinet adopted the SEND Strategy 2022-24

High Needs Block Funding for SEND and Inclusion Support

Summary

The Cabinet considered the report of the Corporate Director of Children and Young People's Services that provided an update on spend and pressures on the High Needs Block (HNB) of the Dedicated Schools Grant (DSG), which supported Special Educational Needs and Disability (SEND) and inclusion support services for children and young people living in County Durham.

The 2021/22 forecast financial outturn position was outlined, along with the latest five-year financial plan and project updates, which collectively aimed to help ensure HNB spending was maintained within budget and the accumulated deficit in the HNB was recovered between 2020/21-2024/25.

The HNB budget of the Dedicated Schools Grant (DSG) provided funding for SEND and Inclusion support services for children and young people in County Durham.

There had been insufficient resources to support children and young people with SEND and inclusion needs in recent years. This was due to a combination of factors to include increasing demand for services, increasing complexity of additional needs in children and young people and austerity in the public sector. This position was replicated in many other local authorities.

Despite some previous support from the Council's own resources, spending pressures resulted in a growing deficit in County Durham's DSG account between 2015/16 and 2019/20.

Spending on SEND and inclusion needs exceeded HNB grant by £8.6 million, and the cumulative deficit on the HNB reserve stood at £5.7 million at the end of 2019/20 financial year.

Following an increase in the HNB allocation in 2019/20 and continued work on the HNB sustainability programme, expenditure from the HNB grant was overspent by £2.3 million in 2020/21, raising the cumulative deficit on the HNB DSG to £8.0 million at the end of that financial year.

The Quarter 3 Forecast for 2021/22 had predicted a £1.7 million overspend on the HNB budget and a cumulative deficit of £9.7 million, at the end of 2021/22 financial year.

Although expenditure had continued to exceed HNB grant, this was an improved position compared to recent years when overspends were substantially higher.

The HNB Five Year Financial Plan was set to recover the deficit that had accumulated in the HNB by 2023/24.

Work was underway to ensure that services were provided within budget and change proposals relating to the below areas of focus were delivered, as agreed by Cabinet in January 2020:

- Centrally Managed Services;
- Special Schools;
- Top-Up Funding (TuF);
- Targeted Support Funding (TSF);
- Post 16 Funding;
- Funding support to Partnerships of Schools;
- Joint Commissioning of Paediatric Therapies;
- Joint commissioning of Equipment, Auxiliary Aids and Adaptations;
- Alternative Provision (AP) and the Pupil Referral Unit (PRU).

The report provided an update on progress on the latest work. The latest financial position and updated HNB five-year financial plan was also presented for Cabinet's consideration.

It was proposed that the SEND and Inclusion Resources Board (SIRB) continued to oversee the implementation of the work programme to deliver the proposed changes, the five-year financial plan and any impact from the continuing coronavirus pandemic. This included plans to review the overall programme during 2022/23 linked with the updated County Durham SEND strategy and the national review of SEND, which was due to be published by the Government in the spring 2022.

Decision:

The Cabinet:

- (a) noted the updated assumptions and forecast position for HNB spend in 2021/22;
- (b) agreed to the updated five-year financial plan for 2020/21-2025/26 which included a deficit recovery plan for previous HNB overspend to be recovered;
- (c) agreed to the five-year plan being regularly reviewed and updated, including allowing for any impacts from the coronavirus outbreak and subsequent recovery period which may be protracted in relation to SEND support needs; and
- (d) noted the progress on the transformation projects and other work outlined in the report.

Apprenticeship Strategy 2022 – 2025

Summary

The Cabinet considered the report of the Corporate Director of Resources To adopt the council's updated Apprenticeship Strategy for the period 2022 - 2025.

The council's apprenticeship strategy and programme were an integral part of the council's approach to address current and future skills needs. Apprenticeships helped the Council to attract and retain the very best talent and to benefit from a skilled, motivated and flexible workforce to deliver high quality services to the Council's communities.

The strategy was aligned to the council plan and specifically linked to the ambition for a thriving economy with more and better jobs and fewer people suffering from the hardships of poverty and deprivation, most notably through the strategic objectives to give young people access to good quality education, training, and employment, and to help all people into rewarding work. It was also pivotal to the council ambition to create a workforce for the future.

The strategy was also aligned to the Council's Workforce, Regeneration, Procurement, Special Educational Needs and Disabilities (SEND) and Autism strategies together with the council's values and the council's strategic approach to supporting and sustaining care leavers and people with disabilities in employment.

The council introduced its first Apprenticeship Strategy in April 2019, this detailed what the Council wanted to achieve as an employer and the positive action the council would take to increase the number and range of apprenticeships and to support apprentices into sustainable employment with the council as part of the wider Workforce Strategy. The report detailed key achievements made up to 31 March 2022, as part of the strategy.

The Apprenticeship Strategy had been updated to reflect the continued commitment to progressing the apprenticeship programme as part of the Workforce Strategy, which was linked to the strategic workforce planning approach and people strategies.

Decision:

The Cabinet approved the adoption of the updated Apprenticeship Strategy 2022 – 2025.

Poverty Strategy and Action Plan

Summary

The Cabinet considered the report of the Corporate Director of Resources to provide Cabinet with an update on the work to ensure there was a coherent and co-ordinated strategic approach, both within the council and across the Council's partners to address poverty across County Durham.

To seek approval to consult on a revised County Durham Poverty Action Plan which sets out a comprehensive response to the impacts of the wide-ranging poverty issues within the county.

In the annual Poverty Issues report to Cabinet on 15 December 2021, information was presented on the progress made by the council and its partners in addressing poverty issues across the county. The report described

the work of the council and partners to address and help alleviate the pressures which contributed to vulnerability arising from an individual's inability to meet their personal needs.

The Cabinet report was then presented to Corporate Overview and Scrutiny Management Board; with their feedback influencing the strategy refresh approach.

There were a number of critical factors influencing financial insecurity that had been magnified in recent times: including the continued impact of the coronavirus pandemic; rising living costs caused by inflationary pressures, in particular in relation to food, fuel, energy and utility costs; and the economic uncertainty arising from events in the Ukraine which was compounding the squeeze on household budgets.

There were lasting impacts of financial insecurity in relation to mental wellbeing and health in general; it was therefore imperative that the council and partners continued to consider key information on demand for financial and other support and ensured that low income households, particularly those in crisis, were supported as much as possible.

The council co-ordinates its efforts to tackle poverty through the Poverty Action Steering Group (PASG). This was a cross-council senior officer group, chaired by the Corporate Director of Resources and attended by the Cabinet member for Equality and Inclusion.

Partnership working was key to tackling the issues arising from poverty and during the pandemic this had been strengthened with the use of additional funding to enable those organisations to offer appropriate support when dealing with vulnerable households presenting with financial insecurity.

At the Cabinet meeting in December, it was agreed that the Poverty Strategy and Supporting Action Plan would be refreshed and brought back to Cabinet for consideration.

Work had therefore been undertaken with PASG and across services to consider the overall vision and objectives for the Strategy refresh – and the actions which would underpin delivery against the objectives set out in the Strategy.

A draft updated strategy and action plan had been developed as a result of that review process and was presented for consideration. It was proposed that further consultation was carried out to ensure that partners and other key strategies, such as the emerging Inclusive Economic Strategy were fully aligned. A further report would then be brought back to Cabinet following that consultation to update the Poverty Strategy and Supporting Action Plan in line with that feedback.

Decision:

The Cabinet:

- (i) noted the contents of the report;
- (ii) approved the revised Poverty Strategy and Action Plan for wider consultation and engagement with partners and stakeholders; and
- (iii) noted that a further report be brought back to Cabinet following that consultation to update the Poverty Strategy and Supporting Action Plan in line with that feedback.

North East Screen Industries Partnership

Summary

The Cabinet considered the report of the Corporate Director of Regeneration Economy and Growth that sought approval to contribute to the North East Screen Industries Partnership region-wide development programme, and implementation of the associated Memorandum of Understanding (MOU) with the BBC.

In early 2021, the BBC published a pan-UK commissioning strategy – ‘The BBC Across the UK’ – and announced its commitment to increase out-of-London production by 10% by 2028 (equivalent to £700m of expenditure). This strategy sets out to ensure increased representation of communities throughout the UK across all BBC platforms and increase commissioning spend in the nations and regions.

This reflected one of the public purposes set out in the BBC’s Royal Charter: ***To reflect, represent and serve the diverse communities of all of the United Kingdom’s nations and regions and, in doing so, support the creative economy across the United Kingdom.***

As a result of the new strategy, the BBC had sought to increase its presence in the regions, to improve the diversity of its own commissions and in order to stimulate the growth of a wider screen industries ecology.

A memorandum of Understanding (MoU) was developed between the BBC and NE local authorities and combined authorities. The MoU established the North East Screen Industries Partnership (NESIP) as the delivery vehicle for joint activity, and set out the intention of the BBC to invest up to £25 million in regional programming over a five year period and a target to seek investment from the region of £11.4 million to support the development of a viable screen industries ecology in the region.

North of Tyne Combined Authority had contracted a broadcast consultant to develop a full business case on behalf of NESIP as a whole and with input from all constituent authorities.

Detailed governance arrangements were undergoing development. Durham's place on the proposed strategic or delivery boards would be defined through the LA7 Chief Executive & Leaders Group. If Durham was successful in its bid for UK City of Culture 2025 it was anticipated that a specific board place would be agreed. Previous UK cities of Culture had all developed formal partnerships with the BBC and other broadcasters.

The activity and development programme undertaken through the MoU would help realise the proposed film and TV strand for City of Culture 2025 and support significant skills development and future employment.

In addition, the anticipated impacts from NESIP would support the growth of creative industries in the region and the county. Research carried out by Durham University for Durham's UK City of Culture bid identified that spill-over and multiplier impacts were more likely in Creative Industries than in other sectors and that there was evidenced potential for growth in the county's creative industries sector.

Decision:

The Cabinet:

- (a) Approved a financial contribution of £158,481 to be made to the North East Combined Authority (NECA), in respect of the development programme to be implemented during the 2022/23 financial year, funded from corporate contingencies in year.
- (b) Authorised the Corporate Director of Regeneration, Economy and Growth, in consultation with the Corporate Director of Resources the Cabinet Member for Economy and Partnerships and Cabinet Member for Finance to agree the associated Business Case and delivery arrangements relating to the MoU on the terms set out in the report in conjunction with NECA and its constituent local authorities, the North of Tyne Combined Authority (NTCA) and the Tees Valley Combined Authority (TVCA).
- (c) Authorised the Corporate Director of Regeneration Economy and Growth in consultation with the Corporate Director of Resources, Cabinet Member for Economy and Partnerships and Cabinet Member for Finance, to approve the terms of a Grant Funding Agreement with Northern Film and Media (as the regional screen agency) in respect of the 2022/2023 financial contribution alongside the equivalent contributions of the constituent local authorities within NECA.

- (d) Noted that any recurring commitment beyond 2022/23 would need to be included in MTFP(13) planning and be subject to a separate report in line with the outcomes of the business case being developed through the North East Screen Industries Partnership (NESIP).

The Cabinet resolved to exclude the press and public by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 during discussions on agenda item 15.

Tees Valley Energy Recovery Facility Local Authority Special Purpose Vehicle, Key Decision No. NCC/02/22

Summary

The Cabinet considered the report of the Corporate Director of Neighbourhoods and Climate Change to update Members on progress since Cabinet approval was gained on 8 July 2020 to participate in a joint procurement for a residual waste treatment solution, the Tees Valley Energy Recovery Facility.

Decision:

The recommendations in the report were approved.

Helen Lynch
Head of Legal & Democratic Services
8 April 2022