



## RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **WEDNESDAY 25 JANUARY 2012**.

These decisions will come into force and may be implemented from **6 February 2012** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

### **Report on a Review of Learning Disability Respite services and recommendations on changes to the in- house services** **Key Decision AWH/03/11**

#### **Summary**

**The Cabinet considered a report of the Corporate Director, Adults, Wellbeing and Health that presented findings following the review of Durham County Council (DCC) learning disability respite services, and made recommendations on the future of Dean Lodge in the light of the Medium Term Financial Plan (MTFP), and taking account of the results of the consultation detailed in the report.**

Respite is a service which provides periods of care for a person away from their carer. Respite services can be planned in advance or provided in an emergency, for example, when a carer is unwell. Respite services are important to service users, their families and carers. The Council remains committed to meeting the needs of service users through the use of respite services but it also needs to take account of: changes in demand; new opportunities being offered in the social care market; and the need to ensure that services operate efficiently and represent the best value for money. DCC spends approximately £1.7M annually on learning disability respite services and is providing new forms of respite where possible. As at 21.10.11 there were 343 learning disability service users accessing respite services.

In County Durham most learning disability respite services are provided through:

- Durham County Council building-based services at Hawthorn House (Newton Hall, Durham) and Dean Lodge (Ferryhill).
- A 'Shared Lives' service where service users take respite in a family or individual's home. The people who provide this service in their homes are paid by the Council. The Council oversees the service to ensure it meets quality standards.
- Independent residential care services provided by the market.

- Independent specialist respite services offering different models of service (e.g. respite in the service users own home).
- Service users also have the option of using a Personal Budget to purchase a respite service of their choice.
- All services provided or purchased by the Council are monitored for quality and performance and protected by safeguarding procedures and are only provided in response to assessed needs.
- The percentage split of service users accessing the above provision is as follows: Hawthorn House 28%; Dean Lodge 12%; Shared Lives 39%; Independent Sector 12%; Direct Payments 9% (figures as at 21.10.11).

The need to secure value for money to meet the MTFP and changes in demand and occupancy levels have prompted a review of in house building based learning disability respite services. The review has focused on a number of factors including demand, achieving value for money, carer and service user views and the future shape of services.

The consultation on the future of learning disability respite has identified that the majority of Dean Lodge service users are opposed to its potential closure. Amongst the reasons put forward by service users and stakeholders for retaining Dean Lodge are the difficulties some service users would have in adjusting to change, perceptions about the expertise within the service for supporting people with high level health needs and concerns over whether there is sufficient capacity in existing services to be able to meet demand. Adults Wellbeing and Health has extensive experience and expertise in supporting vulnerable service users through change. The service is confident that it could mitigate against negative impact on service users.

Information indicates that there is sufficient capacity to meet the needs of service users within alternative DCC services and the wider care market. Alternative services could be provided with improved value for money for the Council.

There are a number of other re-provision costs that would be incurred if Dean Lodge closed. The total re-provision cost is calculated as £120,000 and net savings of £510,000 could be made by closing this service without reducing the amount of respite that service users and carers access. Durham County Council is providing two building based respite services where one would be sufficient to meet needs.

An Equality Impact Assessment (EIA) has been undertaken to identify any potential negative consequences from proposed changes to respite care, and to mitigate against these. The EIA has identified the main impacts that would arise from the closure of Dean Lodge, and also the mitigating factors that could be put in place to reduce any negative impact. They indicate that there are potential impacts relating to age, gender and disability which would need to be managed in any transitional arrangements:

## **Decision**

The Cabinet: -

- Agreed to close Dean Lodge learning disability respite service.
- Noted that service users would continue to receive respite in line with their assessed level of need, and carer assessments will also be offered.
- Delegated to the Corporate Director for Adult Wellbeing and Health, in conjunction with the Portfolio holder, responsibility for developing and implementing a plan to close the service and re-provide for existing service users in a time scale which maximises positive outcomes and minimises and manages risks.

## **Management Options Appraisal Phase 1: Setting up of a Charitable Trust to Manage the Council's Sport, Leisure, Cultural and Library Services Key Decision NS/05/2011**

### **Summary**

The Cabinet considered a joint report of the Corporate Director, Neighbourhood Services and Corporate Director, Adults Wellbeing and Health which set out details of the Management Options Appraisal undertaken to establish the most suitable option(s) available for the future management of a range of services including Sport and Leisure, facilities and services, Museums, Libraries, and Outdoor learning centre at Middleton-in-Teesdale. An 'in principle' decision was sought for the potential transfer of some, or all, of these services to a Non-Profit Distributing Organisation (NPDO) subject to further work to establish the best option for the Council whilst agreeing a project plan and milestones to deliver this project.

The Council's Medium Term Financial Plan (MTFP) includes a number of savings proposals linked to the Management Options Appraisal (MOA) process. The principle aim of the MOA being to identify future management arrangements best suited to providing optimal value for money, whilst still meeting the Council's strategic priorities.

To assist development of the MOA, specialist independent advisors, Winckworth Sherwood, were appointed by the Council in April 2011. They have carried out a wide range of interviews with Officers, Elected Members (including the Leader and Deputy Leader) and key partner stakeholders. Winckworth Sherwood have also reviewed and analysed extensive financial and other relevant information provided by the Council, producing a report detailing their findings.

**Subject to an 'in principle agreement', officers would prepare information on which a decision as to whether to transfer services into a charitable NPDO can be made. In order to make that decision, detailed information relating to transfer arrangements will need to be given. These will be contained within a Service Delivery Plan that will form the main proposal from any new entity for the provision of services.**

**In addition, it will be necessary to satisfy the Council that arrangements for staff, legal issues and corporate impact matters have been adequately dealt with, together with the confirmation of financial savings. This information, together with the Service Delivery Plan, will form the basis of a future report. It**

would be proposed that a Members seminar also be held in relation to the Service Delivery Plan, prior to it being presented to Cabinet.

The phase 1 of the MOA concludes that the Council establishes a charitable NPDO or transfers its services into an existing NPDO. The Council's in-house services, together with those managed through Leisureworks, at their discretion, should form part or all of the new arrangement.

This will require the Council and Leisureworks to work collectively to consider the detailed implications of such a move before any transfer is undertaken. This will represent a significant amount of work for both parties. It is, therefore, recommended that a framework be put in place through which all issues can be considered and communicated including the exact form and legal structure of any new NPDO

Consideration to the Leisure Connections contract would also be addressed in phase 2 of the project.

In order to progress matters a Project Board has been established of relevant senior officers and portfolio-holders. This group will oversee the development of any future work on the project.

In working towards the establishment of a new cultural and leisure trust, there is a great deal of detail to be worked out and arrangements put in place. A detailed schedule has been drawn-up which suggests that a reasonable timeframe, subject to Members' approval, to transfer to a new entity would be autumn 2012.

## **Decision**

The Cabinet approved:

- (a) an 'in principle' decision to establish a charitable Non Profit Distributing Organisation as the preferred vehicle for those services outlined in Section 10 of this report is approved;
- (b) subject to confirmation of a non-contestable market from the existing NPDO sector, work to develop a new NPDO be progressed in-house;
- (c) further consideration is given to the inclusion of service areas identified in the report;
- (d) that both recommendations (b) and (c) are subject to a delegated decision of the Corporate Directors of Neighbourhood Services , Adults, Wellbeing and Health and Children's and Young People's Services, in consultation with their respective portfolio holders and in consultation with the Corporate Director of Resources and the Cabinet Member for Resources;
- (e) a further report is prepared, in relation to any final decision to transfer, in line with the schedule proposed in the report.

## **Heart of Teesdale Landscape Partnership: Governance**

## Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development that provided an overview of current governance and management arrangements for the Heart of Teesdale Landscape Partnership (HoT) within the framework of the Heritage Lottery Fund (HLF) national scheme; its relationship with Durham County Council (DCC) and Barnard Castle Vision (BCV); and recommendations as to the future governance of the Partnership during the main implementation phase, programmed to last from late 2011 to early 2016.

The prime objective of the Heart of Teesdale Landscape Partnership's work is to inspire people to re-discover the landscapes of Teesdale, celebrate its unique beauty and character, and benefit from its rich cultural heritage and potential. A Local Conservation Action Plan was submitted as part of the HLF bid and contains over 100 locally based projects, put together with extensive community engagement. The Partnership has worked hard to involve a wide range of local interests to bring forward ideas and plans for a programme of activities. The projects arising will be expected to provide major public and community benefit.

HLF confirmed a grant of £1,895,700 on the 14 September 2011. The DCC contribution is £519,514 which, together with other match funding gives a total project value of £3,116,300. DCC is the accountable body for the project.

The strategic context for this scheme lies within a co-ordinated cache of similar DCC projects including the Limestone Landscapes, North Pennines AONB Partnership and Durham Heritage Coast.

The Partnership is one of some 45 Landscape Partnerships so far developed across the UK under a national scheme established by the Heritage Lottery Fund.

## Decision

The Cabinet:

1. Approved the new Heart of Teesdale Landscape Partnership Terms of Reference;
2. Noted the implications of representation for Durham County Council in relation to the Partnership, particularly in terms of its own nominees and endorsement of other members including the Chair and Vice Chair;
3. Approved Durham County Council's continued role as a key partner and accountable body, including the signing of the new Heart of Teesdale Landscape Partnership Agreement;
4. Endorsed the proposals to implement formal Memoranda of Understanding between the Heart of Teesdale Landscape Partnership and Barnard Castle Vision and Durham County Council.
5. Agreed the delegated approval for the Corporate Director of Regeneration and Economic Development to agree the final documents for circulation.

## **North Pennines Area of Outstanding Natural Beauty (AONB) Building Design Guide And Planning Guidelines**

### **Summary**

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development that considered the North Pennines Area of Outstanding Natural Beauty (AONB) Building Design Guide and Planning Guidelines and which sought agreement to recommend that Council endorses them as supplementary guidance to be included as part of the County Durham Plan.

The North Pennines AONB Partnership is responsible for co-ordinating efforts to conserve and enhance the AONB. The management of AONB's is a statutory function of local authorities under the Countryside and Rights of Way Act (CRoW) 2000.

The North Pennines AONB Building Design Guide updates and replaces two documents, already endorsed by the County Council and the former Derwentside, Teesdale and Wear Valley District Councils; the Guide on Good Practice in the Design, Adaptation and Maintenance of Buildings and the Agricultural Building Design Guide for the North Pennines AONB. The new Building Design Guide is designed to help implement planning, design and conservation policies relating to the AONB that are contained in the three relevant Local Authorities statutory development plans. It seeks to help generate increased consistency of approach towards matters of building design and building conservation across the AONB.

### **Decision**

The Cabinet endorsed The North Pennines AONB Building Design Guide and North Pennines AONB Planning Guidelines as supplementary guidance under provisions in paragraph 6.3 of Planning Policy Statement 12 to assist the Local Planning Authority in considering and determining planning applications within the area designated as the North Pennines Area of Outstanding Natural Beauty;

## **European Social Fund, Families with Multiple Problems Programme**

### **Summary**

The Cabinet considered a joint report of the Corporate Director, Regeneration and Economic Development, Corporate Director, Children and Young People's Services and Corporate Director, Adults Well Being and Health that provided an update on the Department for Work and Pension's preferred bidder for the North East Contract Package Area (CPA) to deliver the European Social Fund (ESF) Support for Families with Multiple Problems provision and identified the implications for County Durham, and which sought approval for the Corporate Director to utilise delegated powers to enter into negotiations and complete contract documentation and deliver the programme in County Durham.

Department of Works & Pensions (DWP) is using around £200m of funding it receives from the ESF to help families with multiple problems overcome barriers to employment. This provision will support the wider cross- government Welfare to Work agenda to help improve the lives of families with multiple problems.

This provision is aimed at individuals in multi generational families with multiple problems that require support to move into employment. The recent DWP co-design of services report highlights that many of these families are already known to and receiving support from local authorities; therefore, local authorities will be the prime means for identifying families/households to participate in this provision.

The Government has recently announced a further funding opportunity for Councils to work with Families that currently require multi agency support and have suggested the appointment of a “Family Co-ordinator” within each authority. Initial development funding has been made available to Councils, with the Think Family Board taking a lead on this.

While a great deal of service integration and linkage has already been undertaken as part of the roll-out of the One Point service offer, it is envisaged that the appointment of the Coordinator would ensure that delivery of the existing Think Family related projects including this ESF contract will be maximised, ensuring the most appropriate families are targeted, the required interventions are appropriately resourced and duplication of referral does not occur. Further information will be made available once the Durham approach has been agreed with the Department for Communities and Local Government.

## **Decision**

The Cabinet:

- Noted the extra opportunities provided by the ESF Families with Multiple Problems programme to support disadvantaged individuals and families in County Durham.
- Agreed that The Corporate Directors for Regeneration and Economic Development and Resources utilise delegated powers to enter into negotiations and complete contract documentation and deliver the ESF programme in County Durham.

**Decision made in Part B of the meeting- report contains exempt or confidential information**

## **The Former Easington Colliery School**

### **Summary**

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development relating to the Former Easington Colliery School.

### **Decision**

That the recommendations in the report be approved.

Colette Longbottom  
Head of Legal and Democratic Services  
27 January 2012