



## **Local Government Act 1972**

**I Hereby Give You Notice** that an **Ordinary Meeting** of the **Durham County Council** will be held in the **Council Chamber, County Hall, Durham** on **Wednesday 23 July 2014** at **10.00 am** to transact the following business:-

1. To confirm the minutes of the meeting held on 18 June 2014 (Pages 1 - 8)
2. To receive any declarations of interest from Members
3. Chairman's Announcements
4. Leader's Report
5. Questions from the Public
6. Petitions
7. Report from the Cabinet (Pages 9 - 22)
8. Community Governance Review of Barnard Castle - Report of Head of Legal and Democratic Services (Pages 23 - 32)
9. Request for Reduction of Council Size: Greencroft Parish Council - Report of Head of Legal and Democratic Services (Pages 33 - 38)
10. Proposed Changes to the Constitution - Delegations to the Corporate Director, Regeneration and Economic Development, and Corporate Director, Neighbourhood Services - Report of Head of Legal and Democratic Services (Pages 39 - 56)
11. The Openness of Local Government Bodies Regulations 2014 - Report of Head of Legal and Democratic Services (Pages 57 - 62)

12. County Durham Youth Justice Plan 2014/16 - Report of Corporate Director, Children and Adults Services (Pages 63 - 90)
13. Overview and Scrutiny Annual Report 2013/14 - Report of Assistant Chief Executive (Pages 91 - 110)
14. Audit Committee Progress Report for the period October 2013 to May 2014 - Report of the Audit Committee (Pages 111 - 118)
15. Draft Annual Governance Statement for the year April 2013- March 2014 - Report of Corporate Director, Resources (Pages 119 - 138)
16. Motions on Notice

**Councillor Wilkes to Move**

*Durham County Council resolves:*

- a) to become a Living Wage Employer at the earliest possible opportunity and no later than the start of the next financial year;*
- b) to use these positive steps to promote the introduction of the Living Wage for all County Durham employees in both the public and private sector; and*
- c) to urge the government to increase the minimum wage to the level of the living wage as soon as is practicable.*

17. Questions from Members

**And** pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting

Dated this 15th day of July 2014



Colette Longbottom  
Head of Legal and Democratic Services

**To: All Members of the County Council**

**DURHAM COUNTY COUNCIL**

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 18 June 2014 at 10.00 a.m.**

**Present:**

**Councillor J Robinson in the Chair**

Councillors E Adam, J Alvey, L Armstrong, B Avery, A Batey, A Bell, E Bell, J Bell, R Bell, H Bennett, J Blakey (Vice-Chairman), G Bleasdale, A Bonner, D Boyes, J Brown, C Carr, J Chaplow, J Charlton, J Clare, J Clark, P Conway, J Cordon, K Corrigan, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, S Forster, N Foster, D Freeman, I Geldard, B Glass, B Graham, J Gray, O Gunn, S Guy, C Hampson, J Hart, K Henig, S Henig, D Hicks, J Hillary, A Hopgood, K Hopper, L Hovvells, O Johnson, A Laing, P Lawton, J Lee, J Lethbridge, R Lumsdon, L Marshall, N Martin, P May, J Measor, B Moir, A Napier, T Nearney, M Nicholls, H Nicholson, P Oliver, R Ormerod, T Pemberton, M Plews, C Potts, L Pounder, G Richardson, J Rowlandson, A Savory, K Shaw, M Simmons, T Smith, W Stelling, B Stephens, D Stoker, P Stradling, A Surtees, P Taylor, O Temple, K Thompson, R Todd, E Tomlinson, J Turnbull, A Watson, M Wilkes, M Williams, A Willis, C Wilson, S Wilson, R Young and S Zair

Apologies for absence were received from Councillors B Alderson, J Allen, B Armstrong, J Armstrong, D Bell, P Brookes, J Buckham, P Charlton, P Crathorne, D Hall, B Harrison, M Hodgson, G Holland, E Huntington, S Iveson, I Jewell, C Kay, H Liddle, J Maitland, C Marshall, J Maslin, P McCourt, O Milburn, S Morrison, A Patterson, S Robinson, A Shield, J Shuttleworth, M Simpson, L Taylor, A Turner and R Yorke

**1 Minutes**

The minutes of the meeting held on 21 May 2014 were confirmed by the Council as a correct record and signed by the Chairman.

**2 Declarations of interest**

There were no declarations of interest in relation to any items of business on the agenda.

**3 Chairman's Announcements**

**(a) Queen's Birthday Honours**

The Chairman reported that the Council's Corporate Director of Children and Adults Services, Rachael Shimmin had been awarded an OBE for Services to Social Care. Durham County Councillor, Councillor Anita Savory had been awarded an MBE for public and voluntary services to communities in Weardale and Wolsingham and the

Chief Constable of Durham Constabulary, Mike Barton, had been awarded the Queens Police Medal, in the Queen's Birthday Honours.

**Resolved:**

That the Council place on record its congratulations to Rachael Shimmin, Councillor Savory and Mike Barton on their honours.

**(b) Charity fundraising**

The Chairman announced and placed on record his congratulations to Councillor Laing who had raised £1020 for 'Help for Heroes', on the 21 May 2014. The Council expressed their appreciation for Councillor Laing and gave her a round of applause.

**(c) Stanley School Bus Crash**

The Chairman referred to the recent bus crash which occurred in Stanley. A joint letter from the Chairman and Vice-Chairman had been sent to staff and pupils of St Bede's, Lanchester and Tanfield School, expressing their best wishes. The Chairman also placed on record his appreciation for all the hard work of the emergency services involved in the incident which occurred on 3 June 2014.

**(d) Conduct at meetings**

For the benefit of those Councillors who had not been present at the annual meeting of the Council, the Chairman reminded the Council that, at the conclusion of meetings, all Councillors were to remain in the Chamber. This was to allow himself, the Vice-Chairman and Officers on the dais to exit the Chamber. Councillors would then be free to leave the Chamber. The Chairman also reminded Councillors that they should rise and address the Chairman when speaking.

**4 Leader's Report**

Councillor Henig provided the Council with an update report which included the following:

The County Council had already cut £110m from its annual budget in 2010 and would have to have to make similar cuts over the next three years. Recent presentations by the government had left the Council in no doubt that there would be worse times to follow. All services would need to be reviewed and the number of Council owned buildings would need to radically reduce. Expressions of interest from community groups to take over the running of facilities had already commenced. The Leader of the Council stated that the traditional model of service delivery, by a local authority, providing local services, was no more.

The Leader of the Council announced that the Council would continue to help residents wherever possible and highlighted that the governments 'bedroom tax' had impacted on 7,500 residents across County Durham. Discretionary payments and the Council Tax reduction scheme had helped to keep rent arrears down across the County.

The Welfare Assistance Scheme which helped the most vulnerable of residents had helped over 900 people in 2013/14, with around £365,000 worth of assistance.

The Council had also set aside £500,000 towards an employability scheme and the County Council would continue to assist residents through the austere times.

Two meetings of the Combined Authority had been held since its creation in mid-April. The Leader of the Council had been elected as Chair. The Authority had also met with the Rt. Hon. Gregg Clarke MP.

The Leader had visited the Hitachi site at Newton Aycliffe which he reported was progressing well.

The County Durham programme of events and festivals had commenced with the Bishop Auckland Food Festival and Pearl Izumi Tour Series. The next event would be the Streets of Brass Festival in Durham City.

## **5 Questions from the Public**

A number of questions had been received from the public, briefly summarised as follows:-

- i. garage tenancies and rights in the East Durham area;
- ii. respite care for elderly carers;
- iii. voting on the closure of each home individually in the review of residential care services;
- iv. the County Council's justification with regard to the closure of Newtown House and how could the Council provide a comprehensive integrated health and social care solution close to people's homes in Weardale if residential care is missing from the equation;
- v. statements made by the Council regarding Newtown House;
- vi. the Overview and Scrutiny function and its exercise of its right to 'call in' a key decision;
- vii. the criteria used by the Council used for measuring how much importance was attached to the outcome of the public consultation regarding care homes;
- viii. the number of occasions in the recent past where the outcome of public consultation subsequently been clearly reflected in the decision taken by Durham County Council;
- ix. reconsideration of the Council's decision to close Newtown House;
- x. adequate care for the people of Weardale in Weardale;
- xi. rural proofing and the unique needs of the ageing population in the rural community of Weardale;
- xii. Have the County Council made a reasonable effort to ensure that Newtown House remains viable and remains open;
- xiii. human Rights and respect of the United Nations Principles on Rights of Older Persons with regard to a person's participation, self-fulfilment and dignity;

With reference to the first question, (regarding garages in the East Durham area). The gentleman was unable to attend the meeting and would receive a written response to his question following the meeting. Responses to the other questions were made by the relevant Cabinet Portfolio Holders.

The Head of Legal and Democratic Services informed the Council that all those who had submitted questions would receive a written response to their questions and both the questions and responses would be published on the Council's website, following the meeting.

## **6 Petitions**

There were no petitions for consideration.

## **7 Report from the Cabinet**

The Leader of the Council provided the Council with an update of business discussed by the Cabinet at its meetings held on 16 April and 7 May 2014 (for copy see file of Minutes).

Councillor Martin referred to Item 14 of the Cabinet report (Non Residential Car Parking Standards) and queried why key users of parking spaces such as bicycle users or disabled users had not been consulted on the issue, given that they had a clear interest relating to the issue.

Councillor Foster explained that he would endeavour to provide an answer to Councillor Martin once he had investigated the issue and explained that the County Council had an excellent relationship with bicycle groups in the County.

## **8 Request for Dispensation**

The Council considered a report of the Head of Legal and Democratic Services which sought a dispensation for County Councillor Joe Buckham (for copy see file of Minutes).

The Head of Legal and Democratic Services informed the Council that Councillor Buckham had been unable to attend any qualifying meetings since 23 January 2014 following a prolonged period of illness.

**Moved** by Councillor A Laing, **Seconded** by Councillor L Marshall and

### **Resolved**

That a dispensation be granted to Councillor Buckham on the grounds of ill health.

## **9 Motions on Notice**

In accordance with a Notice of Motion, it was **Moved** by Councillor A Savory, **Seconded** by Councillor R Bell:

*This Council requests that the Cabinet reconsider their decision to close the residential care home facility at Newtown House in Stanhope, on the grounds of the geographical location and the lack of local alternative provision. Closure would violate the dignity of the elderly and cause severe hardship and suffering to both residents and their families.*

In moving the motion, Councillor Savory commented that the strength of feeling was still so high amongst the people of Weardale and that Newtown House deserved special consideration given its excellent reputation and the significance, rural setting and its overall importance to Weardale.

Councillor Watson explained that there was a belief that Council's existed for people and had a duty to the taxpayer and added that Newtown House appeared fairly critical to the well-being of people and critical to the economy in Weardale. Councillor Watson queried why the Council had invested £190,000 in Newtown House over the last three years, if it knew it was going to earmark the home for closure. Councillor Watson explained that there appeared much confusion about the decision being possibly flawed and informed the Council that above all, the process had to be transparent.

Councillor Stelling informed the Council that the 'modernisation of care services for older people' began in 2001. This had appeared to have escalated into a home closure programme. Councillor Stelling commended everyone who had made a compelling case to keep Newtown House open and felt that the Council owed a duty of care to provide a service in the Weardale area.

In seconding the motion, Councillor R Bell questioned the rural proofing aspect of the decision and asked the Council to treat the rural west area as they did other parts of the County. The decision meant that there was no adequate local provision and families would end up having to make a much longer round visits.

Councillor Richardson commented that his Electoral Division bordered Weardale and the decision to close Newtown House had caused a lot of anxiety in the immediate and surrounding area.

Councillor Temple explained that no-one was in doubt that the Cabinet had made a very difficult decision but added that it would be a more difficult decision for the Cabinet to give due consideration to the representations that had been made and carefully consider the situation again, which presented a special individual case.

Councillor Wilkes referred to a response provided to one of the questions that 'local authorities should make all reasonable efforts to ensure care homes remain viable and stay open' and felt that 'reasonable' in this instance essentially put the Council at risk and explained that the right and proper course of action would be to reconsider the Cabinet's decision regarding the closure of Newtown House.

Councillor Napier explained that all decisions were looked at 'in the round' and affordability and sustainability. This applied to every single decision the Cabinet were being required to make in such austere times. Councillor Napier also referred to the future savings required by the Council in future years as outlined in the

Leader's report and given that the government appeared intent on continuing with public sector cuts, this would inevitably lead to the Council making more unpopular decisions.

Councillor Nicholls stated that the Cabinet report was not flawed and had been looked at through Scrutiny, in the correct and proper way. The decision was made by the Executive. Under such arrangements, executive decisions could not be taken by the full Council, therefore the decision had been made by Cabinet, which was subject to call-in, but had not been called in.

Councillor Nicholls also explained that it was one of the most difficult decisions he had been involved in since his election in 1981 and assured the Council that all of the matters raised in the motion were considered very carefully and nothing had changed since the decision had been made.

Councillor Hopgood clarified that the only issue discussed in Scrutiny was not the closure of the care homes, but the consultation process where around 94-96% of the consultation responses related to Newtown House.

A recorded vote was requested in accordance with Council Procedure Rule 16.4. The result of the vote was as follows:

**For the motion (23)**

Councillors A Bell, R Bell, J Charlton, D Freeman, D Hicks, A Hopgood N Martin, P May P Oliver, R Ormerod, G Richardson, J Rowlandson, A Savory, M Simmons, W Stelling, D Stoker, O Temple, K Thompson, A Watson, M Wilkes, A Willis, R Young and S Zair.

**Against the motion (68)**

Councillors E Adam, J Alvey, L Armstrong, A Batey, E Bell, J Bell, H Bennett, J Blakey, G Bleasdale, A Bonner, D Boyes, J Brown, C Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, K Corrigan, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, S Forster, N Foster, I Geldard, B Glass, B Graham, J Gray, O Gunn, S Guy, C Hampson, S Henig, K Henig, J Hillary, K Hopper, L Hovvells, O Johnson, A Laing, P Lawton, J Lee, J Lethbridge, R Lumsdon, L Marshall, J Measor, B Moir, A Napier, T Nearney, M Nicholls, H Nicholson, T Pemberton, M Plews, C Potts, L Pounder, J Robinson, K Shaw, T Smith, B Stephens, P Stradling, A Surtees, P Taylor, R Todd, E Tomlinson, J Turnbull, M Williams, C Wilson and S Wilson.

There were no abstentions.

The motion was **lost**.

**10 Questions from Members**

In accordance with paragraph 10.2 of the Council Procedure Rules, Councillor Wilkes asked the following question:



Is it the policy of this Council that dividends received from Durham Villages Regeneration Limited from income raised from house building in the former Durham City District Council area should as it always has been be spent within the Durham City area, where the revenues were generated in the first place, and if not, how would Cabinet members justify money being spent outside this area on housing investment especially given the fact that the Council's most recent quarterly report shows that the Council has failed to hit its own targets on house building in the Durham City area?

Councillor A Napier, Deputy Leader of the Council and Portfolio Holder for Finance thanked Councillor Wilkes for his question and responded as follows:

In terms of background, Durham Villages Regeneration Company Ltd was a joint venture between Keepmoat Homes and Durham County Council that was first established in 2001 as Durham Villages Regeneration Ltd between Keepmoat (formerly Haslam Homes) and the City of Durham Council.

It now operated with the Council identifying land for residential development and Keepmoat then providing the commercial development expertise to bring forward the house building. Full land value and a 50:50 share of development profit was received by the County Council.

In responding to Cllr Wilkes question, Councillor Napier emphasised three points:-

1. Firstly, the joint venture scheme had been working countywide for nearly five years. Following Local Government Reorganisation, the previous Durham Villages Regeneration model was re-evaluated and this led to an amendment to the Company's articles to enable it to work across the whole county rather than only within the city boundary. Councillor Napier quoted from the revised objects of the company (December 2009) which stated: "to do anything which is to achieve the promotion or improvement of the economic, social and environmental well-being of the areas, villages, neighbourhoods, localities and lands currently administered by Durham County Council." Since then various sites including sites at Spennymoor, Newton Aycliffe and Dipton had progressed through the planning system.
2. Secondly, the model had been established in very different financial times by the former City of Durham Council as a way of directing funding to some of its priority projects. The model had not operated in that way anywhere else in the county and last week, Cabinet agreed to honour the last two outstanding commitments made by the City Council before 2009. These were schemes in West Rainton and Sherburn Hill, which required the County Council to allocate £700,000 of dividend that they were due to receive from the Company, but these were the last two schemes. No further such commitments had been made since the Council became a unitary council in 2009. All of the capital receipts for land that the City of Durham Council had included in the joint venture between 2009 and 2012 had been used to offset a legacy £7.867 million loan that the City of Durham had borrowed from Keepmoat to fund the Freemans Quay development.

3. Thirdly, Durham Villages Regeneration developments no longer delivered locally ring-fenced funds. Instead, any impacts for individual communities were addressed through the Section 106 process - as they were consistently for all developments across the whole county.

In conclusion, the Council now had a countywide scheme offering valuable benefits to all areas. The Council had honoured the two City Council legacy commitments but once these were complete and paid for and a discrete fund for countywide housing regeneration formed, the County Council would use future dividend receipts to contribute to the Council's corporate financing as it would with any other income stream.

This meant that use of the Council's countywide land assets would directly contribute to addressing the unprecedented financial challenges that the Council was faced with, supporting the overall budget and allowing the Council to continue to focus resources on agreed priorities, wherever they may be in the county.

23 July 2014

Report from the Cabinet



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## Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 11 June 2014 to enable Members to ask related questions.

Members are asked to table any questions on items in this report by 2 pm on 22 July 2014 in order for them to be displayed on the screens in the Council Chamber.

## Contents

### 11 June

- Item 1      Durham Social Value Taskforce Report
- Item 2      Update on Proposed ICT Services Collaboration between Durham and Sunderland
- Item 3      NEPO Transformation – Introduction of New Arrangements for the Leadership & Governance of the NEPO Service and Regional Collaborative Procurement
- Item 4      Safe Durham Partnership Plan 2014-2017
- Item 5      Children, Young People and Families Plan 2014-2017
- Item 6      Proposal for a consultation to make play parks/area in County Durham smoke free
- Item 7      Quarter 4 2013/14 Performance Management Report
- Item 8      Durham Villages Regeneration Limited – Update and Forward Programme

**1. Durham Social Value Taskforce Report  
Cabinet Portfolio Holder – Councillor Neil Foster  
Contact – Sarah Slaven 03000 261 258**

We have considered a joint report of the Corporate Director, Regeneration and Economic Development and Corporate Director, Resources which outlined the work of Durham Social Value Taskforce and request to approve the report and action plan produced.

In Summer 2013, Durham County Council and the Federation of Small Businesses (FSB) agreed to launch a Durham Social Value Taskforce to look at ways to help small businesses and social enterprises win more contract opportunities, whilst at the same time delivering better value to the local authority. Chaired by Councillor Neil Foster, Portfolio-holder for Economic Regeneration, it was agreed that the Taskforce would run from September 2013 to January 2014 to consider and recommend ways that the Public Services (Social Value) Act 2012 might be used to help grow the local economy.

The Social Value Act came into force in January 2013 and places a duty on public bodies to consider social value before procuring goods and services. This means that public bodies must consider how what is being procured can help improve the economic, social and environmental well-being of the area.

The County Council has already made good progress in helping businesses in the County to access contract opportunities. In 2012/13, 54.4% of the Council's spend was with County Durham suppliers, and 55.6% of this amount was paid to SMEs in the County (a total value of £286.6m spent in the local economy of which £159m was spent with SMEs).

The action plan identified a series of detailed actions, many of which will be delivered as 'business as usual' by Corporate Procurement, working closely with Business Durham where appropriate.

The FSB and NEPO have approached the County Council regarding the possibility of a business briefing event for businesses and social enterprises to raise awareness around the Social Value Act, to be held jointly with Sunderland City Council. Discussions are at an early stage but such an event could provide an appropriate platform to launch the report and achieve a high profile for the work the Taskforce has undertaken.

Durham County Council was the first Council in the North East to establish a Social Value Taskforce in conjunction with the Federation of Small Businesses, and is recognised as one of the leaders in the region on this agenda. The report that the Durham Social Value Taskforce has produced identifies actions that the Council can take to further improve opportunities for small businesses whilst also delivering better value for the County Council.

## **Decision**

We have:

- a) Approved the report and action plan produced by the Durham Social Value Taskforce.
- b) Approved the proposal for an event to be held to formally launch the report.
- c) Approved that Corporate Procurement takes the lead in providing an update on progress in 12 months' time.

## **2. Update on Proposed ICT Services Collaboration between Durham and Sunderland Cabinet Portfolio Holder – Councillor Jane Brown Contact – Phil Jackman 07775 025096**

We have considered a report of the Corporate Director, Resources which advised on how, after a lot of good work undertaken to determine a business case to implement a collaborative ICT service for Durham County Council and Sunderland City Council, it has proven to be not practicable at this stage in time.

In October 2012, the Corporate Directors of Resources in Durham and Sunderland Councils agreed to develop a proposal to work in collaboration to provide a joint ICT service for both Councils.

Cabinets of both Councils agreed on 24 June 2013 to support the proposal and authorised the management of the respective ICT Services of Durham County Council and Sunderland City Council to develop a full business case to create a single ICT Service to provide services to both authorities.

Since then, the management teams worked with KPMG who were appointed to assist in the development of the business case through an existing procurement framework agreement under the direction of a Strategic Board comprising of Durham County Council's Corporate Director Resources, Sunderland City Council's Executive Director of Commercial and Corporate Services and the two Heads of ICT Services.

Working groups carried out a lot of good work and during this process a considerable amount of beneficial work was put in place as part of the preparation of the full business case.

Throughout the process, both organisations were fully committed to the strategic outcomes of the combined ICT Services and demonstrated the willingness and ability to deliver the necessary changes. However, as the business case developed, it became apparent that both Councils were at different stages in areas such as the pace of change; and Sunderland's plans

to adopt alternative service delivery models including mutualisation of services.

A considerable amount of good has come out of the joint working plans, that will not be lost and could be called on at any stage in the future, but it has proven problematical to define a common approach that will overcome these differences.

## **Decision**

We have:

- Agreed to close down the proposed collaborative ICT Programme with Sunderland for the reasons as outlined in the report.
- Noted the beneficial work undertaken in an attempt to establish a collaborative ICT service for Durham County Council and Sunderland Council that will be of practical use in any future collaboration project
- Supported the continued joint working between the two authorities in any areas where there may be a mutual benefit to do so.

### **3. NEPO Transformation – Introduction of New Arrangements for the Leadership & Governance of the NEPO Service and Regional Collaborative Procurement** **Deputy Leader of the Council – Councillor Alan Napier** **Contact – Jeff Garfoot 03000 261 946**

We have considered a report of the Corporate Director, Resources which requested our agreement for the revised arrangements for the leadership and management of the NEPO Service and Regional Collaborative Procurement.

The North East Procurement Organisation (NEPO) is responsible for organising collaborative contracts through which councils procure goods, services and works. It is governed through a Shared Services Arrangement entered into on 28<sup>th</sup> October 2010 (following Cabinet agreement 6 October 2010) by the 12 local authorities in the North East (the “LA12”). Gateshead Council is currently the host authority for NEPO (i.e. employing the NEPO staff and holding its financial assets) and supports its work with the provision of a range professional and support services. The LA12 pay an annual subscription to contribute to NEPOs’ costs.

Following an extensive review during 2013, and subsequent reports to the Regional Chief Executives’ Group, the Executive Subcommittee of NEPO, and to the ANEC Leader’s and Elected Mayors’ Board it was resolved to take steps to improve its efficiency and effectiveness, including exploring options, and then to set up arrangements, for the purpose of transforming the way in which regional procurement will be delivered in future.

Consequently it was agreed to:-

- create a revised accountability structure and strengthen member involvement with the NEPO Service via ANEC (the Association of North East Councils Ltd)
- clarify strategic leadership through ANEC's management structure and governance
- improve the operational relationships between NEPO and the LA12
- improve credibility for NEPO and provide clarity about its new role and agree areas of common purpose managing delivery and harnessing collaboration
- apply a flexible approach to local sub regional and regional procurement using NEPO or alternatives within or outside the region
- clarify what activities and procurements should be led under the NEPO branding for the LA12
- create sustainability for the NEPO Service via appropriate funding arrangements and business plans.

The Executive Sub Committee of NEPO proposed establishing a new arrangement for the governance of the NEPO Service and for regional collaborative procurement generally via ANEC, at its meeting on 9 April. It was agreed that the NEPO Joint Committee should be disestablished by the LA12 and new governance and delivery arrangements for the collaborative procurement service be created under ANEC.

These changes will require the LA12 to terminate the current Joint Committee arrangement and, through ANEC, agree a new arrangement under the Leaders and Elected Mayors' Group (as ANEC's Member Management Board) with strategic direction and advice available through the proposed member-led Collaborative Procurement Subcommittee advised by two lead Directors of Resources on behalf of the Directors of Resources Group. Under this proposal issues can if necessary be referred to the Regional Chief Executives' Group. Local Authorities will appoint members to the NEPO Collaborative Procurement Subcommittee at Cabinet/Annual Council as appropriate.

Following completion of a staffing review staff transfer arrangements will be undertaken in accordance with TUPE regulations and all existing assets and contracts will be passed to ANEC Ltd under the terms of an agreement to be entered into between the 12 constituent authorities of NEPO and ANEC Ltd. The intention is for the new structure and governance to come into effect on 1 July 2014 and for TUPE to apply from 1 August 2014.

Gateshead Council currently provides the legal and financial support services to NEPO. ANEC Ltd has indicated that, subject to formal approval, it wishes to continue with those arrangements. Accordingly, and for that purpose, it is envisaged that a further agreement will be entered into between ANEC Ltd and Gateshead Council under which those support services arrangements will continue to be provided on similar terms.

## **Decision**

We have:-

- Approved, subject to ANEC's formal agreement, the revised governance structure and staffing arrangements as outlined above for the administration of the NEPO Service and future collaborative procurement on behalf of the LA12.
- Agreed to appoint one member to serve on the Collaborative Procurement Sub Committee of ANEC.
- Agreed to recommend to Full Council that it makes any consequential changes to its Constitution to give effect to these revised arrangements.
- Authorised the Corporate Director Resources, following consultation with the Leader of the Council or Cabinet Portfolio Holder for Finance (where required), to approve such further changes to the agreements envisaged by this report as he may determine and to complete them on behalf of the Council.

#### **4. Safe Durham Partnership Plan 2014-2017 Cabinet Portfolio Holder – Councillor Lucy Hovvels Contact – Peter Appleton 03000 267 381**

We have considered a report of the Corporate Director, Children and Adults Services, presenting the Safe Durham Partnership Plan 2014-17 for agreement.

The development and implementation of the Safe Durham Partnership Plan is a statutory requirement for Durham County Council and other responsible authorities. The Crime and Disorder Reduction Strategy (known in County Durham as the Safe Durham Partnership Plan) is part of the Policy Framework in the Council's Constitution.

The purpose of the Plan is to demonstrate how the responsible authorities will work together to reduce crime and disorder across County Durham. It has informed the development of the refreshed Sustainable Community Strategy 2010-30 and is aligned to the "Altogether Safer" section of the Strategy.

Following the completion of the 2013 Strategic Assessment in November 2013, no change was made to existing strategic objectives. In January 2014 the Safe Durham Partnership strategic objectives and outcomes were agreed



by the Safe Durham Partnership Board. Overview and Scrutiny Committee supported the strategic objectives in the Plan, but within the context of current resource and funding implications.

The Safe Durham Partnership Plan has been informed by the Community Safety Strategic Assessment 2013, local views collated through Police and Community Together (PACT) meetings and national policy developments, including Transforming Rehabilitation which is the government's programme for reforming the delivery of offender services in the community to reduce reoffending rates whilst delivering improved value for money. The Partnership Plan 2014-17 describes the progress and achievements of the Safe Durham Partnership over the lifetime of the 2011-14 Partnership Plan. It demonstrates how the Safe Durham Partnership will deliver sustainable improvements.

## **Decision**

We have:

- Noted the content of the report and agreed to sign off the Safe Durham Partnership Plan 2014-17.
- Agreed to present the Safe Durham Partnership Plan to Full Council on 17 September 2014.
- Noted the Safe Durham Partnership Plan will be publicised on the Durham County Council website following sign off from Durham County Council.

### **5. Children, Young People and Families Plan 2014-2017 Cabinet Portfolio Holder – Councillor Ossie Johnson Contact – Rachael Shimmin 03000 267 353**

We have considered a report of the Corporate Director, Children and Adults Services which presented the Children, Young People and Families Plan 2014-2017.

In March 2013, it was agreed that a review of the Children and Families Trust would be undertaken to take into account new policy developments. This included changes to the NHS landscape, Troubled Families Programme, Welfare Reform Act, Children and Families Act and new inspection frameworks and proposed educational reforms. Following this review it was agreed that the name of the Children and Families Trust would be changed to the Children and Families Partnership (CFP) to reflect its role as the thematic partnership of the County Durham Partnership with responsibility for Altogether Better for Children and Young People. To support the revised focus of the CFP, a new Children, Young People and Families Plan (CYFP) 2014-17 has been developed to support the work of the Partnership. The Joint Strategic Needs Assessment and Annual Report of the Director of Public Health 2012/13 have influenced the development of the Children, Young People and Families Plan 2014-17.

In addition, a number of policy drivers have influenced the development of the Plan. Key messages from the JSNA relating to children and young people and further information on the key policy drivers were provided in the report.

The Children, Young People and Families Plan 2014-17 has informed the development of the refreshed Sustainable Community Strategy 2010-30 and is aligned to the “Altogether Better for Children and Young People” section of the Strategy.

## **Decision**

We have endorsed the Children, Young People and Families Plan 2014-17.

### **6. Proposal for a consultation to make play parks/area in County Durham smoke free Cabinet Portfolio Holder – Councillor Lucy Hovvels Contact – Anna Lynch 03000 268 147**

We have considered a report of the Corporate Director, Children and Adult Services which presented proposals for a consultation on a voluntary code to make to make play parks in County Durham smokefree.

Durham County Council is already committed to reducing smoking prevalence through the partnership work developed via the ‘Smokefree County Durham Tobacco Control Alliance’. The alliance has developed a comprehensive five year tobacco control action plan to address the causes and impacts of tobacco use, and monitors the progress of the plans. The action plan was agreed and signed off by Cabinet in October 2013. The focus of the plan is to protect children, in particular protecting them from becoming future lifelong smokers. The tobacco plan has an ambition to reduce smoking prevalence in County Durham to 5% (currently 20.9%, 2012), and has a bold vision to drive the ambition which states:

***“That a child born now in any part of County Durham will reach adulthood breathing smokefree air, being free from tobacco addiction and living in a community where to smoke is unusual. We owe it to our children to make this happen”***

Smoking is often a childhood addiction and most smokers in the North East start at aged 15. Tobacco use is the leading cause of preventable death and disease and is the leading cause of health inequalities. Young people are most at risk of becoming smokers themselves if they grow up in communities where smoking is the norm. The aim of tobacco control is to change social norms and work to prevent the uptake of smoking. Therefore one of the actions on the alliance plan, of which the tobacco alliance is keen to implement, is to promote children’s play facilities/ areas as smokefree areas.

There are 307 play parks in County Durham, of which 178 are owned by DCC. The remainder are owned between Town and Parish Councils and community associations. Discussion with heads of departments within DCC

has already been carried out to ascertain if smokefree play areas is something that would be supported. There is an overwhelming support for a voluntary code basis with consultation with local communities. The proposal therefore for smokefree play parks in County Durham would be on a voluntary basis. It would not be enforceable, but through the consultation process and use of polite notices asking people to respect it. To implement this policy a high level plan would be developed to ensure all relevant DCC departments, organisation and communities are involved. The plan would involve:-

- Steering group to oversee implementation plan
- Development of a communications strategy which includes a public relations strategy to start letting the public know that the issue is being discussed
- Seek views of local communities
- Decision on artwork to use on PR and signage
- The signage required and costing
- Launch date to implement the policy and press releases to support
- Review of policy e.g. six months or one year after implementation. Visit the parks again to gather views and see if any positive impacts have been made

The consultation will commence in June 2014 and will involve the public/communities and partners e.g. AAPs, Health Networks, Town and Parish Councils, Children and young people partnership, Citizens panel, Investors in Children. The consultation will seek opinion in relation to support for the principle of smokefree play parks and the support to implement the code in their respective play park areas.

### **Decision**

We have agreed to support the proposal for a consultation to implement a voluntary code to make play parks/area in County Durham smokefree.

### **7. Quarter 4 2013/14 Performance Management Report Leader of the Council – Councillor Simon Henig Contact – Jenny Haworth 03000 268 071**

We have considered a report of the Assistant Chief Executive which presented a summary of the Council's performance for the 2013/14 financial year.

A major impact on the council continues to be performance of the UK economy with it affecting a number of tracker and target indicators. Alongside this, the ongoing impact of welfare reforms is also affecting household income, whilst public sector and local council spending reductions are increasingly affecting support available locally. Despite the UK economy showing its strongest growth since 2007, issues linked to unemployment and homelessness continue across County Durham but the council is still

improving performance in many of its key priority areas. In particular improvements are evident in housing development, decency levels of council housing, effective care of older people and vulnerable residents, anti-social behaviour and domestic violence and tenant arrears and council tax and business rates collected.

Performance has been maintained in many areas and improvements achieved in some services against a backdrop of the council achieving £113m savings to date and increased volume in some key areas such as fly tipping incidents, people rehoused through the Durham Key Options system, overall planning applications and face-to-face customer contacts and those relating to vulnerable or potentially vulnerable residents such as increased referrals of children in need, and new claims for council tax support and housing benefit. Despite increased demands placed on services, improvements have still been delivered.

## **Decision**

We have:

- Noted the performance of the council at 2013/14 and the actions to remedy under performance.
- Agreed the new performance indicator set and targets proposed for corporate reporting in 2014/15.
- Agreed all changes to the Council Plan outlined below:

### **Altogether Wealthier**

- i. Develop sector specific pre-employment training to prepare clients for employment and meet employer's needs and requirements by March 2014. Revised date: June 2014.
- ii. Seek opportunities for funding and work with employers to develop and deliver sector specific qualifications within the workplace by March 2014. Revised date: June 2014.
- iii. Develop and deliver a co-ordinated events programme for the county by March 2014. Revised date: July 2014.
- iv. Delivery of a programme of transport capital works across the county: Bishop Auckland rail station by February 2014. Revised date: May 2014.

### **Altogether Safer**

- v. Identify trends and install appropriate engineering solutions to reduce road casualties and implement a programme of engineering improvements by March 2014. Revised date: May 2014.

### **Altogether Greener**

- vi. Coordinate the development and implementation of a re-charging network for electric vehicles to provide 35 electric charging points across the county by March 2014. Revised date: March 2015.
- vii. Produce a new Waste Strategy for Durham County Council by April 2014. Revised date: June 2014.

### **Altogether Better Council**

- viii. Re-launch the council's website as a principal service channel by April 2014. Revised date: Summer 2014.
- ix. Implementation of Community Buildings Strategy by June 2014. Revised date: October 2014.

### **Deleted Actions**

#### **Altogether Wealthier**

- x. Deliver a programme of transport capital works across the county which relates to the Transit 15 bus priority improvements on key transport corridors.

**8. Durham Villages Regeneration Limited – Update and Forward Programme**  
**Deputy Leader of the Council – Councillor Alan Napier**  
**Contact – Graham Wood 03000 262 002**

We have considered a report of the Corporate Director Resources whose purpose was to:

- a) Provide us with an update on the progress of Durham Villages Regeneration Limited (DVRL) since April 2009.
- b) Confirm the DVRL's Business Plan priorities for 2012/17.
- c) Clarify the process related to development projects to be delivered by DVRL.
- d) Seek agreement to utilise development dividend to drive forward a programme of flexibly targeted housing regeneration and development activity across County Durham.

The report explained that DVRL is a joint venture limited company with Keepmoat Holdings Plc (Keepmoat). It was set up by the former City of Durham Council to undertake residential development and by virtue of a share of the development profits, provide additional revenue to support regeneration activity in targeted communities. Current DVRL proceeds available to the Council provided an opportunity to complete the final two legacy commitments for communities in West Rainton and Sherburn Hill.

Sites currently under development and planned to come on stream in the near future should provide dividend contributions in future years, over and above the land receipts and with an appropriate land supply. This model remains a sustainable form of partnership.

To ensure DVRL's operations remain effective and deliver maximum benefit, governance has been reviewed and the business plan examined to ensure the joint venture partnership remains fit for purpose and there is a smooth flow of future development opportunities brought forward through the partnership.

The concept behind the joint venture is that the Council identifies (at its sole discretion) development land within its ownership and puts this forward to Keepmoat as a potential residential development site. Keepmoat commercially evaluate the site and with the agreement of both parties, market value is paid for the land to the County Council by Keepmoat who then develop the site for residential use (the form of which is dependent upon identified need in that particular location).

The land value is received in the form of a capital receipt which is paid on a pro-rata basis after the sale of each house. In addition, development profits are shared 50/50 between Keepmoat Homes and Durham County Council. This profit is paid annually (after tax) to the County Council as a dividend from the Company and calculated after the development is completed.

Although originally focussed on development in the hinterland around the city, since reorganisation DVRL has amended its Articles of Association to reflect the County boundary.

To ensure continuation of the development programme throughout the Business Plan period, a further tranche of surplus DCC sites was identified for DVRL during 2011/12. Six sites are now being considered for development and have both secured planning consent and are about to start on site, or will be seeking to achieve this in due course.

The 2012-17 Business Plan prepared jointly by the DVRL partners has identified five key objectives:

- Develop a viable and sustainable supply of land and development opportunities across County Durham;
- Deliver a broad range of housing for sale and shared ownership across County Durham in accordance with the development programme;
- Deliver a training and employment programme for young people and others in DVRL projects;
- Raise awareness and enhance public profile of DVRL through maximising community engagement;
- Raise the efficiency and profitability of the business.

Alongside the development programme, the DVRL Board has set a target of improving local employment opportunities by seeking to create an additional 75 local apprenticeship opportunities linked to these development sites.

The starting point for the development programme has been those sites included within the original DVRL agreement, with a number of additional sites having been put forward for development consideration by the Assets team.

The report proposed that the retained £1.35 million dividend be utilised as follows:

- Existing Legacy Commitments Funded £700,000
- Creation of a Housing Regeneration Fund £650,000

The Treatment of future dividends is proposed as follows:

- Anticipated 2013/14 dividend £100,000 to RED Housing Regeneration Fund
- Anticipated 2014/15 dividend £100,000 to RED Housing Regeneration Fund with any surplus above this amount treated as corporate income
- From 2015/16 onwards Dividend Receipts to be built into Council MTFP process as corporate income.

The original joint venture agreement envisaged dividends being used to support regeneration projects. It was therefore recommended that the Council should agree to prioritise the delivery of housing projects, including housing regeneration initiatives which can be supported from these funds, with proposals submitted annually and be subject to formal liaison process with members.

## **Decision**

We have agreed to:

- i) Endorse the Business Plan priorities for 2012-17.
- ii) Approve the use of £700,000 of the Council's DVRL dividend to support previously agreed regeneration schemes in Sherburn Hill (£400,000) and West Rainton (£300,000) noting that significant elements of the expenditure will be capital.
- iii) Delegate Authority to the Director of Resources in Consultation with the Cabinet Portfolio Holder for Finance to identify additional sites for DVRL development consideration on an annual basis.
- iv) Delegate authority to the Director of Resources in consultation with the Cabinet Portfolio Holder for Resources to negotiate the amendment to the terms of the DVRL agreements to ensure ongoing legal compliance and reflect emerging development priorities.

- v) Endorse the principle of utilising future dividend payments to support the MTFP and a flexible programme of residential development in accordance with identified need.

**Councillor S Henig**  
**Leader of the County Council**

15 July 2014



**County Council**

**23 July 2014**

**Community Governance Review of  
Barnard Castle and the Surrounding  
Area**



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**Report of Colette Longbottom, Head of Legal & Democratic Services  
Councillor Simon Henig, Leader of Durham County Council**

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**Purpose of Report**

1. To advise of the outcome of the consultation undertaken as part of the community governance review of Barnard Castle and the surrounding area and to make a draft recommendation in this regard.

**Background**

2. On 2 April 2014 the County Council resolved to undertake a community governance review following a request from Barnard Castle Town Council (“the Town Council”) to extend its boundary as follows:-
  - (a) “That the Town boundary should follow the River Tees north as far as East Holme House, to the east along East Holme House track encompassing Barnard Castle golf course and the Red Well enclosure to join Black Beck and Town Pasture Lane as far as the existing north western boundary of Westwick Parish, with the southern boundary to be the existing boundary of Marwood Parish and Westwick Parish, with the exception of a small field north of Westwick that includes Mount Eff Farm”
  - (b) “That the part of The Oval, Stainton Grove, should be transferred to Stainton & Streatlam Parish and that Mount Eff should be transferred to Westwick Parish”.
3. The proposed boundary change is shown on the attached plan at Appendix 2.
4. The Town Council provided the following justification for the boundary change proposals:-

“The reason and justification for the request has always been that the identity of Barnard Castle is linked to its urban boundary, which defines a natural community and forms the limit of the settlement. Hence this should be the logical boundary of the parish. A parish boundary defined in these terms would represent a distinctive and recognisable community of interest, with a sense of identity related to the civic history of the town, its services and amenities. A parish boundary, which properly reflects the natural associations of those within the urban streetscape of Barnard Castle, would strengthen community engagement and participation and provide

opportunities for service users beyond the current parish boundary but within the Municipal scope of Barnard Castle to contribute to the town's community cohesion."

5. The County Council subsequently proposed two options for the future community governance arrangements in the area:

#### Option 1

To implement changes to the current community governance arrangements in accordance with the proposals submitted by the Town Council.

This would mean that the boundary of Barnard Castle Town Council would be redrawn to follow the River Tees north as far as East Holme House, to the east along East Holme House track encompassing Barnard Castle golf course and the Red Well enclosure to join Black Beck and Town Pasture Lane as far as the existing north western boundary of Westwick parish, with the southern boundary to be the existing boundary of Marwood Parish and Westwick Parish. This would be with the exception of a small field north of Westwick that includes Mount Eff Farm, which would be transferred to Westwick Parish Council.

This would also mean that the part of The Oval which currently sits within the Marwood parish boundary would be transferred to Stainton and Streatlam Parish.

#### Option 2

That the current governance arrangements in the parished areas of Barnard Castle, Marwood, Stainton and Streatlam and Whorlton and Westwick remain unchanged.

This would mean that the changes proposed by the Town Council would not be implemented and as such there would be no change to current governance arrangements in the area.

### **Consultation**

6. The terms of reference for the review were published on 2 April 2014 and a consultation exercise was undertaken in accordance with the agreed timetable. 549 consultation documents were sent out and 84 responses were received. Of those 84 responses, 13 respondents opted for option 1 and 70 respondents opted for option 2. One respondent did not select either option as they saw the benefits in both.

#### Marwood, Stainton and Streatlam and Whorlton and Westwick Parish Consultations – 239 consultation documents sent out with 82 responses

A consultation document was issued to all households within the affected parishes of Marwood, Stainton and Streatlam and Whorlton and Westwick setting out the two options for the future governance arrangements within the area and consultees

were asked to indicate their preferred option. The responses and additional comments made by consultees can be broken down by area as follows:-

<b>Parish</b>	<b>Forms issued</b>	<b>Forms returned</b>	<b>Option 1 Number of responses &amp; summary of associated comments</b>	<b>Option 2 Number of responses &amp; summary of associated comments</b>
Marwood Urban - Mount Eff	3	2	0	2 <ul style="list-style-type: none"> <li>No benefit to residents.</li> <li>The impact of a council tax increase.</li> </ul>
Marwood Urban - The Oval	56	10	1	9 <ul style="list-style-type: none"> <li>No benefit to residents as little in common with the urban area of Barnard Castle and may isolate more rural areas.</li> <li>Any change would force an increase in council tax charges.</li> </ul>
Marwood Urban	99	42	6 <ul style="list-style-type: none"> <li>Make use of amenities within Barnard Castle and should therefore contribute towards services.</li> </ul>	36 <ul style="list-style-type: none"> <li>No benefit to residents of Marwood and happy with current governance arrangements and services provided by the Parish Council.</li> <li>Do not see why need to change boundary and impose higher council tax charges for no additional services.</li> <li>The rural / farmland areas have no place within a Town Council.</li> <li>No rationale or evidence to suggest that the proposals</li> </ul>

				would result in better local democracy or more effective local services.
Marwood Rural	81	28 (1 respondent did not make a selection as saw benefit in both options)	6 <ul style="list-style-type: none"> <li>• Would make sense to have parish boundary same as natural boundary.</li> <li>• Would like to benefit from more localised services.</li> <li>• One person said that they felt that Marwood in a smaller form would fit well under Eggleston Parish Council.</li> </ul>	21 <ul style="list-style-type: none"> <li>• No advantage or clear benefit in changing boundary and happy with the arrangements and current services provided.</li> <li>• The changes are neither affordable nor necessary.</li> </ul>

Barnard Castle Consultation –300 consultation documents were provided to Barnard Castle Town Council with 0 responses

Due to the high number of households within the parished area of Barnard Castle, the County Council placed an advert in the local press and on the Council's website, and provided 300 copies of the consultation document to the Town Council, where they were made available to the public at the Town Council offices. No responses were received from the Barnard Castle parish. Following the consultation closing date, the Deputy Town Clerk confirmed that the Town Council had advertised the review and consultation in the local media and via social media, but that no members of public had responded to the consultation.

Web Form – 0 requests for a form

The consultation document and response form was also made available on the Council's website, however no completed web forms were received.

Statutory Consultees – 10 consultation documents were sent out with 2 responses

Consultation letters were sent to the local MP, the Rt.Hon Mrs H Goodman, the Teesdale Area Action Partnership, the County Durham Association of Local Councils (CDALC), the four local County Councillors and the affected Parish Councils of Marwood, Stainton and Streatlam and Whorlton and Westwick. 10 letters were sent in total and 2 responses were received. Both responses selected option 2 as the preferred option for the future community governance arrangements of the area.

One of those returned forms was from Marwood Parish Council which, in selecting option 2, commented that Barnard Castle Town Council had not at any time during the previous 18 months, approached Marwood Parish to either discuss the proposals with the Council or its residents. Marwood Parish Council felt that the exercise was simply a land grab and the letter from them further explained how the Marwood Township had existed before Barnard Castle.

The second Statutory Consultee form which was received could not be identified although the author did comment that they felt the only financial benefit of the proposals would be to Barnard Castle Town Council in the form of increased precept and to access Section 106 contributions coming from the Darlington Road development. The author stated that the proposals from Barnard Castle Town Council would leave the smaller parish areas much worse off.

### **Analysis of Consultation Responses**

7. It is clear from the responses received that there is majority support for option 2, for there to be no change to the current governance arrangements in the area.

### **The Law, Duties and Guidance**

8. Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:
  - i. It must have regard to the need to secure that community governance within the area under review:
    - a. reflects the identities and interests of the community in that area;
    - b. is effective and convenient.
  - ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
    - a. that have already been made, or
    - b. that could be madefor the purposes of community representation or community engagement in respect of the area under review.
  - iii. The Council must take in to account any representations received in connection with the review.
9. Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.

10. The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
11. The guidance also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.
12. The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.
13. In this case, the majority of the residents who responded to the consultation have stated that they do not wish to see any changes to the current governance arrangements and members may be concerned about imposing an arrangement that has no support (and more opposition) and the possible impact that could have on community cohesion.
14. The Constitution Working Group on 30 June 2014 considered the outcome of the consultation and agreed to recommend to Council that the current community governance arrangements in the parished areas of Barnard Castle, Marwood, Stainton and Streatlam, and Whorlton and Westwick, remain unchanged and that a draft recommendation to this effect is published on the Council's website in accordance with the review timetable

### **Next Steps**

15. In accordance with the review timetable, should council agree with the recommendation of the Constitution Working Group, a draft recommendation will be published on the Council's website on 23 July 2014 and a further period of consultation will commence until 3 September 2014. A further report will be presented to Council after this time, to consider making the final recommendation for the review.

### **Recommendations and reasons**

16. Council is asked to agree that a draft recommendation that the parished areas of Barnard Castle, Marwood, Stainton, Streatham and Whorlton and Westwick remain unchanged.

## **Background Papers**

17. Guidance on Community Governance Reviews, published in March 2010 by Communities and Local Government and the Local Government Boundary Commission for England. Report to County Council of 2 April 2014.

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<b>Contact: Ros Layfield, Committee Services Manager</b>	<b>03000 269 708</b>
<b>Clare Burrows, Governance Solicitor</b>	<b>03000 260 548</b>

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## **Appendix 1: Implications**

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**Finance** - The main costs will be in respect of a consultation and will be met from the budget identified for community governance reviews.

**Staffing** – The work will impact on staff time.

**Risk** – None specific in this report.

**Equality and Diversity / Public Sector Equality Duty** – None specific in this report.

**Accommodation** – None specific in this report.

**Crime and Disorder** – None specific within this report.

**Human Rights** – None specific within this report.

**Consultation** – Within the body of the report.

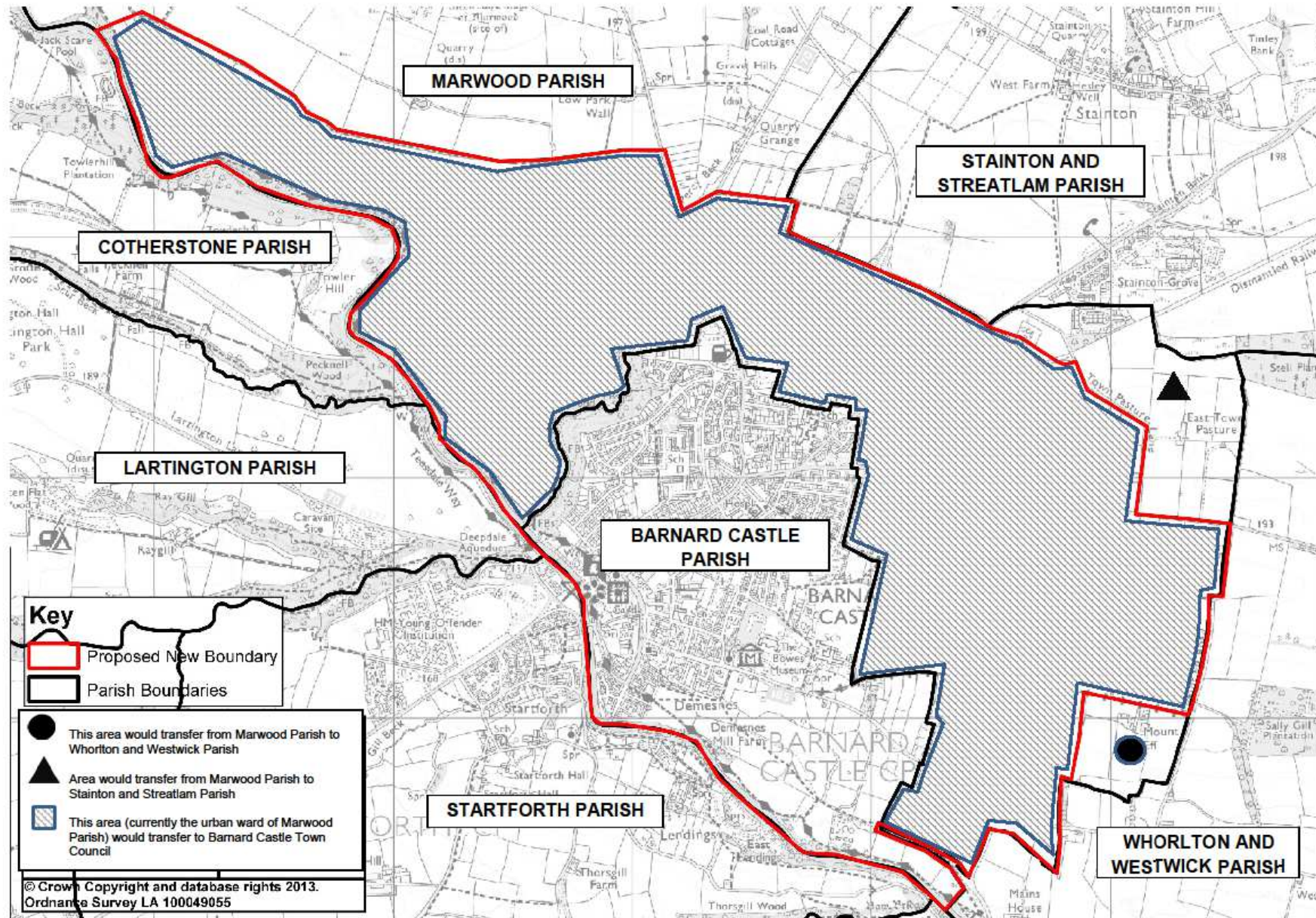
**Procurement** – None specific within this report.

**Disability Issues** – None specific within this report.

**Legal Implications** – A review will be undertaken in line with current legislation and guidance.



Appendix 2:



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## County Council

23 July 2014

### Request for Reduction of Council Size: Greencroft Parish Council – Final Recommendation



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### Report of Colette Longbottom, Head of Legal and Democratic Services Councillor Simon Henig, Leader of Durham County Council

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#### Purpose of the Report

1. To make the final recommendations arising from the request from Greencroft Parish Council to reduce the number of Parish Councillors on the Parish Council from 11 to 8.

#### Background

2. In July 2013, Greencroft Parish Council expressed an interest in reducing their council size from 11 Councillors to 8 for the following reasons:
  - only five residents stood for election at the last elections held in May 2013 and the Council has experienced difficulties in filling vacant seats by co-option;
  - the number of vacant seats can make it difficult for the Council to be quorate at its meetings;
  - the current arrangement does not promote effective or efficient local governance;
  - the Council is concerned about its future sustainability.

#### The Law, Duties and Guidance

3. Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:
  - i. It must have regard to the need to secure that community governance within the area under review:
    - a. reflects the identities and interests of the community in that area
    - b. is effective and convenient.

- ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
      - a. that have already been made, or
      - b. that could be made
  - for the purposes of community representation or community engagement in respect of the area under review.
  - iii. The Council must take in to account any representations received in connection with the review.
4. Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.
5. The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
6. The guidance also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.
7. On the size of parish council's section 16 (1) of the Local Government Act 1972 establishes five councillors as the minimum but does not make any link between the number of electors and the size of the council. The National Association of Local Councils (NALC), the body which represents Parish Councils, has indicated that it believes that seven should be minimum size.
8. Research conducted by Aston Business School in 1992, indicates that councils servicing parishes with less than 500 electors had between 5 to 8 councillors. Greencroft Parish Council had 159 registered electors (May 2013).

## Consultation

9. The statutory notice advertising the proposed reduction was published on the County Council's website from 21 January 2014 for a month, and individual letters were sent to local county councillors, the County Durham Association of Local Councils (CDALC), Member of Parliament for the North Durham Constituency, and the Mid Durham Area Action Partnership.
10. The Parish Council displayed relevant notices on the parish council notice board, and in addition a copy was delivered to most of the houses in the parish, in particular those in the main vicinity of Lanchester Road. An item was also placed on the agenda of the Parish Council for any members of the public who wished to comment on the proposals.
11. No objections to the request were received during the consultation period by either the County Council or the Parish Council.
12. The County Durham Association of Local Councils (CDALC) expressed their support for the Parish Council to reduce its council to what it considered to be *an appropriate number of eight councillors*. In their response they wished to draw to the County Council's attention that the reduction in council size makes it easier for an election to be called at normal elections and they were disheartened to hear that local democracy in the area was not as vibrant as it could be.
13. CDALC also commented that Greencroft Parish Council had an electorate of around 159 (at the time of the consultation) and 11 councillors, which represented nearly 7 % of their electorate being required to fill their full complement of councillors which was quite a high proportion of the electorate. Other examples from around the County have 7 councillors and their electorates range between 520 (Castle Eden) and 101 (Muggleswick) therefore the proposal from Greencroft appeared reasonable.
14. Mid Durham Area Action Partnership supported the request by the reasons submitted by the Parish Council which were included within the statutory notice.

## Conclusion

15. The review is focused entirely on the size of the Parish Council. The only options which can be considered are to leave the Parish Council at the current size, or to reduce its size. There have been no objections to the proposal and the reasoning behind the Parish Council's request appears appropriate under the circumstances.
16. The Constitution Working Group on 30 June 2014 agreed to recommend to Council to proceed with the publication of the final recommendations, and to resolve to a Reorganisation Order being made after a period of four weeks to reduce the council size of Greencroft Parish Council from 11 to 8, with effect from the Parish Council elections in 2017.

## **Recommendations and reasons**

17. Council is recommended to agree to the publication of a final recommendations to reduce the council size of Greencroft Parish Council from 11 to 8, with effect from the Parish Council elections in 2017.

## **Background Papers**

18. Guidance on Community Governance Reviews, published in March 2010 by Communities and Local Government and the Local Government Boundary Commission for England.
19. Community Governance Review - Greencroft Parish Council.

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<b>Contact: Clare Burrows, Governance Solicitor</b>	<b>Tel: 03000 260 548</b>
<b>Ros Layfield, Committee Services Manager</b>	<b>Tel: 03000 269 708</b>

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## **Appendix 1: Implications**

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**Finance** – None specific within this report.

**Staffing** – The work will impact on staff time.

**Risk** - None specific within this report.

**Equality and Diversity/ Public Sector Equality Duty** – None specific within this report.

**Accommodation** – None specific within this report.

**Crime and Disorder** – None specific within this report.

**Human Rights** – None specific within this report.

**Consultation** – See report

**Procurement** – None specific within this report.

**Disability Issues** – None specific within this report.

**Legal Implications** – None specific within this report.

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## County Council

23 July 2014

### **Proposed Changes to the Constitution – Delegations to the Corporate Director, Regeneration and Economic Development, and Corporate Director, Neighbourhood Services**



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### **Report of Colette Longbottom, Head of Legal and Democratic Services**

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#### **Purpose of the Report**

1. To propose amendments to the Council's Constitution to the Delegations of the Corporate Director, Regeneration and Economic Development, and Corporate Director, Neighbourhood Services to reflect working practices.

#### **Background**

2. On 1 April 2014 part of the network management and street works function transferred from Regeneration and Economic Development, to Neighbourhood Services.
3. The arrangement in place for a Manager from Regeneration and Economic Development who has the delegated authority to countersign any Temporary Road closures (Section 14 (1)) under the Road Traffic Regulation Act 1984 and Section 50 of the New Roads and Street Works Act 1991, ceased once these changes to the Constitution were made.
4. Following some recent property transactions it has been identified that some of the provisions within the Delegations to the Corporate Director, Regeneration and Economic Development, require further amendment to ensure that such property matters such as dilapidations, options and easements are adequately covered by the Director's Delegations and will minimise the risk of any legal challenge regarding the exercise of the Director's Delegations in this regard.

#### **Changes to the Constitution**

5. This report therefore advises amendment of the Delegations of the Corporate Director, Regeneration and Economic Development, and Corporate Director, Neighbourhood Services in Tables 4 and 5 of the Constitution. The proposed amendments to the Constitution are shown highlighted in Appendix 2.
6. On 30 June 2014, the Constitution Working Group agreed to recommend these changes to Council

## **Recommendations and reasons**

7. It is recommend that Council approve the proposed changes to the Council's Constitution in relation to Delegations of the Corporate Director, Regeneration and Economic Development, and Corporate Director, Neighbourhood Services.

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**Contact: Colette Longbottom      Tel: 03000 269732**

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## **Appendix 1: Implications**

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**Finance** – None specific within this report

**Staffing** – None specific within this report

**Risk** - None specific within this report

**Equality and Diversity / Public Sector Equality Duty** - None specific within this report

**Accommodation** - None specific within this report

**Crime and Disorder** - None specific within this report

**Human Rights** - None specific within this report

**Consultation** - None specific within this report

**Procurement** - None specific within this report

**Disability Issues** – None specific within this report

**Legal Implications** – None specific within this report

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**Appendix 2: Delegations to the Corporate Director, Regeneration and Economic Development, and Corporate Director, Neighbourhood Services**

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**Table 4**

**Delegations to the Corporate Director, Regeneration and Economic Development**

**Executive Functions**

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director, Regeneration and Economic Development is authorised to discharge any function of the Executive in relation to:-

- Spatial Planning, Regeneration and Economic Policy
- Housing
- Transport Strategy
- Highways and Local Transport Planning
- Traffic Management, in consultation, where required with the Highways Committee, in relation to functions under the Road Traffic Regulation Act 1984 and 1988
- Network Management and Street Works in relation to the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 including enforcement
- Strategic Tourism
- Conservation and Archaeology
- Town Twinning
- Public Rights of Way
- Common Land and Town and Village Greens
- Management of the Council's Land and Property Assets
- The 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)

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**

1. To give consent on behalf of the Council to the County Durham Development Company Limited incurring expenditure of money provided by the Council.
2. To review decisions made by the Head of Planning and Assets relating to the list of assets of community value.

3. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within the Appendix to this Table to reflect new or modified statutory provisions.

**The following matters are, in addition, delegated to the Head of Transport and Contract Services:**

4. 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 2000 Regulations except matters reserved to the Highways Committee.
- ~~5. To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths.~~
- ~~6. (a) To grant street works licenses under Section 50 of the New Roads and Streetworks Act 1991 (the 1991 Act)~~
- ~~(b) 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.~~
5. To cancel penalty charge notices in respect of parking contraventions under the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
6. To exercise the Council's powers under the Traffic Management Act 2004 and Transport Act 2000 to issue a penalty charge notice in connection with parking offences and part of the civil parking regime.
7. To deal with the provision and maintenance of bus stop infrastructure in highways and, if necessary, land abutting highways.
8. 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.
9. 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.
10. To discharge the regulatory and enforcement functions of the Council under the legislation set out in the Appendix to this Table.
11. To enter into Section 38 of the Highways Act 1980 agreements to adopt and thereafter maintain highways at the public expense.

**The following matters are, in addition, delegated to the Head of Spatial Policy, Planning and Assets:**

12. 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, applications for approval of reserved matters or other notifications which have a relevant timescale of more than 28 days that any Member of the Council requests be determined by the Planning Committee (such must be made in writing to the Head of Spatial Policy, Planning and Assets specifying material planning grounds on which the request is made and received by the Head of Spatial Policy, Planning and Assets within 21 days of publication on the weekly list);
  - (b) those applications for planning permission, applications for approval of reserved matters or other notifications which have a relevant timescale of more than 28 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, applications for approval of reserved matters or other notifications which have a relevant timescale of more than 28 days where despite a Town or Parish Council having expressed objection or support on material planning grounds the officer is minded to recommend the application or notification contrary to the Town or Parish Council wishes and the Town or Parish Council have made a specific request in writing for the application or notification to go before a planning committee which is received by the Head of Planning and Assets within 21 days of publication on the weekly list;
  - (d) Major developments (but not including Reserved Matters, applications for extension of time or applications for a material minor amendment) comprising –
    - (i) ten or more dwellings (detailed and outline applications) except where the application is for a substitution of house types on a scheme already benefiting from an extant planning permission;
    - (ii) industrial floor space of 5000 m<sup>2</sup> or more comprised in Use Class B1 (Business) and/or Use Class B2 (General Industrial) and/or Use Class B8 (Storage or Distribution); or

- (iii) all other developments not falling within use classes C3, C4, B1, B2 or B8 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 or notifications which have a relevant timescale of more than 28 days which in the opinion of the Head of Planning and Assets ought to be determined by Committee due to their controversial nature;
  - (f) those applications for planning permission or notifications which have a relevant timescale of more than 28 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 28 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;
13. To decline to determine planning applications under Sections 70A, 70B and 70C of the Town and Country Planning Act.
  14. 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 15 above.
  15. 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.
  16. To authorise the making of a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
  17. 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 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.
  18. Authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 on behalf of the Council.
  19. 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 the Appendix to this Table.

20. To administer simple and conditional cautions to persons guilty of criminal offences under the legislation referred to in the Appendix to this Table and in accordance with PACE and Home Office guidance.
21. Authorise the taking of default action under Sections 178 & 219 of the Town and Country Planning Act 1990.
22. Authorise the making of Orders under Section 257 of the Town and Country Planning Act 1990.
23. To apply to the Secretary of State for an order under Section 249 of the Town and Country Planning Act 1990.
24. To exercise powers of revocation/modification of planning permissions (Section 97), discontinuance of a use/alteration or removal of a building (Section 102 & Schedule 9) and the making of Prohibition or Suspension Orders (Schedule 9) of the Town and Country Planning Act 1990.
25. Authorise the making, confirmation, revocation and variations of Tree Preservations Orders.
26. 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).
27. 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;
28. To administer and determine complaints about high hedges under the Anti-Social Behaviour Act 2003.
29. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.



30. Act under and in respect of –
  - (a) Sections 16, 18 to 21, 23 to 25, 32, 35 and 36, Building Act 1984;
  - (b) Sections 71 to 73 and 77 to 83, Building Act 1984;
  - (c) Building Regulation 14 with regard to giving of notices and requiring the laying open, cutting into, and pulling down the building, works or fittings Issue 1 65 12 May 2010
  - (d) Sections 29-32, Local Government (Miscellaneous Provisions) Act 1982;
  - (e) Party Wall Act etc 1996;
31. 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;
32. 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.
33. 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.
34. To approve the principle of acquiring property at a price not exceeding £60,000.
35. 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.**
36. To negotiate the acquisition of **easements, rights of way**, wayleaves, licences, **covenants and consents** for the benefit of Council land and property.
37. 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.
38. 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.

39. 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.
40. 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.
41. In consultation with the appropriate Service representative to grant leases on any council owned property, whether or not it has been declared surplus.
42. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlords' consents.
43. 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.
44. 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.
45. To negotiate and agree the rating assessment and valuation of all council owned property, in consultation with the Head of Corporate Finance.
46. To require information as to interests in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
47. To negotiate abortive costs in the event of a transaction not proceeding in circumstances where the Council has a liability to pay costs.
48. Where required as part of the appropriate management of the Council's assets, to authorise the demolition of Council buildings.
49. 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.
50. 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.
51. All duties arising out of the establishment of the Business Improvement Districts.
52. 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.

**The following matters are, in addition, delegated to the Head of Economic Development and Housing**

53. To exercise the Council's function in relation to housing including:-
- (a) determining the conditions to be included in tenancy agreements;
  - (b) making any decisions necessary to comply with the Council's obligations to secure tenants in compliance with the legislation referred to in the Appendix to Table 4;
  - (c) the determination of any applications for grant assistance pursuant to the legislation listed in the Appendix at Table 4;
  - (d) the allocation of tenancies in accordance with policies approved by the Council;
  - (e) to determine all requests for consents required by the terms of tenancy agreements;
  - (f) to authorise action to enforce a breach of condition in tenancy agreements, including in consultation with the Head of Legal and Democratic Services where necessary, the institution of legal proceedings;
  - (g) the exercise of the Council's enforcement powers under the legislation listed in the Appendix to Table 4 in relation to private sector housing;
  - (h) to authorise the implementation of any action necessary to recover monies due to the Council as a result of its exercise of the powers contained in legislation listed in the Appendix at Table 4;
  - (i) to investigate and determine all applications made to the Council under its powers and duties to deal with homelessness in the legislation described in the Appendix at Table 4;
  - (j) to authorise any expenditure required in the exercise of the Council's functions to assist the homeless.
  - (k) To amend agreements entered with Arms Length Management organisations;
  - (l) To respond on the Council's behalf to requests for consent to alterations to the Articles of Association of Large Scale Voluntary Transfer companies and Arms Length Management Organisations.

**Table 5**

**Delegations to the Corporate Director, Neighbourhood Services**

**Executive Functions**

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

- Highway design and maintenance
- Highway speed management
- Clean Neighbourhoods and Environment
- Open Spaces
- Leisure and Recreation
- Public Health and Pest Control
- Waste Management and Recycling
- Street Cleansing
- Building and Technical Services
- Allotments
- Building Compliance and Repairs
- Construction Compliance
- Traffic Management, in consultation, where required, with the Highways Committee in relation to functions under the Road Traffic Regulation Act 1984.
- Network Management and Street Works in relation to the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 including enforcement
- Community Safety
- The Waste Solution Programme
- Private Sector Housing Enforcement
- Animal Welfare/Infectious Disease Control
- Stray Dogs
- Trading Standards and Consumer Protection
- Burial and Cremation
- Fleet Management
- Vehicle Testing
- Response to unauthorised Gypsy, Roma and Traveller Encampments
- Facilities Management
- Catering Management
- Tree Management
- Customer Services
- Street Naming and Numbering
- Culture and Sport Activities including the provision of facilities and venues
- Countryside Estate Management
- Provision, operation and commissioning of public libraries, museums, art galleries, theatres, arts development, heritage facilities

## Specific and Non-Executive Delegations

1. 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 2000 Regulations:
  - (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) all the provisions of the Highways Act 1980:
  - (p) storage of celluloid;
  - (q) meat, fish, dairy and egg product establishments and butchers' shops;
  - (r) motor salvage operations;
  - (s) health and safety at work;
  - (t) smoke-free premises;
  - (u) caravan and camping sites and moveable dwellings.

2. 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 2000 Regulations;
  - (c) contaminated land;
  - (d) port health;

The matters set out in paragraphs 3 to 15 below are, in addition, delegated to the Head of Environment, Health and Consumer Protection:

3. 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 set out in Appendix 1 to this Table and all associated secondary legislation as amended from time to time.
4. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 1 to this Table to reflect new or modified statutory provisions.
5. Subject to Appendices 2, 3 and 4 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 1 to this Table including all relevant statutory provisions.
6. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in paragraph 3 above and in accordance with PACE and the Home Office Guidance.
7. 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 paragraph 3 above.
8. To authorise another local authority to institute legal proceedings in respect of a contravention of the legislation set out in Appendix 1 to this Table where related contraventions are being investigated by that authority.
9. To grant authorisations in relation to illegal money lending and unfair trading practices.
10. Power to agree transfers and assignments under health and safety legislation to change Enforcing Authority responsibilities.
11. 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.

12. Power to appoint Public Analyst, Agricultural Analyst and Food Examiner for the Council.
13. 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.
14. To determine those applications and matters in relation to Licensing and Gambling as are referred to in Appendices 2, 3 and 4 to this Table.
15. To agree terms of conditions and licences in accordance with published best practice and/or guidance.

The matters set out in paragraphs 16 to 23 below are, in addition, delegated to the **Head of Direct Services and Head of Technical Services**:

16. To exercise, in consultation with the Head of Legal and Democratic Services the Council's enforcement functions, including the institution of legal proceedings, under legislation set out in Appendix 5 to this Table and all associated secondary legislation, as amended from time to time.
17. To authorise suitably qualified and competent staff within Neighbourhood Services and other persons acting on behalf of the Council, for the purposes of discharging duties and powers under the legislation referred to in Appendix 5 to this Table.
18. In consultation with the Head of Legal and Democratic Services to review and update the list of relevant legislation contained within Appendix 5 to this Table to reflect new or modified statutory provisions.
19. To issue simple and conditional cautions to persons guilty of criminal offences under the legislation as referred to in Appendix 5 to this Table and in accordance with PACE and the Home Office Guidance.
20. To discharge the regulatory and enforcement functions of the Council under the legislation set out in Appendix 5 to the Table.
21. The determination of applications for approval of drainage systems submitted pursuant to Schedule 3 of the Flood and Water Management Act 2010.
22. To exercise the Council's powers under the Durham City Council Act 1985 in relation to the temporary closure of footpaths.
23. (a) To grant street-works licenses under Section 50 of the New Roads and Streetworks Act 1991 (the 1991 Act)

- (b) 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 matter set out in paragraph 24 below is, in addition, delegated to the Head of Culture and Sport

- 24. In consultation with the Head of Legal and Democratic Services to take enforcement action under bye-laws relating to arts, libraries and museums.



## Appendix 5 to Table 5

Administration of Justice Act 1970  
Allotments Act 1922, 1925 and 1950  
Animal Welfare Act 2006  
Anti-Social Behaviour Act 2003  
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 2007  
Control of Pollution Act 1974  
Control of Pollution (Amendment) Act 1989  
Copyright, Designs and Patents Act 1988  
Countryside Act 1968  
Countryside and Rights of Way Act 2000  
Cremation Act 1902 and 1952  
Criminal Damage and Police Act 2001  
Criminal Justice and Public Order Act 1994  
Criminal Damage Act 1971  
Crime and Disorder Act 1998  
Dangerous Dogs Act 1991  
Disability Discrimination Act 2005  
**Durham City Council Act 1985**  
Electricity at Work Act 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 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 Democracy, Economic Development and Construction Act 2009  
Local Government Act 1972  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Localism Act 2011  
Local Authorities' Cemeteries Order 1977  
Local Transport Act 2008  
Management of Health and Safety at Work Act 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  
Public Health Act 1925  
Public Health Act 1936  
Public Health Act 1961  
Public Health Acts Amendment Act 1907  
Refuse Disposal (Amenity) Act 1978  
Registration of Burials Act 1864  
Road Traffic Act 1988  
Road Traffic Regulation Act 1984  
Road Traffic (Temporary Restrictions) Act 1991  
Road Traffic Regulation (Special Events) Act 1994  
Safety Sports Ground 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 and 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

**County Council**

**23 July 2014**



**The Openness of Local Government  
Bodies Regulations 2014**

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**Report of Colette Longbottom, Head of Legal and Democratic  
Services**

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**Purpose of the Report**

1. To advise Council of the implications for the Council following draft regulations relating to the openness of Local Government Bodies having been laid before Parliament, and to present a protocol for reporting of meetings for approval.

**Background**

2. On the 7 April 2014, the Secretary of State laid the Openness of Local Government Bodies Regulations 2014 ("the Regulations") before Parliament under section 43 of the Local Audit and Accountability Act 2014. The Regulations will come into force on the day they are made.
3. The Regulations allow reporting at meetings which are open to the public, be it the Council, Cabinet, committee or subcommittee meetings where the public are not excluded.
4. The Regulations do not require a Council to permit oral reporting or commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting.
5. Any person attending a meeting must, so far as is practicable, be afforded reasonable facilities for reporting and may use any communication method, including the Internet, to publish, post or otherwise share the results of their reporting activities. Publication and dissemination may take place in the meeting or afterwards.
6. Reporting means:-
  - filming, photographing or making an audio recording of proceedings at a meeting;
  - using any other means for enabling a person who is not present to see or hear proceedings at a meeting as it takes place or later; or

- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.
7. The Regulations also make provision for the recording of decisions. Decisions made by officers are not limited to those made under Delegation by the Executive and must be recorded, whether made by an officer or on behalf of another committee/subcommittee or joint committee, in which the authority participates where the decision has been delegated to an officer either under a specific delegation or under a general authorisation and the effect of the decision is to:
- grant a permission or license;
  - affect the rights of an individual;
  - award a contract or incur expenditure which in either case, materially affects relevant Local Government Bodies financial position.
8. Background papers are to be made available to the public as soon as reasonably practicable after the decision is made, at all reasonable hours at the offices, on the website and by such other means the Council considers appropriate. The Regulations also contain obligations to provide copies subject to the payment, postage, copying or other necessary charges for transmission. If a request is appropriately made, a copy of the written record and any background papers must be provided.
9. Written records must be retained and available for inspection for six years with background papers being retained for four years.
10. The provisions relating to the provision of decisions does not affect confidential or exempt information.
11. Anyone who has custody of a document which is required to be produced and without reasonable excuse, intentionally obstructs or refuses access, commits an offence.

### **Implications for the Council**

12. In relation to decision records, the Monitoring Officer oversees the process of posting Officer Decisions with reports on the website (if allowed under the access the Procedure Rules). To avoid the website becoming too large and difficult for the public to use, Committee Services attach the report supporting the decision on the website and include on the database, information taken from a pro forma “Delegated Decision” form. Any documents which are necessary as background papers should, under the procedure, be provided to Committee Services so that they can be placed on a separate server. The current arrangements together with the procedures and guidance supporting them may require some review to enable the Council to be compliant with the Regulations

13. In relation to the requirements in the Regulations to allow reporting, the Council Constitution currently does not permit filming of its meetings. Once the Regulations come into operation, that constitutional provision will need to be amended and persons attending meetings with the intention of reporting on them, must be afforded reasonable facilities for those reporting.
14. There is no definition provided as to the definition of reasonable facilities. It is arguably reasonable to facilitate reporting allowed by the Regulations without committing significant public funds at this time of austerity and without disrupting the business of the meeting. Health and Safety considerations should also be taken into account. With these factors in mind it is proposed that the arrangements should be as follows:-
  - That persons attending to report meetings should be advised of the availability of WIFI to assist in this process;
  - That they should remain seated;
  - That, in order to avoid accidents, it will not be possible for them to use electric sockets for their equipment;
  - That they be reminded that they cannot carry out oral reporting during the meeting or disrupt the meeting in any way.
15. On 30 June 2014, the Constitution Working Group agreed to recommend that Council approve the protocol appearing at Appendix 2.

#### **Recommendations and reasons**

16. It is recommended that Council:
  - (i) Note the report;
  - (ii) Approve of the protocol at Appendix 2.

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**Contact: Colette Longbottom Tel: 03000 269 732**

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## **Appendix 1: Implications**

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**Finance** - none specific in this report

**Staffing** - none specific in this report

**Risk** - none specific in this report

**Equality and Diversity / Public Sector Equality Duty** - none specific in this report

**Accommodation** - none specific in this report

**Crime and Disorder** - none specific in this report

**Human Rights** - none specific in this report

**Consultation** - none specific in this report

**Procurement** - none specific in this report

**Disability Issues** - none specific in this report

**Legal Implications** - none specific in this report

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## **Appendix 2: Protocol for members of the public wishing to report on meetings of Durham County Council.**

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Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place, is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 03000 269 714, or email [democraticservices@durham.gov.uk](mailto:democraticservices@durham.gov.uk) that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

For meetings held in County Council Buildings, members of the public are welcome to use the Council's Wi-Fi facilities which can be accessed by selecting 'PublicInternet' from the list of available networks on your device. You must ensure that you have enabled the wi-fi on your device. Occasionally, meetings take place in venues not run by the County Council and in such circumstances members of the public are advised to check with the venue whether Wi-Fi is available.

In order to avoid accidents, the Council regrets that it is unable to facilitate members of the public using electric plug sockets in meetings for their equipment.

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County Council

23 July 2014



County Durham Youth Justice Plan 2014/16

**Rachael Shimmin, Corporate Director Children & Adults Services**

**Councillor Ossie Johnson, Cabinet Portfolio Holder for Children and Young People's Services**

**Purpose of the Report**

- 1 The purpose of the report is to present County Durham Youth Justice Plan 2014/16 to Council for approval, subject to agreement by Cabinet on 16 July. The Youth Justice Plan 2014/16 was approved by County Durham Youth Offending Service (CDYOS) Management Board (19 May 2014) in line with YJB/MoJ requirements. It will be submitted to the Youth Justice Board (end July).

**Background**

- 2 The Crime and Disorder Act 1998 places a statutory responsibility on the local authority to establish a youth offending team – CDYOS in Co. Durham – and ensure that it is adequately resourced to deliver the range of youth justice services outlined in section 38(4) of the Act. Police, National Probation Service (NPS) and Clinical Commissioning Groups (CCGs) are statutorily required to assist in the funding and operation of the YOS. CDYOS is a statutory partnership.
- 3 The Crime and Disorder Act 1998 (s.40) places a duty on every Local Authority, after consultation with the partner agencies, to formulate and implement an annual Youth Justice Plan which sets out:
  - How youth justice services in the area are to be provided and funded, and
  - How the Youth Offending Service will be composed and funded, and what statutory functions the service is to carry out.
- 4 Legal and data requirements placed on the YOS and the Management Board include:
  - Complying with the statutory requirements laid out in s.38 to 40 of the Crime and Disorder Act 1998, and other relevant sections of the Act
  - Complying with National Standards for Youth Justice and reporting requirements for Community Safeguarding and Public Protection Incidents
  - Adhering to the relevant Youth Justice Board (YJB) data recording guidance

- 5 As well as reviewing the progress made in youth justice over the previous 12 months, the plan sets out the key priorities and next steps for the partnership, in particular for County Durham Youth Offending Service.

### **Key Achievements 2013/14**

- 6 Key achievements include improved performance in two of the three national outcome measures (First Time Entrants and Re-offending); maintained good performance in the third (Use of Custody):
- First Time Entrants (FTEs) to the youth justice system: 210, our lowest ever; 16.3% reduction compared to 2012/13 (251 FTEs). 81.4% reduction in FTEs since 2007/08 (1129 FTEs).
  - Re-offending: 13.1% reduction in the binary rate; 16.5% reduction in the frequency rate (MoJ data, March 2014)
  - Custodial sentences: 25 custodial sentences (same as 2012/13)
  - 47.7% reduction in the number of offences committed by young people (2010/11 – 2013/14)
  - 50.5% reduction in the number of young people offending (2010/11 – 2013/14)

### **Youth Justice Plan 2014/16**

- 7 The key priorities in the plan are:
- To reduce first time entrants to the youth justice system
  - To reduce re-offending
  - To reduce the use of custody (both remands and sentences)
- 8 To achieve these, a range of actions are being implemented. Examples include:
- Improving how CDYOS communicates with young people and the interventions the service completes with them
  - Putting victims, including young victims, and restorative justice at the heart of everything CDYOS does
  - Targeting resources on those young people committing the most offences
  - Ensuring robust quality assurance and staff management processes are in place and a skilled management team to manage those processes
  - Ensuring CDYOS listens and responds to what young people and their families say
  - Ensuring volunteering, by both adults and young people, is a key component of the work undertaken with young people and victims
  - Ensuring case management systems and admin support provides highest quality support to staff and managers

- 9 The Youth Justice Plan 2014/16 also sets out the resource plan for the service, including staffing and finance. Council will note that the Youth Justice Plan is resourced through partnership activity and finance and that several of these funding streams have transferred to the Police and Crime Commissioner. CDYOS has worked closely with the Safe Durham Partnership and PCC in agreeing priorities for 2014/16.

**Recommendations and reasons**

- 10 Council are recommended to:

- (a) Approve the Youth Justice Plan 2014/16

**Background papers:**

County Durham Youth Offending Service Youth Justice Plan 2014/16

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**Contact: Gill Eshelby, Strategic Manager, County Durham Youth  
Offending Service Tel: 03000 265 989**

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## **Appendix 1: Implications**

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**Finance** - The plan contains information on the resourcing of CDYOS. A costed Good Practice Development Plan must be submitted to the YJB by 30 June 2014 (Terms and Conditions of Youth Justice Good Practice Grant 2014-2015). This (the Service Improvement Plan) can be found in Appendix 3 of the Youth Justice Plan (attached).

**Staffing** - The plan contains information on staffing in CDYOS

**Risk** - The resourcing of CDYOS is dependent on a range of funding streams,

**Equality and Diversity/ Public Sector Equality Duty** – Have been considered in the development of the Youth Justice Plan and key priorities for 2014/15

**Accommodation** – None. CDYOS has reduced office bases as part of strategy to achieve 2014/15 MTFP savings. Staff are working flexibly, supported by ICT and Juniper licences.

**Crime and Disorder** - The statutory duty of the youth justice system is to prevent crime and disorder by young people (Crime and Disorder Act 1998, S37 (1)).

**Human Rights** – Have been considered

**Consultation** – Management Board members have been consulted

**Procurement** - None

**Disability Issues** – Have been considered and addressed

**Legal Implications** – The delivery of statutory youth justice functions.

**Durham**  
County Council



County Durham Youth Offending Service  
**Youth Justice Plan**

2014 / 2016



## Foreword from the Chair

It is my pleasure to present the County Durham Youth Offending Service Youth Justice Plan for 2014/16. This statutory plan reviews the work of the service over the last year and sets out priorities for the next period.

County Durham Youth Offending Service continues to achieve some remarkable outcomes. For several years, the number of young people entering the criminal justice system has reduced as a result of effective joint work between the service and the Police. This trend continues. We know that for most young people, this will be their only involvement with youth justice, and that they will not be in trouble again.

The number of young people committing offences has halved over the last four years, as has the number of offences committed. Most of those offences had a victim, so that means there are many fewer victims too. That's great news for our community as a whole.

Many other achievements are set out in the plan, including the success of Restorative Justice, community reparation and a reduction in the use of custody.

CDYOS' innovation has been acknowledged nationally, with a string of national award successes.

These achievements would not be possible without the full and active engagement of a range of partners, committed to working together to meet the needs of challenged and challenging young people. I would like to thank the partners who make up the Youth Offending Service for their continued commitment of time, expertise and resources.

I would also like to thank the staff of the service, under the leadership of Gill Eshelby and Dave Summers. Their unceasing commitment to realising the best possible quality and outcomes is shown in this performance.

All public services are facing challenges from reduced funding, and CDYOS is no different. However, the service has set out realistic priorities for the future, building on the firm foundations built over recent years.

This plan gives the full flavour of what has been achieved and what the next steps are.

I am confident that by continuing to work together, we can continue to achieve great things.



**Carole Payne**  
**Chair of CDYOS Management Board**

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## Executive Summary

The Youth Justice Plan 2014/16 highlights work done to date, and key achievements and outcomes for 2013/14. It outlines key priorities, budget, staffing, service developments and the service improvement plan for 2014/15. A light touch refresh for 2015/16 will be produced in due course.

### National Outcome Measures 2013/14

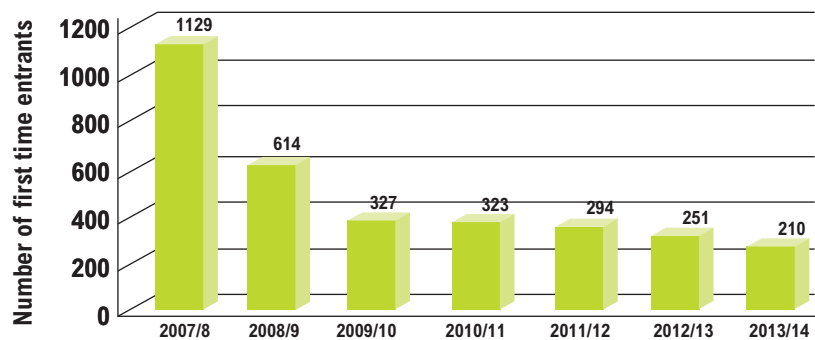
- **First time Entrants (FTEs) to the Youth Justice System: 210**, our lowest ever, and a 16.3% reduction compared to 2012/13 (251 FTEs). Well below the locally agreed target (less than 340). 81.4% reduction in FTEs 2007/08 – 2013/14. (Source: CDYOS case management system, April 2014)

- **Re-offending** latest Ministry of Justice (MoJ) data (March 2014) shows **13.1% reduction** in the **binary rate** and **15.6% reduction** in the **frequency rate** (April 11 – March 12) compared to the same period the previous year. This includes all offences. (Source: Police National Computer (PNC) data; MoJ, March 2014).
- **Use of custody:**  
**Custodial Sentences: 25** custodial sentences, the same as 2012/13. (Source: CDYOS case management system, April 2014)  
**Remand Bed Nights:** we have reduced the number of YOI bed nights. Remands are used only when necessary.

### First Time Entrants 2007/08 to 2013/14

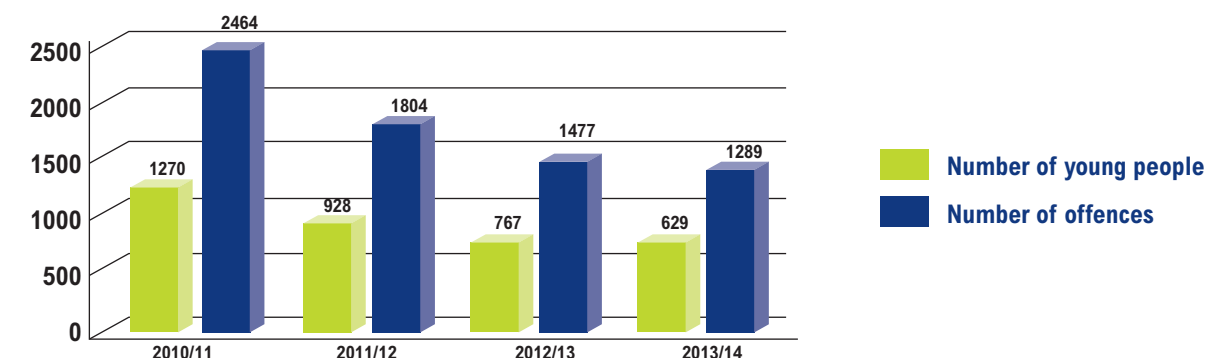
As a result of our fully integrated pre court/out of court system which provides assessment and intervention at a young person's first point of contact with the youth justice system (first offence), we have reduced first time entrants (FTEs) and re-offending.

Between 2007/08 and 2013/14 we have achieved **81.4% reduction** in first time entrants, from 1,129 in 2007/08 to 210 in 2013/14.



### Number of young people offending and offences committed 2010/11 to 2013/14

We have achieved a **47.7% reduction** in the number of offences committed and a **50.5% reduction** in the number of young people offending (2010/11 – 2013/14). This includes all offences committed by young people aged 10-17 years, resulting in a Pre Reprimand Disposal (PRD) – a Pre Caution Disposal (PCD) since April 2013 - pre court/out of court decision or court conviction.





## In 2013/14 we: Miscellaneous

- achieved a 53.3% reduction in the number of alcohol related offences committed (from 655 offences in 2010/11 to 306 in 2013/14) and a 39.4% reduction in the number of young people committing them (from 302 in 2010/11 to 183 in 2013/14)
- improved the quality and consistency of our work with victims, including increasing victim involvement in our work with young people
- expanded restorative justice across all orders within existing resources
- ensured our Out of Court Disposals work and Positive Futures programme are integrated into the Police and Crime Commissioner (PCC)'s planning for 2014/15
- trained 90 case managers and volunteers in restorative approaches, including conferencing at level 2 and 3, to improve our work with victims of youth crime
- lead partnership work on the Integrated Restorative Practice Strategy on behalf of the Safe Durham Partnership
- implemented our service restructure (1 February 2014), introducing new ways of working, and building resilience in the context of reducing resources
- won The Youth Justice Award, Children and Young People Now Awards 2013 with our Intensive Employability Programme. This is the third time in four years that we have won this national award
- achieved excellent outcomes with our successful Summer Arts College, a partnership between CDYOS, Positive Futures, and The Living Well Trust. Seven young people achieved Bronze Arts Awards; the programme won 3 of the 8 national awards; and one young person won the 'Achiever of the Year' award
- reshaped Positive Futures to focus on a specific cohort of young people/offences
- raised almost £1,000 for the Royal British Legion from 'bling poppies' produced as part of young people's court ordered reparation
- were chosen as one of only 31 YOTs nationally to work with the British Dyslexia Association on a 2 year project to become dyslexia friendly
- secured funding from the North Durham Clinical Commissioning Group (NDCCG) to enable the

secondment of a Speech and Language Therapist to CDYOS (from March 2014) to

- improve how we work with young people with speech, language and communication needs
- embedded Prince's Trust accreditation in core work
- improved the quality of exit strategies/pathways for young people after statutory supervision
- identified and embedded best practice across the whole service

## Reducing First Time Entrants (FTEs)

- achieved our best ever FTE figures (210 young people)
- introduced robust risk and vulnerability processes to pre court practice
- included FTEs/pre court in the Positive Futures Outcomes Plan
- further integrated out of court and post court delivery, especially in respect of high risk young people
- ensured a holistic model of assessment, planning intervention and supervision (APIS) for pre court /out of court delivery
- embedded the Think Family approach to all pre court/out of court work
- introduced a pre court case closure checklist to ensure continued quality

## Reducing Re-offending

- implemented our Reducing Re-offending by Young People Strategy to further reduce re-offending
- implemented our Reducing Re-offending by Looked After Children (LAC) Strategy in partnership with Children's Services (former children's social care) and Durham Constabulary
- reduced re-offending by 13.1% (binary rate) and 15.6% (frequency rate). (Source: PNC data; MoJ, March 2014)
- implemented Re-engagement Panels prior to breach
- exceeded our targets for our Intensive Employability Programme for progression into employment/training
- ensured the Prince's Trust is a core part of CDYOS intervention programmes
- implemented improved processes for exit planning after statutory supervision

- sourced 2 larger reparation units to enhance service delivery and allocated over 5,000 hours of court ordered reparation
- expanded the use of restorative justice across all orders
- implemented our Enhanced Transitions Pilot for vulnerable 18-20 year olds, in partnership with Durham Tees Valley Probation Trust
- ensured a proactive approach in court to supporting Pre Sentence Reports (PSR) proposals
- further improved links with Crown Court sentencers
- implemented Team Manager reviews of all cases, which include young people and their parents/carers, to ensure their feedback improves service design and delivery
- embedded the Think Family approach to all post court work
- maximised the flexibilities inherent in new National Standards for Youth Justice to improve service delivery
- provided training for all staff on Case Recording
- developed discrete Vulnerability Policy and Procedures

### **Reducing Use of Custody**

- implemented Custody Panels to review all custodial sentences
- improved the quality of work with Detention and Training Orders (DTOs), including resettlement after custody
- reviewed and improved our Bail Supervision and Support Programme
- reviewed and improved our Intensive Supervision and Surveillance (ISS) programme
- strengthened our links with Integrated Offender Management (IOM) partners
- implemented our Reducing Remand Bed Nights Strategy
- monitored remand bed nights and associated costs robustly
- developed and implemented a protocol with Children's Services (former children's social care) regarding Remands to Youth Detention Accommodation

### **We are particularly proud, in 2013/14, of:**

- improving performance in two of the three national outcome measures (First Time Entrants and Re-offending) and maintaining the previous year's good performance in the third (Use of Custody)
- reducing re-offending by 13.1% (binary rate) and 15.6% (frequency rate). (Source: PNC data; MoJ, March 2014). This improvement is better than the North East and England performance
- implementing our Reducing Re-offending by Young People Strategy to further reduce re-offending
- achieving our lowest ever number of first time entrants (FTEs): 210. A 16.3% reduction compared to 2012/13 (251 FTEs) and a 81.4% reduction since 2007/08 (1129 FTEs)
- having only 25 custodial sentences (same as 2012/13)
- increasing victim participation in our work with young people: 62.4% in 2013/14 compared to 51.8% in 2012/13
- embedding new roles for volunteers in service delivery and having 70 trained active volunteers
- winning The Youth Justice Award, Children and Young People Now Awards 2013 with our Intensive Employability Programme - the third time in four years that the service has won this national award. (The PRD won in 2010; Fully Integrated Pre Court System won in 2012)
- our partnership with Children's Speech and Language Therapy Services, County Durham and Darlington Foundation Trust, and the North Durham Clinical Commissioning Group (NDCCG) to enable the secondment (from March 14) of a Speech and Language Therapist to CDYOS to improve how we work with young people with speech, language and communication needs
- becoming one of only 31 YOTs nationally chosen to work with the British Dyslexia Association to become a dyslexia friendly organisation

- our partnership with The Royal British Legion to produce 'bling poppies' which raised almost £1,000 from young people's court ordered reparation. The partnership has been extended for 2014/15 to include other work e.g. First World War gravestones
- showcasing our restorative justice work at the Safe Durham Partnership's Restorative Practice Conference (January 2014)
- implementing our restructure (February 2014), including new ways of working
- securing additional funding from the Police and Crime Commissioner (PCC) to expand our speech, language and communication project to include improving how we work with young victims of youth crime
- our staff and volunteers' hard work and continued commitment to reduce first time entrants, re-offending and the use of custody; their work to improve outcomes for young people, families, victims and communities; and their willingness to adapt to new challenges

#### In 2014/15 we will:

- Reduce First Time Entrants to the Youth Justice System
- Reduce re-offending by young people
- Reduce the use of custody for both sentenced and remanded young people

By:

- Improving how we communicate with young people and the interventions we complete with them
- Putting victims, including young victims, and restorative justice at the heart of everything we do
- Targeting our resources on those young people committing the most offences
- Ensuring we have robust quality assurance and staff management processes in place and a skilled management team to manage those processes
- Ensuring we listen and respond to what young people and their families are telling us
- Ensuring volunteering, by both adults and young people, is a key component of the work we undertake with young people and victims
- Ensuring that case management systems and administration support provides the highest quality support to staff and managers in the delivery of services to courts, communities and young people

See Appendix 3 (Service Improvement Plan) for more detail.

## Introduction

Youth Offending Teams (YOTs) are statutory partnerships, established under the Crime and Disorder Act 1998, with the principal aim of preventing offending by children and young people. Local Authorities are responsible for establishing a Youth Offending Team within their area. Police, Probation and Clinical Commissioning Groups (CCGs) are statutorily required to assist in their funding and operation.

It is the duty of each local authority, after consultation with the partner agencies, to formulate and implement a statutory annual youth justice plan setting out:

- How youth justice services in their area are to be provided and funded;

- How the Youth Offending Service (YOS) will be composed and funded, how it will operate, and what functions it will carry out.

Legal and data requirements placed on the YOS and the Management Board include:

- Complying with the statutory requirements laid out in s.38 to 40 of the Crime and Disorder Act 1998, and other relevant sections of the Act
- Complying with National Standards for Youth Justice and reporting requirements for Community Safeguarding and Public Protection incidents
- Adhering to the relevant Youth Justice Board (YJB) data recording guidance

## County Durham Youth Offending Service (CDYOS)

County Durham Youth Offending Service (CDYOS), a statutory multi-agency partnership, is part of Children's Services within Children and Adults Services, Durham County Council. Active links are maintained at both strategic and operational level to the Criminal Justice / Community Safety arenas. The Service is represented at strategic level in a range of key partnerships (e.g. Children and Families Partnership, Safe Durham Partnership (CSP), Local Safeguarding Children Board, Local Criminal Justice Board, Strategic MAPPA Board, Think Family Partnership etc.) as well as relevant sub groups.

### Strategic Purpose of CDYOS

- To prevent re-offending by children and young people
- To reduce First Time Entrants (FTEs) to the youth justice system
- To be achieved by delivering specialist interventions
- Underpinned by safeguarding and public protection

For 2014/15, CDYOS' primary focus is on the following three outcome areas:

- reducing first time entrants
- reducing re-offending
- reducing the use of custody (both sentenced and remanded)
- and ensuring public protection/safeguarding by providing specialist interventions.

We will embed service improvements; focus on the quality of practice; and work to ensure that our new structure continues to improve outcomes and focus on core business.

See Appendix 3: Service Improvement Plan 2014/15

We are particularly proud of:

- our integrated pre/out of court structures which have resulted in 81.4% reduction in first time entrants (2007/8 – 2013/14)
- reducing re-offending by 13.1% (binary rate) and 15.6% (frequency rate). (Source: PNC data; MoJ, March 2014)
- reducing all offences committed by young people by 47.6% (2010/11 – 2013/14)
- reducing the number of young people offending by 50.5% (2010/11 – 2013/14)
- increasing victim participation in CDYOS' work with young people: 62.4% in 2013/14 compared to 51.8% in 2012/13
- our strong partnership work
- our child centred approach – where safeguarding of young people is a priority alongside preventing re-offending
- our range of professionals in the service who work to their specialist skills
- delivering our work in the communities where young people and families live
- allocating over 5,000 hours of court ordered reparation in 2013/14
- our willingness to change and improve

## Structures and governance

### Outcome:

Integrated strategic planning and working with clear performance oversight to ensure effective delivery of youth justice services.

### Governance – Management Board

CDYOS is accountable to a multi-agency Management Board, chaired by the Head of Children's Services, Children and Adults Services, Durham County Council. The membership and terms of reference of the

Management Board are reviewed annually. Membership is at Chief Officer or appropriate Senior Officer level. The Management Board consists of:

- Children and Adults Services, Durham County Council (DCC) (Chair)

- Durham Constabulary
- National Probation Service
- North East Commissioning Support (NECS) representing the two Clinical Commissioning Groups (CCGs)
- HM Courts and Tribunals Service
- Improving Progression of Young People Team, DCC
- Office of the Police and Crime Commissioner

Membership and governance were reviewed (April 2014) in line with 'Modern Youth Offending Partnerships – Guidance on Effective Youth Offending Team Governance in England' (MoJ/YJB, November 2013). As a result of this review, the Community Rehabilitation Company (CRC) and Public Health will be invited to join the Management Board (June 2014).

The Management Board (via the Chair) reports to the Children and Families Partnership, Safe Durham Partnership and County Durham Partnership. The Council's Safer and Stronger Communities Overview and Scrutiny Committee also monitors performance (e.g. First Time Entrants) within its quarterly performance reports.

The Management Board ensures CDYOS can deliver effective youth justice services and improve outcomes for young people by:

- Providing clear performance oversight and direction
- Receiving regular budget reports
- Ensuring the service is adequately resourced
- Providing clear governance and accountability
- Reviewing the statutory partners' budget contribution to CDYOS
- Ensuring excellent links with the Children and Families Partnership, Safe Durham Partnership, Local Criminal Justice Board (LCJB), Local Safeguarding Children Board (LSCB) and broader partnership arena

This is achieved by providing:

- Strategic oversight and direction
- Support
- Partnership working
- Planning and resources

## Structures

Since October 2013, CDYOS has been part of Children's Services, Children and Adults Services, Durham County Council. The Strategic Manager CDYOS is line managed by the Head of Children's Services (Chair of the Management Board) and is a member of Children's Services Senior Management Team.

Children's Services include:

- One Point (Integrated Children and Family Services)
- CDYOS
- Think Family Services
- Secure Services
- Child Protection and Disability
- Looked After Children and Permanence
- Assessment and Intervention

The new service grouping provides valuable opportunities for joint work and a clear continuum of services which includes early help and prevention as well as specialist youth justice services (CDYOS and Secure Services). The Think Family strategy underpins all our work. The transformation of Children's Services and the creation of the Single Front Door and Single Assessment (April 2014) shows the commitment to early help and prevention in Co. Durham.

Children and Adults Services, including Public Health which became part of the local authority in April 2013, provide opportunities for joint work and innovation – essential in the context of a rapidly changing partnership operating environment and reducing resources.

## Reducing Youth Crime – Integrated Strategic Planning

The primary focus of CDYOS – preventing re-offending by young people, reducing first time entrants to the youth justice system and reducing the use of custody – is fully integrated into the following strategic plans/strategies in County Durham:

- Safe Durham Partnership (SDP) Plan (2014/17)
- County Durham Children, Young People and Families Plan (2014/17)
- Durham County Council Plan (2014/17)



- The Sustainable Community Strategy for County Durham (2014/30)
- Safe Durham Partnership Reducing Re-Offending Strategy (2014/17), including Integrated Offender Management developments
- Safe Durham Partnership Integrated Restorative Practice Strategy (2013) and Action Plan (2014/15)
- Safe Durham Partnership Anti-Social Behaviour Strategy and Action Plan (2014/17)
- Safe Durham Partnership Alcohol Harm Reduction Plan (2012/15)
- Think Family Strategy
- Early Help Strategy
- Durham Police and Crime Plan (2013/17)

The health needs of young people who offend are included in both the Joint Strategic Needs Assessment and Joint Strategic Assessment 2013. This maximises opportunities for joint

work across Children and Adult Services, Health, Community Safety and Criminal Justice and ensures a co-ordinated strategic approach across County Durham.

The service has developed links with the Police and Crime Commissioner and CDYOS partnership priorities are included in the Police and Crime Plan. We have secured some extra funding for 2014/15 from the PCC's Victims Fund to improve how we work with young victims of youth crime, with a special focus on their speech, language and communication needs.

Think Family work in Co. Durham has been improved by the active involvement of the service. Additional funding has been secured for 2014/15 to develop to the role of CDYOS volunteers as family mentors for the Stronger (Troubled) Families programme.

## Resourcing and value for money

### Outcome:

Efficient deployment of resources to deliver effective youth justice services to prevent offending and re-offending.

CDYOS is committed to the following principles:

- maintaining front line delivery and core services to young people and partners as far as possible
- ensuring CDYOS remains in a position to improve practice and outcomes for young people
- ensuring young people are safeguarded and risk is managed
- ensuring Value for Money (VfM).

These underpin all our work re budgetary management. Robust financial management is underpinned by regular budget reports to the Management Board.

### Budget 2014/15

CDYOS budget comprises partnership funding, YJB funding and specific grant funding. The budget allocation is reviewed annually by

CDYOS Management Board and all partners (Police, Probation, Health and Local Authority) agree funding contributions for the following year.

The pooled budget for 2014/15 is £3,785,186. A detailed budget breakdown can be found at Appendix 2.

88% of CDYOS budget (£3,334,096) is spent on staff costs. 93% of this is front line delivery.

CDYOS partnership has implemented a comprehensive youth crime prevention strategy which includes pre/out of court and post court. Our nationally recognised fully integrated pre court/out of court system has evidenced success in reducing first time entrants and re-offending and is an Invest to Save Strategy.

It has resulted in a 47.7% reduction in the number of offences committed by young people aged 10-17 and a 50.5% reduction in the number of young people offending (2010/11 – 2013/14).

### **YJB Grant Funding 2014/15**

The YJB provides 4 grants which are part of CDYOS' pooled budget:

- Good Practice Grant
- Restorative Justice Grant
- Remand Framework for Children
- Youth Rehabilitation Order (YRO) Unpaid Work Order Grant

All four grants are ring-fenced to youth justice services.

**Good Practice Grant: £815,343.** This grant must be used for the development of good practice in the service and underpins the work of our Service Improvement Plan (SIP) 2014/15. The SIP and costed Business Plan for this grant (as required by YJB/MoJ grant conditions) can be found at Appendix 3.

### **Remand Framework for Children: £43,511.**

From April 2013, the full cost of all remand bed nights became the responsibility of the local authority, following implementation of that part of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. The Remand to Youth Detention accommodation (RYDA) presents a new – and major – burden and risk to local authorities.

The grant is part of CDYOS' pooled budget. The 2014/15 grant is a 42% reduction on that received for 2013/14 (£75,297). Actions to mitigate risk of overspend include: Reducing Remand Bed Night Strategy and remand/special court cover for all courts, including weekend and Bank Holidays.

**Restorative Justice Grant: £17,413.** This supports the Restorative Justice Improvement Plan, part of the Service Improvement Plan (Appendix 3). Restorative justice is at the heart of everything we do. A full action plan to expand and improve the work we undertake has been produced and is now being implemented.

### **YRO Unpaid Work Order Grant: £12,604**

**(indicative).** As part of Transforming Rehabilitation, responsibility for the delivery of the YRO unpaid work requirement for 16/17 year olds (if imposed by the courts), transfers from Probation/NOMS to youth offending services from 1 June 2014. This is a new responsibility for youth offending services. This grant is to be used for developing good practice in respect of unpaid work.

### **Budget Savings 2014/15**

CDYOS has to manage within a tough budgetary environment. The Service had a budget reduction of 175k for 2014/15 (excluding reduction in Remand Framework Grant). This equates to 4.5% of the pooled budget. Since 2011/12 CDYOS budget has been reduced by 15% (£653,268).

We managed the budget reductions for 2014/15 by:

- restructuring the service (February 2014)
- reducing from 3 to 2 office bases and implementing new ways of working
- reviewing all staffing in light of service needs and re-profiling some posts to increase resilience/capacity
- formalising working arrangements for service operation 6 days per week (7 when necessary), with dedicated management cover
- holding/deleting a range of vacancies to minimise risk to staff
- reducing support/admin services
- introducing a range of lean admin processes/operating procedures
- reducing all non-staffing expenditure to an absolute minimum
- maximising Durham County Council's support structures
- changing the way we work with local partnerships (e.g. Safe Durham Partnership/ Children and Families Partnership etc.)

It should be noted the budget savings have been achieved while improving performance in two of the three national outcome measures (FTEs and re-offending) and maintaining our good performance in the third (use of custody).

## Staffing and Service Delivery

### Service Delivery

CDYOS works with young people across the whole Youth Justice spectrum (pre/out of court and post court):

- prevention of offending (Safe Durham Partnership ASB Escalation Procedures)
- pre conviction arena (bail and remand management)
- fully integrated pre/out of court system (nationally recognised)
- community sentences
- long term custodial sentences.

CDYOS ensures the delivery of court orders (both in the community and custody) in line with National Standards for Youth Justice, national Case Management Guidance and other statutory requirements. We recruit, train, manage, supervise and deploy volunteers to carry out a range of functions (including the statutory delivery of Referral Orders). We operate a fully staffed court rota for the Youth Court, Remand Court, Crown Court and Special Courts (Saturdays and Bank Holidays). We ensure safeguarding and management of risk, including public protection, in relation to young people in the youth justice system.

CDYOS works with victims of youth crime to ensure meaningful input to work with young people who have offended and has expanded restorative justice across all orders within existing resources.

See Appendix 4 (Statutory Functions) for more detail.

During 2013/14 we worked with 1199 cases (pre/out of court and post court) with 36,858 contacts by CDYOS over the year.

### Staffing

The Service is staffed in line with the requirements of the Crime and Disorder Act (1998), including: Social Workers, Probation Officers, Police Officers, Health staff (Community Nurses), Education Officers plus a range of other staff e.g. Managers, Practice

Improvement Officers, Victim Liaison Officers, Think Family Mentor, Family Support Officer, Intensive Supervision and Surveillance (ISS) Officer, Reparation Officer, Police staff, Admin staff and staff who deliver a range of interventions with young people to reduce re-offending, including ISS, reparation, and pre court/out of court.

The service has 99 staff (89.34fte) and 70 active volunteers in 2014/15, a reduction from 107 staff (93.56fte) in 2013/14.

Some staff are seconded to CDYOS from Durham Constabulary, National Probation Service, County Durham and Darlington Foundation Trust, and the Think Family Team. The vast majority are employed by DCC on behalf of the partnership.

As a result of the increasing complexity of cases managed, CDYOS operates a specialist model of case management, enabling staff to work to their expertise. The primary focus of staff is on their specialist roles. Specialist case managers hold overall responsibility for between 15-18 cases each.

We operate a multi- professional Team around the Child, maximising expertise of professionals in CDYOS, and utilising additional skills from outside the service as required.

The integration of pre and post court staff under single line management at local level (2011); establishment of the countywide admin team (2012); and restructure of the service into two office bases, facilitated by remote working/technology (February 2014) have helped to build capacity and capability, improve outcomes and ensure Value for Money.

'CDYOS ...is now operating out of two offices, providing services using more flexible working arrangements... all staff working flexibly with over 60 using Juniper licences. This will provide efficiencies without significantly impacting on frontline service.' (YJB, March 2014)



## Partnership arrangements

### Outcome:

Effective partnership arrangements are in place between YOS statutory partners and other local partners that have a stake in delivering local youth justice services, and these arrangements generate effective outcomes for children and young people who offend or are at risk of offending.

### Partnership Arrangements

Partnership arrangements in place to deliver effective and efficient youth justice services in County Durham include:

- Partners (Police, Probation and Health) have maintained their specialist staff and financial contributions to the service for 2014/15
- Durham County Council as lead partner
- The Management Board consists of statutory partners plus broader membership (Office of the Durham Police and Crime Commissioner, HMCTS)
- Public Health and the Community Rehabilitation Company will be invited to join the Management Board (June 2014)
- Seniority of Management Board members
- Management Board members are proactive, working both within and outside the Board, to support the work of the service
- Partnership work to support the development of a range of projects and initiatives

### Effective Partnership Work

CDYOS has strong partnership work with an extensive range of partners at both strategic and operational level. Partners include:

- Criminal Justice (Police, Probation, Courts)
- Community Safety (DCC, Health, Fire and Rescue)
- Children and Families Partnership (DCC, Health, Police, VCS)
- LSCB
- MAPPA
- Health (CDDFT, CCGs, NECS, TEWW)
- Transforming Rehabilitation (TR) partners (National Probation Service (NPS), Community Rehabilitation Company (CRC) etc.)
- Think Family

A priority for 2014/15 is to ensure effective partnership work with the NPS and CRC in the context of Transforming Rehabilitation. This work is being progressed via the Safe Durham Partnership.

Strong partnership resourcing in CDYOS is formalised by HR Service Level Agreements with partners in regards to seconded staff (NPS, Police, CCGs, Think Family). HR Service Level Agreements (SLAs) are reviewed annually.

The Service operates a range of protocols with partners (including courts, health, Children and Adolescent Mental Health Service (CAMHS), Children's Services – former children's social care) – which are regularly reviewed.

Partnership information sharing protocols/agreements work very well and ensure holistic assessment, intervention and outcomes for young people who offend. Staff have access to a range of case management systems/databases in CDYOS offices, including:

- All Police intelligence systems inc. PNC, Sleuth, Blue Delta, Red Sigma (Police)
- SystemOne (Health)
- ICS/SSID (Safeguarding/ Children's social care)
- ONE (Education)
- Capita (Education)
- CareWorks (Youth Justice case management system)

Police intelligence systems are available to a group of vetted and suitably trained staff in CDYOS, in addition to Police Officers and Police staff.

The range of case management systems/databases in CDYOS allows staff and secondees to access critical, real-time information regarding the young person/family to support management of risk and vulnerability, and ensure holistic assessment and information sharing to improve outcomes for young people in the youth justice system.

In addition, CareWorks is available in house for:

- Emergency Duty Team (EDT)
- 4Real (young people's substance misuse service)
- One Point (integrated early intervention service for young people 0 -19 and families)
- All magistrates courts in County Durham.

### Key new partnerships

Key new partnerships/joint work during 2013/14 and 2014/15 include:

- The Royal British Legion - reparation work
- Children's Speech and Language Therapy Services, County Durham and Darlington Foundation Trust and the North Durham Clinical Commissioning Group – Speech and Language Therapy pilot/ speech language and communication needs of young people who offend
- British Dyslexia Association – speech language and communication needs
- Safe Durham Partnership – strategic lead for partnership work on Integrated Restorative Practice
- The Prince's Trust – accreditation of core work
- Colleges, training providers, VCS, Improving Progression of Young People Team – Intensive Employability Programme
- Safe Durham Partnership, NPS, CRC, Police, PCC – TR developments
- Office of the PCC – young victims of youth crime

'There is evidence of positive engagement with partners.' (YJB, March 2014)

### Reducing Re-offending

The impact of early intervention via pre/out of court work and robust case management post court is evidenced by:

- 81.4% reduction in first time entrants (FTEs) – from 1129 in 2007/08 to 210 in 2013/14
- reducing re-offending by 13.1% (binary rate) and 15.6% (frequency rate). (Source: PNC data; MoJ, March 2014)
- reducing all offences committed by young people by 47.6% - from 2464 in 2010/11 to 1289 in 2013/14
- reducing the number of young people offending by 50.5% from 1270 in 2010/11 to 629 in 2013/14
- reducing alcohol related offences by 53.3% and the number of young people committing alcohol related offences by 39.4% (2010/11-2013/14)

### National Recognition

National recognition of CDYOS' work includes:

- Winning the Youth Justice Award, Children and Young People Now Awards – three times in four years (2010, 2012, 2013)
- Being awarded Investing in Volunteers (IiV) status (January 2013) – the first Durham County Council service to achieve IiV status
- Being runner up in the Howard League Community Programmes Awards 2010 (Children and Young People category); and being shortlisted in 2012 and 2013
- Being highly commended in the LGC Awards 2011 (Children's Services)
- Being awarded two Butler Trust Commendations: in 2011 (Strategic Manager - for contribution to diverting young people from the criminal justice system) and in 2012 (one of our volunteers for over 10 years' service in CDYOS). CDYOS is the only YOS in the country to have been awarded two commendations from The Butler Trust
- A visit from HRH The Princess Royal, Royal Patron of the Butler Trust (Sept 2011) as follow up to the Strategic Manager's Butler Trust Commendation
- Our fully integrated Out of Court System being included as national best practice in the Out of Court Disposals Guidance (MoJ/YJB, 2013)

## Risks to Future Delivery

Risk	Action to Mitigate Risk
Remands to Youth Detention Accommodation (RYDA) – financial risk to local authority	<ul style="list-style-type: none"> <li>• Reducing Remand Bed Nights Strategy</li> <li>• Robust monitoring systems/management oversight</li> <li>• Fully staffed weekend and Bank Holiday court rota with dedicated management cover</li> <li>• 2 full time Bail Coordinators</li> <li>• Senior Management oversight/leadership</li> <li>• Bail supervision and support programme</li> </ul>
Future budget efficiencies/reduction in partner contributions	<ul style="list-style-type: none"> <li>• Review service restructure (Feb 2014) by March 2015</li> <li>• Review impact of remote working (inc. QA systems /vfm)</li> <li>• Management Board planning to mitigate risk</li> <li>• Explore new ways of working</li> <li>• Further expand role of volunteers</li> </ul>
Maintaining/improving performance and quality service in face of on-going real reductions in budget	<ul style="list-style-type: none"> <li>• Implement SIP 2014/15</li> <li>• CDYOS Quality Assurance systems/processes</li> <li>• Audits</li> <li>• Ongoing self- assessment against HMIP Thematic inspections</li> <li>• Impact of Early Help Strategy</li> <li>• Explore new ways of working/innovation</li> <li>• Continue focus on national outcome measure</li> </ul>
Continue to reduce re-offending in context of very challenging cohort as a result of impact of fully integrated pre court/out of court system	<ul style="list-style-type: none"> <li>• Reducing Re-offending by Young People Strategy</li> <li>• Reducing Offending by Looked After Children Strategy</li> <li>• SDP Integrated Restorative Practice Strategy</li> <li>• Speech, language and communication needs of young people who offend</li> <li>• Further develop interventions/resources</li> </ul>

Robust management and governance will continue to ensure that CDYOS improves outcomes for young people in the youth justice system and reduces re-offending. The Service is well placed to build on the progress and improved performance of the last 7 years.

‘The excellent work of CDYOS and key partners is now translating to significant improvements in re-offending performance. The rate of improvement seen in MoJ data is commendable especially given the national and regional trends. CDYOS continues to demonstrate success... in reducing FTEs which has contributed to a significantly smaller offending cohort, making the performance in re-offending even more remarkable....A significant reduction in remands suggests a determination to use custody only when necessary, and provide appropriate services to support this.

With evidence of robust governance overseeing the work of a well-established and effective leader I would expect this service to continue to progress in 2014.’  
(YJB, March 2014)

## Appendix 1 CDYOS Management Board Membership and Approval of Strategic Plan

Name	Role / Agency	Approval of the Plan
Carole Payne (Chair)	Head of Children's Services, Children and Adults Services, Durham County Council	
Michael Banks	Deputy Chief Constable, Durham Constabulary	
Carina Carey	Local Area Lead – Durham, National Probation Service	
Emma Thomas	Joint Commissioning Manager – Children NHS NECS, (on behalf of ND and DDES CCGs)	
Natalie Robinson	Youth Lead Legal Advisor Co. Durham and Darlington HM Courts and Tribunals Service	
Christine Usher	Planning, Analysis and Provision Manager, Improving Progression of Young People Team, Children and Adults Services, Durham County Council	
Ron Hogg	Durham Police and Crime Commissioner	
Gill Eshelby	Strategic Manager, County Durham Youth Offending Service, Children and Adults Services, Durham County Council	
Dave Summers	Countywide Manager, County Durham Youth Offending Service, Children and Adults Services, Durham County Council	

The plan has also been approved by Nicola Bailey, Chief Operating Officer, ND and DDES CCGs.

## Appendix 2 County Durham Youth Offending Service Budget 2014/15

Agency	Staffing Costs	Payments in Kind	Other Delegated Funds	Total
Local Authority	-	-	1,933,320	1,933,320
Police Service	153,991	72,000	128,000	353,991
National Probation Service	107,919	-	54,058	161,977
Health Service	149,573	-	50,267	199,840
Police Crime Commissioner	-	-	160,872	160,872
YJB - Good Practice Grant	-	-	815,343	815,343
Other Funding (Stronger Families)	-	-	35,000	35,000
<b>Total</b>	<b>411,483</b>	<b>72,000</b>	<b>3,176,860</b>	<b>3,660,343</b>

**CDYOS also has a budget of £126,643 for specific projects as detailed below.**

YJB - Remand Grant	43,511	43,511
YJB – Restorative Justice Grant	17,413	17,413
YJB – YRO Unpaid Work Grant (indicative)	12,604	12,604
Police Crime Commissioner - Victims Fund	22,000	22,000
NDCCG - Speech, Language, Communication	19,747	19,747
Police Community Safety Prevent Funding	8,568	8,568
Miscellaneous/Research	1,000	1,000
<b>Total CDYOS Pooled Budget</b>		<b>3,785,186</b>

## Appendix 3 Service Improvement Plan 2014/15

Priority	YJB Good Practice Grant
<b>1) Improving how we communicate with young people and the interventions we complete with them</b> <ul style="list-style-type: none"> <li>Improve CDYOS response to the speech, language and communication needs of young people</li> <li>Integrate further the 'Think Family' approach in post court work</li> <li>Identify and obtain Intervention Packages and Best Practice toolkits to complement those already in place</li> <li>Identify and implement CDYOS role in Anti-Social Behaviour developments</li> <li>Improve the delivery and robustness of the Intensive Support and Supervision requirement</li> <li>Review and amend the AIM procedures</li> </ul>	228,929 117,861 18,612 42,685 28,461 14,460
<b>2) Putting victims, including young victims, and Restorative Justice at the heart of everything we do</b> <ul style="list-style-type: none"> <li>Implement Restorative Justice Improvement Plan</li> </ul>	Funded by specific YJB Grant
<b>3) Targeting our resources on those young people committing the most offences</b> <ul style="list-style-type: none"> <li>Reduce Offending by Looked After Children</li> <li>Develop a premium service and monitoring process for the Persistent Offender Cohort</li> <li>Implement the Transfer to Local Authority Accommodation under PACE protocol</li> <li>Implement Quality Standards for Case Management based on HMIP criteria</li> </ul>	18,976 62,280 32,426 34,212
<b>4) Ensuring we have robust quality assurance and staff management processes in place and a skilled management team to manage these processes</b> <ul style="list-style-type: none"> <li>Develop and implement a specific Management Development Programme for CDYOS managers</li> <li>Develop and implement a Pre-court Quality assurance process</li> <li>Develop and implement procedures for the management of remote working</li> </ul>	18,322 31,541 28,852
<b>5) Ensuring we listen and respond to what young people and their families are telling us</b> <ul style="list-style-type: none"> <li>Achieve Investing in Children status</li> </ul>	43,434
<b>6) Ensuring volunteering, by both adults and young people, is a key component of the work we undertake with young people and victims</b> <ul style="list-style-type: none"> <li>Extend and embed the volunteers' role in mentoring for young people and families</li> <li>Develop and embed young people's volunteering opportunities</li> </ul>	21,874 21,874
<b>7) Ensuring that case management systems and administration support provides the highest quality support to staff and managers in the delivery of services to courts, communities and young people</b> <ul style="list-style-type: none"> <li>Develop and implement Data Retention procedures</li> <li>Develop use of the case Management System as the primary source of information for case management and quality assurance processes</li> <li>Develop, implement and monitor performance measures for administration</li> </ul>	11,670 23,277 15,597
<b>Total</b>	<b>815,343</b>

## Appendix 4 | CDYOS Statutory Functions

### Statutory functions include:

- Supervision of Court Orders (Community and Custody) in line with National Standards for Youth Justice.
- Provision of Youth Conditional Caution Supervisions.
- Provision of Court staffing (Youth, Crown, Remand Courts, inc Saturdays and Bank holidays)
- Provision of Bail supervision functions.
- Provision of Appropriate Adults for Police interviews.
- Provision of Pre Sentence Reports.
- Provision of Community Volunteers for Referral Panels.
- Recruit, train, manage, supervise and deploy volunteers to carry out statutory functions
- Provision of Referral Panel reports.
- Provision of 'Prevention' services to prevent youth crime.
- Provision of YJMIS data/ management information to YJB/MoJ re youth justice cases.
- Delivery of court ordered reparation to community and victims.
- Provision of a service to victims of youth crime.
- Comply with arrangements for multi –agency public protection (MAPPA).
- Duty to cooperate with MAPPA, LSCB, SDP (CSPs) etc.
- Duty to cooperate re safeguarding and public protection incidents in the community (YJB).
- Duty to comply with National Standards for Youth Justice (accountable to Ministers).
- Statutory duty to provide and support a Management Board.
- Statutory duty to produce and deliver an annual Youth Justice Plan.
- Statutory duty to provide assistance to persons determining whether Youth Cautions or Youth Conditional Cautions should be given.
- Management of children Remanded to Youth Detention Accommodation (RYDA).
- Statutory duty to cooperate with Children's Services to improve wellbeing of children in Co Durham.
- Management of sex offenders (AIM) – young people under 18 years of age.
- Provision of Parenting Orders imposed in the youth court (criminal matters).
- Management of remands to youth detention accommodation (RYDA).
- Provision of ASB escalation supervision.

### Additional functions include:

- Provision of integrated Out of Court delivery.
- Provision of services for Think Family/Stronger Families.
- Manage safeguarding and risk management inherent in all the above tasks.



## Appendix 5 Glossary

Abbreviation	Meaning
<b>APIS</b>	Assessment, Planning, Intervention and Supervision
<b>ASB</b>	Anti-Social Behaviour
<b>CAMHS</b>	Child and Adolescent Mental Health Service
<b>CCG(s)</b>	Clinical Commissioning Group(s)
<b>CDDFT</b>	County Durham and Darlington Foundation Trust
<b>CDYOS</b>	County Durham Youth Offending Service
<b>CRC</b>	Community Rehabilitation Company
<b>CSP</b>	Community Safety Partnership
<b>DCC</b>	Durham County Council
<b>DDES</b>	Durham Dales, Easington and Sedgefield CCG
<b>DTO</b>	Detention and Training Order
<b>FTEs</b>	First Time Entrants (to the Youth Justice System)
<b>HMCTS</b>	Her Majesty's Courts and Tribunals Service
<b>HR</b>	Human Resources
<b>iiv</b>	Investing in Volunteers
<b>IOM</b>	Integrated Offender Management (Adults)
<b>ISS</b>	Intensive Supervision and Surveillance (alternative to custody)
<b>LAC</b>	Looked After Children
<b>LCJB</b>	Local Criminal Justice Board
<b>LSCB</b>	Local Safeguarding Children Board
<b>MAPPA</b>	Multi-Agency Public Protection Arrangements
<b>MoJ</b>	Ministry of Justice
<b>NECS</b>	North East Commissioning Support (Health)
<b>NPS</b>	National Probation Service
<b>PCC</b>	Police and Crime Commissioner
<b>PCD</b>	Pre Caution Disposal (April 2013 onwards)
<b>PNC</b>	Police National Computer
<b>PRD</b>	Pre Reprimand Disposal (May 2008 – March 2013)
<b>PSR</b>	Pre-Sentence Report
<b>QA</b>	Quality Assurance
<b>SDP</b>	Safe Durham Partnership (CSP)
<b>SIP</b>	Service Improvement Plan
<b>TEWV</b>	Tees, Esk, and Wear Valleys NHS Foundation Trust (Mental Health)
<b>TR</b>	Transforming Rehabilitation
<b>VCS</b>	Voluntary and Community Sector
<b>VfM</b>	Value for Money
<b>YJB</b>	Youth Justice Board
<b>YOS</b>	Youth Offending Service
<b>YOT</b>	Youth Offending Team



## Appendix 6 Contact Details

### **Gill Eshelby**

Strategic Manager

### **County Durham Youth Offending Service**

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### **Dave Summers**

Countywide Manager (Operations and Service Delivery)

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County Durham Youth Offending Service  
**Youth Justice Plan**  
2014 / 2016

County Council

23 July 2014



## Overview and Scrutiny Annual Report 2013-14

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### Report of Lorraine O'Donnell, Assistant Chief Executive

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#### Purpose of the Report

1. To present the Overview and Scrutiny Annual Report 2013/14 (attached at Appendix 2) as required by the Council's Constitution.

#### Background

2. In accordance with the Article 6 paragraph 6.03(d), the Overview and Scrutiny Management Board is required to report annually to County Council on the work of all of the Council's Overview and Scrutiny Committees.
3. The attached draft report outlines the work that has been undertaken during 2013/14, and has been agreed by the Overview and Scrutiny Management Board prior to submission to Full Council.
4. In view of the current financial climate, it is intended that the report will again have a simple design and be distributed electronically to Members, Officers and Partners.

#### Recommendation

5. That County Council receive the annual report for 2013/14, in line with the Council's Constitution to report annually on overview and scrutiny activity.

#### Background Papers

Agendas / Minutes / Reports and Work Programmes for the Council's Overview and Scrutiny Committees

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**Contact:** Jenny Haworth, Head of Planning and Performance  
Tel: 03000 268071 email: [jenny.haworth@durham.gov.uk](mailto:jenny.haworth@durham.gov.uk)

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## **Appendix 1: Implications**

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**Finance** - none

**Staffing** - none

**Risk** – none

**Equality and Diversity / Public Sector Equality Duty** – Impact assessments are carried out for all Overview and Scrutiny reviews.

**Accommodation** – none

**Crime and Disorder** - none

**Human Rights** – none

**Consultation** – Members of the Council's Overview and Scrutiny Management Board considered and commented on the report prior to it being presented to County Council

**Procurement** – none

**Disability Issues** – none

**Legal Implications** – The Council's Constitution requires OSMB to report annually on the work of all the Council's Overview and Scrutiny Committees.



*Altogether better*

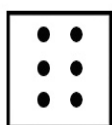
# **Overview and Scrutiny Annual Report 2013-2014**

**Assistant Chief Executive's Office  
Durham County Council**

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# Foreword

The financial position facing local authorities continues to be extremely challenging. The level of savings Durham County Council (DCC) is required to deliver has increased significantly. It is now forecast that the council will need to save £224m over the 2011–2017 period, which is higher than the sum previously anticipated.

Thanks to the leadership and management within the authority, the budget continues to be managed effectively, and Overview and Scrutiny continues to play its part. The excellent relationship between executive and non-executive members continues - we are all working together to ensure every effort is made to protect frontline services, yet achieve the required savings.



**Cllr Joe Armstrong,  
Chair of Overview and  
Scrutiny**

The County Council elections in May 2013 resulted in more than fifty new Councillors elected to the Council. The Scrutiny team delivered an intensive Councillor Induction programme with bespoke sessions for each Overview and Scrutiny Committee for all Committee members to support them in their new scrutiny role. Members have embraced their roles within scrutiny, and by utilising the experience of returned Councillors alongside fresh ideas from new Councillors, we are maintaining excellent outcomes across the seven overview and scrutiny committees, with the leadership of scrutiny committee chairs and vice-chairs.

Councillor Lucy Hovvels, Cabinet Portfolio Holder for Safer and Healthier Communities said: “The Council’s Overview and Scrutiny Committees have continued to support the Executive in providing challenge and assurance in respect of policy development and review across the Council and its partners. Within my portfolio alone, Overview and Scrutiny has had input into the development of the Joint Strategic Needs Assessment, the Health and Wellbeing Strategy and the Safe Durham Partnership’s Plan and priorities. Officer support from Overview and Scrutiny is also provided to assist the Police and Crime Panel, of which I am the Chair.”

This report provides an update on the work undertaken by Overview and Scrutiny during 2013/14 – it has been another very busy year. Issues covered have included flooding; changes in NHS provision; alcohol and substance misuse and young people; continuing to build relationships with partners, including the CCGs and our Public Health colleagues; Customer First Strategy; and many other relevant topics. Many thanks to all who have been involved in supporting and assisting the Overview and Scrutiny process – be it Members, officers, partners, or co-opted members.

I hope you will find this report interesting and informative. Scrutiny Committee meetings are open to the public and the scrutiny team will be pleased to supply you with more information - contact details can be found at the end of this report.

*Councillor Joe Armstrong*  
Chair of Overview and Scrutiny

# Key Achievements 2013-14

## Overview and Scrutiny Review Activity

*The following in depth evidence based reviews have been completed and have been/or will be reported to Cabinet and the appropriate thematic Partnership.*

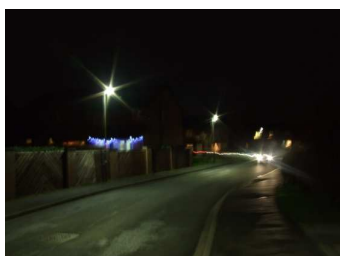
- Neighbourhood Wardens – a review highlighting the work of the warden service within a partnership context and developing service delivery.
- Impact of public sector funding and policy changes on the economy of County Durham.
- Flooding within County Durham.
- A major review on Alcohol and Substance misuse by young people looking at the number of referrals to DCC specialist services.

### **Other review activity in 2013/14 included:**

- A comprehensive Member Induction programme was delivered across all Overview and Scrutiny Committees detailing the role of Overview and Scrutiny within the Council's Governance arrangements and decision making process and highlighting how work programmes are developed and delivered.
- Contributed to the budget process through consideration of the Medium Term Financial Plan.
- Increased awareness of the Council's scrutiny function through articles in local media, Members' Bulletin, and an ongoing update of the scrutiny web pages.
- Contributed to the refresh of the Council Plan and also the Sustainable Community Strategy.
- Formally responded to NHS Quality Accounts 2012/13 for: North East Ambulance Service; County Durham and Darlington NHS Foundation Trust; and the Tees, Esk and Wear Valleys NHS Foundation Trust.
- Continued to maintain and establish links with all thematic partnerships. A series of briefings and reports have been shared with thematic partnerships.
- Contributed to consultations:
  - Community Infrastructure Levy;
  - Combined Authority;
  - Climate Change Strategy and Delivery Plan;
  - Responded to consultations on the Safe Durham Partnership Plan 2014-17 and County Durham & Darlington Fire & Rescue Authority's Integrated Risk Management Plan (IRMP) 2014/15;
  - Proposals to reconfigure Emergency Medical and Critical Care services within North Tees and Hartlepool NHS FT as part of a Joint Overview and Scrutiny Committee with Hartlepool and Stockton Borough Councils;
  - County Durham Plan;
  - Customer First Strategy;
  - Joint Strategic Needs Assessment;
  - Joint Health and Wellbeing Strategy;
  - Children, Young People's and Families Plan.

# Key Achievements 2013-14

## Overview and Scrutiny Site Visits



Members and/or Officers have undertaken a number of scrutiny visits to support the Committees' work programmes, including:

- Thrislington and Raisby quarries to look at the flora and fauna, to see the work undertaken by DCC and partners and to receive information on future opportunities for both sites;
- SITA the new waste contractor processing plant at Haverton Hill, Tees Valley, September 2013;
- Customer Access Point, Crook, in July 2013, linked to the Customer First Strategy and review of telephone calls;
- Field study activity through Staysafe and stop and search operations to gain an insight into the wide range of work undertaken by the Neighbourhood Wardens Service;
- A visit to Bishop Auckland College in January 2014 to see the pro-active work being undertaken to support local business and develop courses to meet the needs of employers;
- Members visited three locations in County Durham to view LED lighting units in operation, and compare the new lighting with the existing sodium lighting;
- Members carried out a visit to Chester-le-Street to view the river erosion scheme to stop flooding to the Cong Burn; Waldrige housing estate to view a surface water overland flow scheme and the installation of a flood fence; and then Witton Gilbert to view a proposed scheme to prevent flooding from a watercourse;
- Wise Drive Road Safety event, Durham Police Headquarters;
- Observed Fire Crews at Consett Fire Station;
- Stop and Search Operations on vehicles carrying waste and scrap metal with Durham Police and Neighbourhood Wardens in Consett and Easington areas;
- Neighbourhood Walkabout with Neighbourhood Wardens and Dale and Valley Homes in Bishop Auckland.

## Visit of Chinese Delegation

As part of a two week visit to Northumbria University to look at Government Structure and Scrutiny in the UK, Durham County Council was asked at short notice to host a 17 strong delegation from Zhejiang Province, China.

With the assistance of a translator, the delegates attended a development session in the Council Chamber, County Hall Durham on Wednesday 23 October 2013 which provided an overview of County Durham, the Council's decision making process and how scrutiny operates in practice.

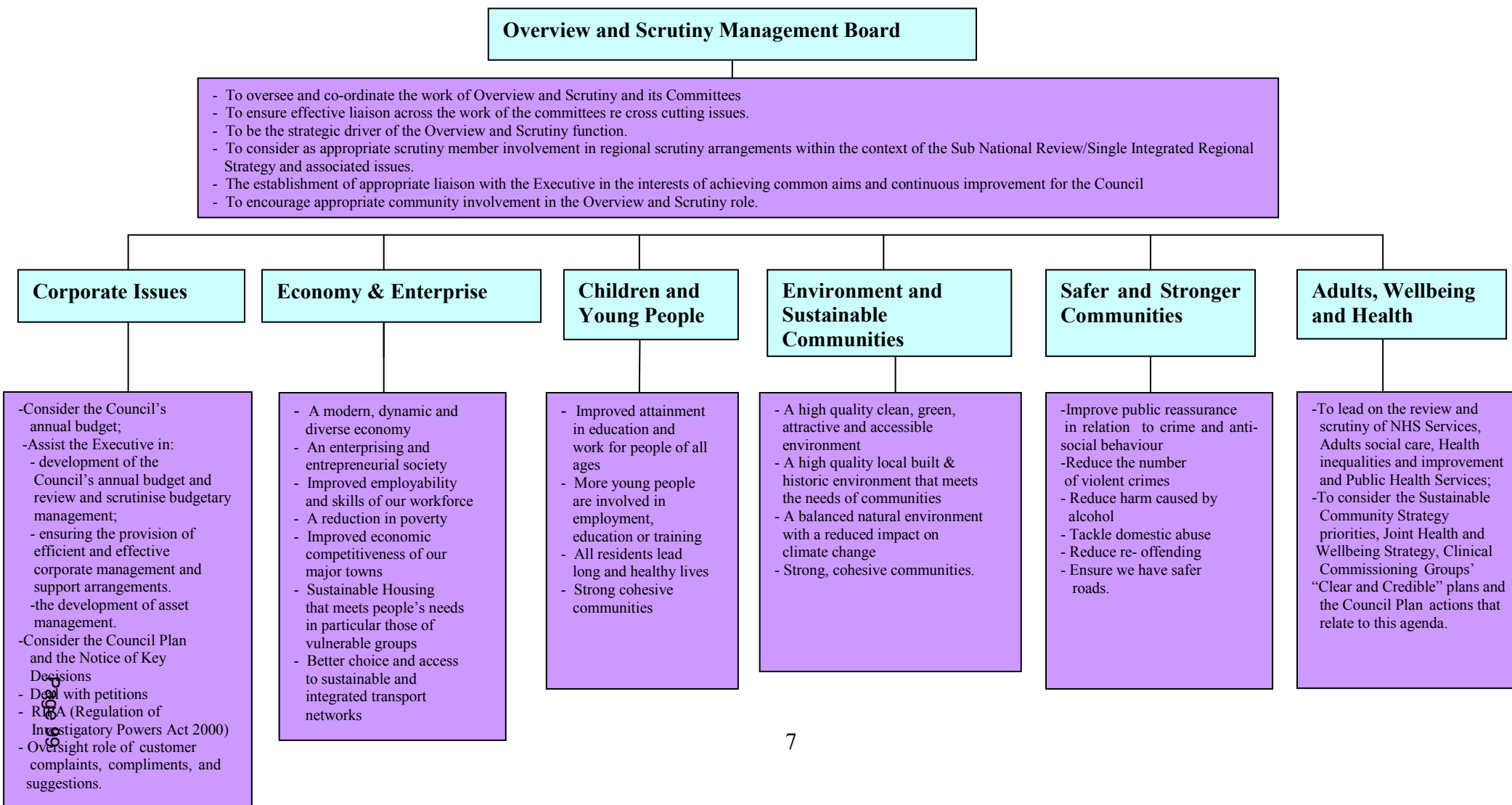
The delegation was delighted with their visit, the dignitaries who met with them, and the information they received about County Durham.



# Overview and Scrutiny Committees

The Council's Overview and Scrutiny Committees are aligned to the key priority themes of the Council's vision, which is to build an Altogether Better Durham that is better for local people and provides better places to live and work. Information on all elements of the Overview and Scrutiny function can be found on the scrutiny pages of the Durham County Council website, [www.durham.gov.uk](http://www.durham.gov.uk). Below is the structure of the Council's Overview and Scrutiny Committees.

[Please note: As at March 2014 the Overview and Scrutiny Terms of Reference have been refreshed and can be found in Article 6 of the Council's Constitution.]





# Overview and Scrutiny Management Board



Cllr Joe Armstrong,  
Chair of Overview and  
Scrutiny



Cllr Paul Stradling,  
Vice-chair of Overview  
and Scrutiny

The **Overview and Scrutiny Management Board (OSMB)** provides a strategic steer for the work of all the committees. Its work programme for 2013/14 included the following:

- Council's Medium Term Financial Plan 2014/2015 (MTFP4) – 2016/2017 and revenue and capital budget proposals for 2013/2014 to make sure that the Council's resources are used effectively and efficiently;
- Council's Notice of Key Decisions - to ensure that Members are aware of key decisions to be made by Cabinet, and to provide information on scrutiny involvement if any;
- Updates on petitions received which enables Members to track progress on behalf of communities;
- Updates on major policy developments and announcements made by Central Government and the implications for the Council and County Durham.

The Board has also:

- Received information and commented on performance management every quarter before it is disseminated to respective Overview and Scrutiny Committees for further comment;
- Received regular updates on:
  - the delivery of Medium Term Financial Plan 3;
  - the work of the County Durham Partnership;
  - Welfare Reform.
- Received regular updates from each of the Overview and Scrutiny Chairs;
- Held a workshop in January to give Members the opportunity to comment on Performance Indicators – Members' comments were collated and taken into consideration during the planning for this year's indicator set.

# Corporate Issues Overview and Scrutiny Committee

The **Corporate Issues Overview and Scrutiny Committee**, which is aligned to **Altogether Better Council** has:

- Collaborated with the OSMB on the County Council's Medium Term Financial Plan (4), Council Plan and Service Plan 2014/15 – 2016/17;
- Received details and commented on the Council's use of powers under the Regulation of Investigatory Powers Act (RIPA) 2000 and the outcome of a RIPA inspection by the Office of Surveillance Commissioners;
- Received quarterly performance reports, and commented on progress against the Council's corporate basket of performance indicators for the Altogether Better Council Theme;
- Received quarterly updates on the Forecast of Revenue and Capital Outturn for Assistant Chief Executives and Resources;
- Received quarterly reports for Customer Feedback: Complaints, Compliments and Suggestions, and also the Childrens and Adults Service Annual Representations Report 2012/13;
- Received systematic reviews of the recommendations of previous light touch scrutiny reviews on internal postal arrangements, and telephone calls; and final sign off of the review of AAPs – Fit for Purpose, Fit for the Future;
- Had involvement in the refresh of the Customer First Strategy, through a Task and Finish Group;
- Received an overview of Building and Facilities Maintenance, Direct Services;
- Received an overview of the Corporate Asset Management Plan and Property Strategy;
- Had input into the refresh of the Sustainable Community Strategy (SCS), Council Plan and Service Plans;
- Been updated on the ICT prioritisation project;
- Members attended a visit to the Customer Access Point, Crook, in July 2013, linked to the Customer First Strategy and review of telephone calls.



Cllr John Lethbridge,  
Chair of Corporate  
Issues OSC



Cllr Katherine Henig  
Vice- Chair of Corporate  
Issues OSC

# Adults, Wellbeing and Health Overview and Scrutiny Committee



Cllr Robin Todd, Chair of Adults Wellbeing and Health OSC



Cllr Jean Chaplow, Vice-chair of Adults Wellbeing and Health OSC

The Adults, Wellbeing and Health Overview and Scrutiny Committee is aligned to **Altogether Healthier** priority theme and has:

- Engaged with NHS England's Durham, Darlington and Tees area team, providing members with information around the team's role and function including its specialised commissioning role;
- Received update reports regarding the regional Securing Quality in Health Services project which aims to enhance the commissioning of acute health services in hospitals;
- Established a Joint Health Scrutiny Committee with Hartlepool and Stockton Borough Councils to formally engage and respond to proposals to reconfigure emergency medical and critical care services at North Tees and Hartlepool NHS Foundation Trust – as a direct result of the input from Durham's Adults Wellbeing and Health OSC, the Trust agreed to set up an oversight arrangement involving all three Councils to provide assurance to Councillors and the public around the implementation process;
- Considered a detailed report from the Director of Public Health for County Durham following the transfer of responsibility for public health across to local authorities;
- Received presentations from North Durham and Durham Dales, Easington and Sedgfield Clinical Commissioning Groups detailing their clear and credible plans in respect of their commissioning intentions /priorities;
- Examined the development of the Public Mental Health Strategy and against this context, considered the Council and partners' approaches to suicide prevention in County Durham;
- Monitored progress against NHS Quality Accounts for 2012/13 as well as engaging in preparatory work for the 2013/14 Quality Accounts;
- Considered the progress made by the Council and partners against the National Dementia strategy and set up a small working group to provide input into the development of a local dementia strategy;
- Received the Annual Report of the Safeguarding Adults Board;
- Considered the Director of Public Health for County Durham's Annual Report, using the priorities identified therein to contribute to the refresh of the Committee's work programme for 2014/15;
- Responded to consultation exercises and engagement activity in respect of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy;
- Monitored performance and revenue and capital expenditure through quarterly performance management and budgetary reports.



# Children and Young People's Overview and Scrutiny Committee

**Children and Young People's Overview and Scrutiny Committee** is aligned to **Altogether Better for Children and Young People**. This Committee has:

- Undertaken a major review on Alcohol and Substance misuse by young people looking at the number of referrals to DCC specialist services;
- Responded to consultations on the Joint Strategic Needs Assessment and the Health and Wellbeing Strategy and The Children, Young People and Families Plan;
- Received and commented on quarterly budgetary and performance management reports for Children and Young People's Services;
- The Committee has received updates on the progress of recommendations from previous reviews - Review of Obesity in Primary Aged Children; and Support for Children and Young People with Mental Health Issues;
- The Committee has received updates and overviews on:
  - The Government's Stronger Families initiative – this is being run in County Durham, regular updates have been received on the number of families who have been identified, those receiving help and support and those who have completed the initiative;
  - Adoption reform – overview presentation on the Government's reforms in legislation regarding adoption and how they will impact on County Durham;
  - Special Educational Needs and Disabilities – information on the reforms to Special Educational Needs and Disabilities contained in the Families Bill;
  - Alcohol and Substance Misuse by Young People – an overview presentation highlighted the number of referrals to 4Real, the Council's specialist alcohol and substance misuse service for young people, prior to undertaking a review of this topic;
  - One Point Service Update –an update indicating key principals, ambition, approach and priorities for the next 12 months;
  - School Funding Reforms – information on the scope of reforms, the different types of formula used, changes for 2014/15 and future considerations;
  - Building Schools for the Future Update – information on the remaining Building Schools for the Future projects in County Durham;
  - NHS Reforms – information on national, regional and local developments in relation to NHS reforms including Local Health Watch, Public Health and Health and Social Care integration.
  - Children with Disabilities taking part in Sports –information on governance and partners, school based activities and community based activities.
  - Young Carers –information on the numbers of young carers in County Durham and the support they receive, legislative requirements, impact for young carers and priorities for 2014/15.



Cllr Jan Blakey,  
Chair of Children and  
Young People's OSC



Cllr Christine Potts,  
Vice-Chair of Children  
and Young People's OSC

# Economy and Enterprise Overview and Scrutiny Committee



Cllr Rob Crute,  
Chair of Economy and  
Enterprise OSC



Cllr Alison Batey  
Vice-chair of Economy  
and Enterprise OSC

**Economy and Enterprise Overview and Scrutiny Committee** is aligned to **Altogether Wealthier**.

This Committee has:

- Worked with officers from the RED Service Grouping looking at the impact of changes in Government policy and funding on the economy of County Durham via a Members' Reference Group;
- Received an overview of the work of the County Durham Economic Partnership identifying issues and priorities within County Durham;
- Monitored the development of and provided comments to be fed into the consultation on the pre-submission draft of the County Durham Plan;
- Continued to monitor, challenge and provide comment in relation to the housing stock transfer project looking at how the Authority will manage its housing stock in the future;
- Received an overview of the Regeneration Statement which identifies key issues facing the County and how these issues can be tackled and regular updates on the development of the various Masterplans for County Durham;
- Monitored and challenged the performance of our housing providers, Durham City Homes, Dale and Valley Homes and East Durham Homes;
- Received an overview of the European Funding programme for 2014-2020 together with information on the Youth Employment Initiative detailing the funding opportunities this programme will provide for County Durham;
- Considered an update and commented upon the Homelessness Strategy;
- Received an overview and updates on the development of the Combined Authority and provided a scrutiny response to the consultation on the Combined Authority;
- Considered a progress update on the development of the Adult Learning Strategy and received an overview of skills development within County Durham;
- Received an overview of the work of Business Durham providing support to business within the County;
- Monitored the development of the Durham Key Options new lettings policy and received an overview of affordable homes delivery within the County;
- Received an update on tourism and the development of the tourism offer by Visit County Durham;
- Considered an update on the Digital Durham Programme which aims to provide superfast broadband to 96% of properties within the County;
- Considered an update on the Community infrastructure Levy and provided an Overview and Scrutiny response to the consultation;
- Received updates on the progress of recommendations contained in the 'Increasing young people's employment opportunities (18-24) in County Durham' and the Empty Homes scrutiny review reports;
- Monitored performance and revenue and capital expenditure through quarterly performance management and budgetary reports.

# Environment and Sustainable Communities Overview and Scrutiny Committee

**Environment and Sustainable Communities Overview and Scrutiny Committee** aligned to **Altogether Greener**. This committee has:

- Undertaken a scrutiny review focusing on the impact of flooding on our local communities and examined our policies and procedures to minimise the impact on service delivery;
- Received an update on the street lighting energy reduction project and carried out a member visit to three locations within County Durham to see the new LED lighting units in operation;
- Considered an overview in relation to potholes;
- Received regular updates on the development of the waste programme and visited the SITA (new waste contractor) processing plant at Tees Valley;
- Considered an overview of the Warm Up North scheme a regional initiative available for all residents to reduce energy consumption;
- Received an update on the draft Climate Change Strategy and Delivery Plan and provided an overview and scrutiny response to the consultation;
- Received updates on the progress of recommendations contained in the 'Reducing the Council's Carbon Emissions' and 'The development of renewable technologies in County Durham' scrutiny review reports;
- Considered an overview of the Winter Maintenance Plan for County Durham;
- Received an update on the further development of Local Nature Partnerships;
- Considered an update on the development of the Limestone Landscapes and carried out a visit to Thrislington and Raisby quarries;
- Received a report detailing the environmental implications of the County Durham Plan;
- Received updates in relation to proposals for Culture and Sports Services;
- Monitored performance and revenue and capital expenditure through quarterly performance management and budgetary reports.



Cllr Barbara Graham  
Chair of Environment and  
Sustainable Communities OSC



Cllr David Hall,  
Vice-Chair of Environment and  
Sustainable Communities OSC

# Safer and Stronger Communities Overview and Scrutiny Committee

**Safer and Stronger Communities Overview and Scrutiny Committee** is aligned to **Altogether Safer**. This committee has:

- Undertaken an in-depth review of Neighbourhood Wardens and identified recommendations that focus on raising profile, communications and partnership activity;
- Members observed Wardens undertake Staysafe operations with partner agencies to protect young people from alcohol and Stop and Search exercises on vehicles carrying waste with Durham Constabulary's Road Policing Unit and the Council's Fraud Investigation Team;
- Monitored progress of recommendations from the Committee's previous scrutiny reviews of 'Use of Legislation to Tackle Metal Theft' and 'Road Safety for Children and Young People'. Outcomes of the road safety review have led to an application for the Centre for Public Scrutiny 'Good Scrutiny Awards';
- Provided comment on the Safe Durham Partnership's Alcohol Harm Reduction Strategy and performance measures;
- Responded to consultations on the Safe Durham Partnership Priorities for 2014/15 and County Durham & Darlington Fire & Rescue Authority's Integrated Risk Management Plan (IRMP) 2014/15;
- Provided comment on the draft 2014-17 Safe Durham Partnership Plan;
- Received information on the Safe Durham Partnership's Integrated Restorative Practice Strategy and held a restorative approaches session hosted by Durham Constabulary with members of the Durham Police and Crime Panel;
- Considered overview presentations and reports on Consumer Protection Enforcement Activity and the Joint Alcohol Harm Reduction Unit which is a partnership approach between the Council and Durham Constabulary to provide a greater resource to tackle alcohol related crime, licensing issues and intelligence sharing to undertake joint operations;
- Maintained effective communication with Durham Police and Crime Panel to appraise the Committee of the Panel's activity;
- Received update reports on progress on tackling hate crime and domestic abuse action plans, High Impact Households and the Think Family Programme;
- Provided comment on a presentation from Durham & Tees Valley Probation Trust on the Government's Transforming Rehabilitation programme to reform the Probation Service;
- Monitored and commented on quarterly performance management reports which have been a key driver to identify topics on the work programme on suicide prevention and mental health.



Cllr David Boyes  
Chair of Safer and Stronger  
Communities OSC



Cllr Thomas Nearney  
Vice-chair of Safer and Stronger  
Communities OSC

## **Regional Health Scrutiny**

The Council continues to work collaboratively at a regional level to ensure that the impact of changes to health services across local authority boundaries does not adversely impact upon residents of County Durham.

The Council continues to be represented on the North East Regional Health Scrutiny Committee and that group has overseen the final implementation of the recommendations of the 2010 review into the Health Needs of the Ex - service community. The Committee has also held conversations with the local Care Quality Commission lead officer around how to improve the CQC's relationships with local authority scrutiny committees.

The Council has worked with Hartlepool and Stockton Borough Councils as part of a joint scrutiny exercise examining proposals by North Tees and Hartlepool NHS Foundation Trust to reconfigure Emergency Medical and Critical Care services. This was the first example within the region of a joint Health Scrutiny Committee being established under the Health and Social Care Act 2012.

As a result of the recommendations arising from the Francis Report into Mid Staffordshire NHS Foundation Trust, the region's Health Scrutiny officers are working with the Centre for Public Scrutiny to develop a toolkit for local authority health scrutiny committees to add robustness to its challenge to NHS partners.

## **Police and Crime Panel**

Hosted by Durham County Council, the PCP's membership consists of 10 elected Members (Durham County Council 7 and Darlington Borough Council 3 Members) and 2 independent members.

Throughout 2013/14, the Police and Crime Panel has:

- held six meetings;
- agreed its work programme;
- received reports on public confidence and restorative approaches;
- monitored progress of the Police and Crime Commissioner's budget and police crime plan;
- reviewed working arrangement documents with Overview and Scrutiny functions within both local authorities and a Memorandum of Understanding with the Police and Crime Commissioner.

The Panel has also fulfilled its requirements within the Act through reviewing the PCC's annual report, precept and revised Police and Crime Plan 2013-17 and holding a Confirmation Hearing for the appointment of the Commissioner's Chief Finance Officer within required timeframes.

## Member Development and Training

Overview and Scrutiny is represented on the Member Development Group which is responsible for overseeing, reviewing and developing the learning and development opportunities available to councillors, as well as ensuring equal opportunities, effectiveness and value for money.

Following this year's elections, scrutiny induction sessions were held for each committee. These were well attended and well received, and the feedback was included in the corporate Members' induction training feedback.

## Overview and Scrutiny Workshops

Workshops have been held as follows:

- 4<sup>th</sup> November 2013 – a special Economy and Enterprise workshop to which all Non-Executive members were invited to discuss the Pre-submission draft of the County Durham Plan. A response on behalf of participants was compiled and submitted as part of Scrutiny's response to the consultation exercise.
- 13<sup>th</sup> November 2013 – a special Economy and Enterprise OSC workshop for the Council's three housing management organisations, East Durham Homes, Dale and Valley Homes and Durham City Homes, to present their latest Annual Reports and also report performance information for 2012/13.
- 17<sup>th</sup> January 2014 – a workshop was held to give Members the opportunity to comment on Performance Indicators – feedback was collated and taken into consideration during the planning for this year's indicator set.

## Co-optees

Local people may be co-opted onto overview and scrutiny committees and working groups, and can help scrutiny to engage with the public. They are used to:

- act as a non-political voice for those who live or work in County Durham.
- bring specialist knowledge and/or skills and an element of external challenge to the Overview and Scrutiny process.
- take an interest in, attend and contribute to the committees or working groups to which appointed.
- establish good relations with other members, officers and co-optees.
- feed back any appropriate discussions or decisions of the relevant committee or working group to any respective organisation or group which they may represent.

The Council has recently refreshed the appointment process for non-voting co-optees serving on the various Overview and Scrutiny Committees and new non-voting co-optees will take up their appointments from 22<sup>nd</sup> May, 2014.

## Work Programmes

The current work programmes focus on the priority areas identified within the Council Plan, the Council's Notice of Key Decisions, Sustainable Community Strategy, Partnership plans and strategies, performance and budgetary control data and changes in Government legislation.



# Overview and Scrutiny Team

The Overview and Scrutiny team is part of the Assistant Chief Executive's service group (ACE), which leads on the corporate approach to policy, planning and performance management and improvement, consultation and engagement, communications, partnership working, equalities and diversity and information management. ACE is also responsible for the Council's Area Action Partnerships and emergency planning functions.



Contact us in the Scrutiny Office on 03000 268145 [scrutiny@durham.gov.uk](mailto:scrutiny@durham.gov.uk), or see the Durham County Council website, [www.durham.gov.uk](http://www.durham.gov.uk).

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**County Council**

**23 July 2014**



**Audit Committee Progress Report for  
the period October 2013 to May 2014**

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**Councillor Edward Bell, Chairman of the Audit Committee**

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**Purpose of the Report**

1. To inform the Council of the work of the Audit Committee during the period October 2013 to May 2014 and how the Committee continues to provide for good governance across the Council.

**Background**

2. The role, membership and terms of reference of the Audit Committee are set out within the Constitution and approved by Council.
3. Good corporate governance requires independent and effective assurance processes to be in place to ensure effective financial management and reporting in order to achieve the Council's corporate and service objectives. It is the responsibility of the Audit Committee to undertake these aspects of governance on behalf of the Council.
4. The specific objectives of the Audit Committee set out in the Council's Constitution are to provide independent assurance to Cabinet and Full Council over the:
  - Adequacy and effectiveness of the Council's governance arrangements, including the effectiveness of the risk management framework and the associated control environment.
  - Financial Reporting of the Council's Statement of Accounts ensuring that any issues arising from the process of finalising, auditing and certifying the Council accounts are dealt with properly.
5. The membership of the Committee remained static during the period October 2013 to May 2014 and was as follows:

Chairman:	Cllr Edward Bell
Vice Chairman:	Cllr James Rowlandson
Members	Cllr Lawson Armstrong Cllr Colin Carr Cllr Sonia Forster Cllr Jed Hillary Cllr Tracie Smith Cllr Watts Stelling Cllr Owen Temple
Co-opted:	Ms Katherine Larkin-Bramley Mr Thomas Hoban

### **Summary of meetings**

6. A summary of Committee business considered at the meetings held during the period is provided at Appendix 2.

### **How the Audit Committee has made a difference during the period October 2013 to May 2014.**

7. The Committee believe they have made a significant difference to the Council's governance, control and risk framework during the period October 2013 to May 2014 by :
- Striving to help support the Council deliver its objectives and priorities by being both a proactive and reactive body encouraging the early reporting of any risk and control issues to ensure that appropriate and timely action is taken to address them.
  - Continuing to raise the profile of the Internal Audit and Risk Management Service through the Service's reports to Audit Committee.
  - Independent questioning and contributing to the development and control of internal audit plans.
  - Seeking assurance on the effectiveness of corporate risk management arrangements.
  - Improving the accountability of service managers to respond to outstanding internal audit reports and the implementation of agreed internal audit recommendations thereby helping to drive improvement in controls to manage risks effectively.
  - Continuing to provide regular challenge and demanding accountability on the effectiveness of the implementation and operation of key financial systems
  - Challenging the level of internal audit resources and their work to ensure that the service is effective and a reliable assurance opinion on the Council's controls framework is provided.
  - Challenging how the Council responds to the risk of fraud and the receiving information on the levels of detection of fraud and the Council's response.

- Reviewing the Council's Accounting policies, receiving updates on changes to the Code of Practice, considering the Council's Going Concern Status and commenting on the timetable for completing the Council's financial statements
- Receiving and commenting on the work of the External Auditor, Mazars.
- Reviewing and approving an update to the Council's Counter Fraud and Corruption Strategy and the Confidential Reporting Code (Whistleblowing).

### **Recommendations and reasons**

8. Members note the report and the work undertaken by the Audit Committee during the period October 2013 to May 2014.

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**Contact: Paul Bradley, Chief Internal Auditor and Corporate Fraud Manager,  
Tel 03000 269645**

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**Appendix 1: Implications**

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**Finance** - There are no direct financial implications arising for the Council as a result of this report.

**Staffing** - None.

**Risk** – Not a key decision

**Equality and Diversity/ Public Sector Equality Duty** - None

**Accommodation** - None

**Crime and disorder** - The Audit Committee provide independent assurance that the Council's arrangements to combat the risk of loss through fraud are effective and all reported potential fraudulent acts are appropriately investigated and reported to the police where it is appropriate to do so.

**Human rights** - None

**Consultation** - None

**Procurement** – None.

**Disability issues** – None.

**Legal Implications** – None.

## Summary of Meetings of the Audit Committee

### **28 November 2013**

The Committee considered:

- (i) A presentation from the Head of Planning and Performance giving the Committee an outline of the Council's Performance Management Framework.
- (ii) A report of the Corporate Director of Resources regarding changes to the Council's Local Code of Corporate Governance.
- (iii) A report of the Corporate Director, Resources which highlighted the strategic risks facing the Council and that gave an insight into the work carried out by the Corporate Risk Management Group during July to September 2013. Members were informed of new risks, those that had been removed and the status of all current key risks.
- (iv) A report of the External Auditor, Mazars detailing their findings from the 2012/13 audit the financial statements of both the County Council and the Pension Fund. It was encouraging to note following the audit both sets of financial statements were given unqualified opinions and concluded that the Council had proper arrangements to ensure economy, efficiency and effectiveness in the use of its resources.
- (v) A report of the Manager of Internal Audit and Risk which informed members of the work carried out by Internal Audit during the period July to September 2013 and the assurance on the control environment provided.
- (vi) A Fraud and Irregularity Update Report of the Manager of Internal Audit and Risk. This provided information on the effectiveness of the Council's Counter Fraud and Corruption Strategy. This included an update on fraud preventative work, detective work and investigations of potential cases.
- (vii) A report of the Manager of Internal Audit and Risk detailing an audit of the Council's Grant Protocol and Grants receivable for the Committee to gain assurance on the effectiveness of grant arrangements in place, and where improvements have been identified to note the action agreed by management

### **28 February 2014**

The Committee considered:

- (i) A presentation from the Head of Corporate Finance outlining the Council's Financial Procedure Rules and Corporate Procurement Rules to improve the Committee's knowledge and understanding.

- (ii) A report of the Corporate Director, Resources which presented the Accounting Policies the Council intends to have in place to prepare the 2013/14 financial statements.
- (iii) A report of the Corporate Director, Resources which detailed the timetable for the preparation of the Council's Final Accounts process for 2013/14 including the key milestones for the completion of the financial statements.
- (iv) A report of the Corporate Director, Resources regarding the changes that have been made nationally to the Code of Practice for Local Authority Accounting in the UK for 2013/14. The changes made to 'the Code' affect the methodology and preparation of the Council's financial statements.
- (v) A report of the External Auditor, Mazars giving the Committee an update on their progress with regards to planning for the 2013/14 audit and updating the Committee on national issues and developments that were worthy of attention.
- (vi) A report of the External Auditor, Mazars presenting their findings from their work on grant certification. This included Housing and Council Tax Benefit Subsidy, Housing Capital Receipts, National Non-Domestic Rates and Teachers Pensions.
- (vii) A report of the Corporate Director, Resources which highlighted the strategic risks facing the Council and that gave an insight into the work carried out by the Corporate Risk Management Group during October to December 2013. Members were informed of new risks, those that had been removed and the status of all current key risks
- (viii) A report of the Chief Internal Auditor and Corporate Fraud Manager presenting an updated Internal Audit Charter. The Internal Audit Charter has been amended to ensure it is compliant with the new Public Sector Internal Audit Standards (PSIAS) that came into effect on 1 April 2013.
- (ix) A report of the Chief Internal Auditor and Corporate Fraud Manager which informed members of the work carried out by Internal Audit during the period October to December 2013 and the assurance on the control environment provided.
- (x) A report of the Chief Internal Auditor and Corporate Fraud Manager detailing the outcomes of an audit on the disposal of assets. This was completed at the Committee's request following a report that had been presented in June 2013 where some control weaknesses had been found. The report detailed the improvements that had been made and that Internal Audit would conduct another piece of work in 2014/15 to ensure these new processes were fully embedded.

## **20 May 2014**

The Committee considered:

- (i) A report of the Corporate Director of Resources detailing an update to the Council's Counter Fraud and Corruption Strategy. The Strategy had been reviewed to ensure its compliance with best practice and made the relevant links to any other updated corporate policies.
- (ii) A report of the Corporate Director of Resources detailing an update to the Council's Confidential Reporting Code (Whistleblowing). Again the code had been reviewed to ensure compliance with best practice and linked to all the Council's corporate policies. In addition a new incident reporting form has been developed so that anyone who has need to use the policy can report any areas of concern.
- (iii) A report of the External Auditor, Mazars detailing their Audit Plan notifying the Committee of the work that they are proposing to undertake in respect of the audit of the financial statements and value for money conclusion for the financial year 2013/14 for the Council.
- (iv) A report of the External Auditor, Mazars detailing their Audit Plan notifying the Committee of the work that they are proposing to undertake in respect of the audit of the financial statements and value for money conclusion for the financial year 2013/14 for the Pension Fund.
- (v) A report of the Corporate Director of Resources assessing whether the Council can be considered a 'going concern' organisation and if the Council's accounts can be compiled on that basis. The assessment concluded that the County Council has a history of stable finance and ready access to financial resources in the future. It was also felt there are no significant financial, operating or other risks that would jeopardise the County Council's continuing operation and that the accounts could be prepared on this basis.
- (vi) A report of the Corporate Director, Resources which highlighted the strategic risks facing the Council and that gave an insight into the work carried out by the Corporate Risk Management Group during January to March 2014. Members were informed of new risks, those that had been removed and the status of all current key risks
- (vii) A report of the Chief Internal Auditor and Corporate Fraud Manager which informed members of the work carried out by Internal Audit during the period January to March 2014 and the assurance on the control environment provided.
- (viii) A report of the External Auditor, Mazars presenting the results of the Audit Commissions 'Protecting the Public Purse' report and illustrating Durham County Council's position compared to other County Councils in detecting and recovering losses from fraud. The report provoked some good discussion and reassurance was given by the Chief Internal Auditor and Corporate Fraud Manager that the areas highlighted in the report are now being investigated by the Council's Corporate Fraud Team over the next 12 months.

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**County Council**

**23 July 2014**

**Draft Annual Governance Statement for  
the year April 2013 – March 2014**



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**Report of Don McLure, Corporate Director, Resources  
Councillor Jane Brown, Cabinet Portfolio Holder, Corporate  
Services**

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**Purpose of the Report**

1. To inform the County Council of the draft Annual Governance Statement (AGS), attached in Appendix 2, which was approved by the Audit Committee on 26 June 2014.

**Background**

2. The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way which functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
3. The Council has approved and adopted a code of corporate governance which is consistent with the principles of the Chartered Institute of Public Finance and Accountancy (CIPFA)/ Society of Local Authority Chief Executives (SOLACE) Framework – 'Delivering Good Governance in Local Government'. The AGS explains how the Council complies with this code and also meets the requirements of Regulation 4 (3) of the Accounts and Audit (England) Regulations 2011 in relation to the publication of a Statement on Internal Control.

**Presentation of the Annual Governance Statement**

4. In order to prepare the AGS each year, the Council has a responsibility for conducting, at least annually, a review of the effectiveness of its governance framework, including the system of internal control.
5. In preparing the AGS, the Audit Committee as those charged with governance must seek adequate assurance that its corporate governance arrangements are effective and identify any significant areas of improvement. The Corporate Director, Resources co-ordinates and oversees the Council's corporate assurance arrangements, and prepares the AGS to demonstrate how far the Council complies with the principles of good governance and

recommending improvements, to be published in the Council's Annual Statement of Accounts.

6. In gathering the evidence to prepare the AGS, the following approach has been adopted:

#### **6.1 Consideration of corporate sources of assurance**

- Progress made on improvements identified as part of the previous years AGS;
- The identification of key documents, processes and procedures that support the governance framework, many of which may have been revised during the year. This information has been gathered from across the Council, and is recorded in detail;
- The work of those officers who have specific responsibility for the development and maintenance of the governance framework. Key officers confirmed any changes in the governance arrangements since the last review;
- External Audit Annual Report;
- The work of Internal Audit, including the annual opinion on the adequacy of internal control by the Manager of Internal Audit and Risk as set out in the Annual Internal Audit report;
- Current strategic risk registers;
- The review of the effectiveness of the system of Internal Audit;
- Partnership governance arrangements;
- Other work undertaken by the External Auditor and other review agencies.

#### **6.2 Service assurance on the effectiveness of the governance framework**

Corporate Directors and the Assistant Chief Executive were asked to complete an assurance statement, which noted any changes implemented during the 2013/14 year, and to identify any improvements required/ planned.

#### **Recommendations and reasons**

7 The County Council to note the contents of this report.

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**Contact: David Marshall Tel: 03000 269648**

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## **Appendix 1: Implications**

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**Finance** - Financial planning and management is a key component of effective corporate governance.

**Staffing** - Ensuring the adequate capability of staff meets a core principle of the CIPFA/ SOLACE guidance.

**Risk** – Delivery of the corporate governance action plan will strengthen the decision making and strategic and operational management of the Council’s business.

**Equality and Diversity/ Public Sector Equality Duty** - Engaging local communities including hard to reach groups meets a core principle of the CIPFA/ SOLACE guidance.

**Accommodation** – None directly, although asset management is a key component of effective corporate governance

**Crime and Disorder** – None.

**Human Rights** - None.

**Consultation** - Engaging local communities meets a core principle of the CIPFA/ SOLACE guidance.

**Procurement** – None.

**Disability issues** – Ensuring access to services meets a core principle of the CIPFA/ SOLACE guidance.

**Legal Implications** – Ensuring compliance with relevant laws and regulations, and ensuring that expenditure is lawful, is a key component of effective corporate governance

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## **Appendix 2: Annual Governance Statement 2013/14**

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### **1. SCOPE OF RESPONSIBILITY**

Durham County Council (the Council) is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

The Accounts and Audit (England) Regulations 2011 require the Council to prepare an annual governance statement, which must accompany the statement of accounts. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

The Council has approved, adopted and published on its website, a code of corporate governance, which is consistent with the principles of the Chartered Institute of Public Finance and Accountancy (CIPFA)/ Society of Local Authority Chief Executives (SOLACE) Framework – “Delivering Good Governance in Local Government”.

This statement explains how the Council has complied with the code and also meets the requirements of Regulation 4 (3) of the Accounts and Audit (England) Regulations 2011 in relation to the publication of an Annual Governance Statement.

### **2. THE PURPOSE OF THE GOVERNANCE FRAMEWORK**

The governance framework comprises of the systems and processes, and culture and values, by which the Council is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services for the people of County Durham.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council’s policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The governance framework has been in place at the Council for the year ended 31 March 2014 and up to the date of approval of the statement of accounts.

### 3. THE GOVERNANCE FRAMEWORK

The key elements of the systems and processes that comprise the Council's governance arrangements are detailed in the Council's Local Code of Corporate Governance, which is documented in the Council's [Constitution](#). This sets out the key documents and processes that determine the way the Council is directed and controlled to meet the six core principles of the CIPFA/ SOLACE Framework.

The Council considers the governance implications of its actions, and revised its Local Code of Corporate Governance in January 2014 to ensure that it remains consistent with the principles of the CIPFA/SOLACE Framework – “Delivering Good Governance in Local Government”. The Code also aims to ensure that the corporate governance arrangements help the Council to appropriately respond to sustained pressures from a variety of sources.

The following sections demonstrate assurance that the Council has complied with each of these principles in practice, and also highlights where we have further improved our corporate governance arrangements during 2013/14.

#### **The Six Principles of Good Governance**

##### **Principle 1: Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area**

The [Sustainable Community Strategy \(SCS\) 2014 – 2030](#) which has been produced by the Council in conjunction with its partners on the County Durham Partnership, demonstrates its shared long-term vision for the future of County Durham. This vision for County Durham, namely ‘Altogether Better Durham’ outlines two areas of focus – **Altogether Better Place** and **Altogether Better for People** and five priority themes, which represent the major issues identified by residents:

- Altogether wealthier – focusing on creating a vibrant economy and putting regeneration and economic development at the heart of all our plans. This theme is supported by the [Regeneration Statement 2012 – 2022](#) and the [County Durham Plan](#);
- Altogether better for children and young people – ensuring children and young people are kept safe from harm and that they can ‘believe, achieve and succeed’. This theme is supported by the [Children, Young People and Families Plan 2014 - 2017](#);
- Altogether healthier – improving health and wellbeing, supported by the [Joint Health and Wellbeing Strategy 2013 – 17](#);
- Altogether greener – ensuring an attractive and ‘liveable’ local environment and contributing to tackling global environmental challenges. This theme is supported by the [County Durham Plan](#);
- Altogether safer – creating a safer and cohesive county, supported by the [Safe Durham Partnership Plan 2011 – 2014](#).

The latest three-yearly update of the SCS was approved by the Council in April 2014. This refreshed version of the strategy reflects changes in local priorities and the need to deliver services with fewer resources.

The County Durham Partnership, which is the strategic partnership for the County, is made up of key public, private and voluntary sector partners, and is underpinned by thematic partnerships set around the five priority themes. Operationally, it is supported by the Delivery and Improvement Group, whose role is to monitor performance towards implementing the SCS, and consider strategically how plans align and where efficiencies and value can be maximised through integration, shared services and joint commissioning.

The [Council Plan 2014 – 2017](#) was approved in April 2014 and contains the Council's corporate priorities and the key actions to take in support of delivering the longer term goals in the SCS and the Council's own improvement agenda. The [Council Plan](#) is supported by a series of Service Plans at a Service Grouping level which detail the planned actions to deliver the Council's vision.

The [Medium Term Financial Plan 2014 – 2017 \(MTFP4\)](#) was approved by the Council in February 2014. This provides a financial framework associated with the [Council Plan](#) that enables members and officers to ensure policy initiatives can be planned for delivery within available resources and can be aligned to priority outcomes. It also enables the continued provision of value for money (VFM). The key risk facing the Council continues to be the challenge of managing unprecedented budget reductions in the current period of economic austerity. To meet this challenge, a comprehensive schedule of savings targets has been programmed to achieve the necessary savings to enable us to deliver a balanced budget and [MTFP](#). Assurance over the delivery of this programme is gained by detailed and frequent monitoring undertaken by Corporate Management Team (CMT) and Cabinet and the target savings of £20.9m for 2013/14 have been delivered. These arrangements will equip the Council well for dealing with further austerity measures announced as part the latest central government spending review. The Council has maintained prudent levels of reserves enabling us to meet unanticipated expenditure as necessary whilst still achieving planned savings targets and meeting service level expectations.

Through good governance, the Council continues to improve the quality of services, and this is confirmed by external independent sources of assurance, including Ofsted, the Care Quality Commission, Housing Inspections and accreditation to professional standards. Further assurance on the performance and direction of travel of the Council was gained by winning the Council of the Year category at the 2014 Local Government Chronicle Awards, described as “the biggest celebration of innovation and talent across British councils”. Judges were impressed by relations with local businesses, support for small and medium enterprises, real progress in community asset transfer and the contribution made to the wider area.

Assurance can also be taken from the positive conclusions of the [Peer Review](#) by the Local Government Association which was undertaken in 2012 and the actions taken since based on their findings and recommendations.

To manage and measure service improvement, the Council has a locally led performance management framework that links to the SCS and the [Council Plan](#),

and ensures that attention is focused on Council priorities. Key target indicators are used in areas where improvements can be measured regularly and can be actively influenced by the Council and its partners. Where possible, performance is compared with that of other Councils using a recognised, online tool.

The Council continues to seek value for money (VFM) through its high level objective 'effective use of resources' under the Altogether Better Council theme. In this way, pursuit of VFM is built into the all of the Council's plans and activities, and numerous reviews have been undertaken across the Council to provide assurance that VFM services are being provided. Senior Management Teams have used benchmarking data from statutory returns, such as budget statements collected by the Department for Education and the Personal Social Services Expenditure Return, to inform programmes of VFM reviews and savings options in various service areas. Where necessary, this has been supplemented by data from commercial benchmarking clubs, such as Chartered Institute of Public Finance Accountants, to facilitate meaningful comparisons with other organisations. Independent assurance of our VFM was also gained from the Audit Commission, who issued an unqualified VFM conclusion for our 2012/13 Accounts.

The Council's Cabinet is responsible for monitoring performance and ensures that effective arrangements are put in place to deal with any failures in service delivery. Assurance is gained through quarterly performance reporting to Cabinet and through performance clinics between the Chief Executive and individual Directors during the year. Members have robustly scrutinised the performance of the Council, demonstrated by a number of key scrutiny reviews of Council services during 2013/14, which are outlined in the [Overview and Scrutiny Annual Report](#).

The Annual Statement of Accounts was approved by the Audit Committee in September 2013, taking account of the views of the External Auditor, in line with the Accounts and Audit Regulations 2011. Further independent assurance of the Council's financial management was provided by the Audit Commission in both their Annual Governance Report and Certification of Claims and Returns Annual Report. Governance reviews are also led by Services, such as the quality assurance team in Children and Adults Services, who carried out a number of audits during the year.

To enable better use of resources, the Council has further strengthened its governance arrangements as follows:

- The framework for managing the Council's financial affairs, namely the Financial Procedure Rules, was reviewed and reported to Council in April 2014;
- Financial Awareness training was given to budget holders;
- Business Intelligence software was implemented, providing budget holders with immediate access to tailored financial management information and improving budgetary control;
- ICON, the income management software, was rolled out, enabling the Council to comply with the Payment Card Industry Data Security Standards;
- A new role of Chief Internal Auditor and Corporate Fraud Manager was created to strategically align fraud and internal audit, and a Corporate Fraud

Team was formed in December 2013, to provide access to trained investigators and allow greater coverage of counter fraud work;

- A new governance and performance framework to improve financial control of the capital portfolio was implemented;
- A corporate protocol for the governance of insurance and insurable risk was implemented;
- We utilised specialist independent actuaries in September 2013 to provide assurance that we are achieving value-for-money between external insurance cover and self-funding arrangements, and for those risks which we self-insure, providing assurance that the funds we have set aside to meet estimated future claims are appropriate.

A programme management approach for key corporate projects has been established and embedded including project management training across the Council. Examples which demonstrate that rigorous programme management has enabled effective delivery of major projects include the Council Tax Support Scheme and the transfer of Community Buildings. Moreover, a programme management approach to the changes introduced by the Welfare Reform Act has been put in place. Assurance is gained by regular monitoring of the delivery of these projects by Corporate Management Team. The effectiveness of these arrangements is also demonstrated by the Council being highly commended in the Local Government Chronicle awards for its programme on waste management, recycling and rubbish collection. The judges said:

*“In June 2013, the Council completed one of its biggest transformational programmes – the Durham County Council Waste Programme. This has successfully transformed services to become more responsive and high-quality, while massively reducing cost, increasing value for money and introducing improved ways of working. The new arrangements generated £4m of savings and significantly increased landfill diversion and recycling performance”.*

The Council’s [Corporate Asset Management Plan \(CAMP\)](#) and Property Strategy were approved by Cabinet in July 2013. The [CAMP](#) sets out the Council’s approach to ensuring that it makes best use of its assets in terms of service benefit, financial benefit and value for money. The Property Strategy sets out the main principles to ensure that opportunities to share the use of property are identified, and to make sure that assets are fit for purpose, cost effective and used to support regeneration and economic development. A major programme was undertaken to transfer control of around 100 public buildings to the local community, which has ensured continued provision of community facilities, significant reductions in maintenance costs, and continued support to and engagement from members of the community. Service Asset Management Plans are also in place and these include any heritage assets of the holding service.



## **Principle 2: Members and Officers working together to achieve a common purpose with clearly defined functions and roles**

The key governance documents supporting this principle are contained in the [Constitution](#). These arrangements are further strengthened by a number of formal member and officer working groups.

The [Constitution](#) sets out how the Executive is made up and how appointments to this committee are made. The roles and responsibilities allocated by the Leader under the terms of the [Constitution](#), to individual members and the committee as a whole, are set out in detail in the [Constitution](#) as well as the Scheme of Delegation for Senior Officers. The [Constitution](#) allows joint arrangements to be established for specific purposes such as the provision and maintenance of crematoria, and sets out details of existing joint arrangements, including purpose, parties and effective dates.

The Constitution Working Group, which consists of the lead members of each political party, and is chaired by the Leader of the Council, proposed amendments to the [Constitution](#) during the year which were approved by the Council. Changes following the annual review of the [Constitution](#) were approved by the Council in May 2014. Key changes include the transfer of the overview of customer complaints from the Standards Committee to the Corporate Issues Overview and Scrutiny Committee, and amendments to the Overview and Scrutiny Procedure Rules and the Petition Scheme to reflect changes in legislation.

The Health and Wellbeing Board, a Committee of the Council, was established as a consequence of the transfer of public health responsibilities from the NHS to the Council. Its functions include:

- Developing and agreeing the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy; and
- Promoting integrated working between commissioners of health services, public health and social care services, for the purpose of advancing the health and wellbeing of people in its area.

The arrangements and rules of procedure for the Overview and Scrutiny function, including the membership, functions and scope of the Overview and Scrutiny Board and each Committee is set out in detail in the [Constitution](#). Terms of Reference for the Board and Committees are set within the context of the [Council Plan](#) and the [Sustainable Community Strategy](#).

Following the Council election in May 2013, under the terms of the [Constitution](#), the Council elected a Leader and made appointments to a number of committees with various regulatory and scrutiny responsibilities. The Leader has nominated nine other councillors, including a Deputy Leader, with specific responsibilities to form the Cabinet.

Members and Officers work together on the workload of the Cabinet which is managed through a system of Cabinet pre-agenda meetings. To support this, Corporate Directors have held regular briefing sessions with Cabinet Portfolio Members and their support Members. For example, a number of informal sessions

took place throughout the [MTFP](#) planning process to ensure CMT and Cabinet have a shared understanding of the complexities in the [MTFP](#) process, and all Opposition parties were briefed during the development of the [MTFP](#). Other examples of Members and Officers working together include monthly meetings of the Capital Member/Officer Working Group and six-monthly updates on disposals of surplus property.

Member remuneration is overseen by an independent panel, and their report was approved by Council in February 2014.

The Council has appointed the Corporate Director, Resources as Chief Financial Officer and Section 151 Officer to fulfil the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010). The Chief Financial Officer, who is a member of the CMT and reports directly to the Chief Executive, has been involved in all CMT discussions, and has reviewed all reports to Cabinet which have financial implications. The Chief Financial Officer has also provided an opinion under section 25 of the Local Government Act 2003 on the reserves for the County Council, which Members considered when setting the budget.

### **Principle 3: Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

The key governance documents supporting this principle are the [Constitution](#), the [Council Plan](#) and the Register of Gifts and Hospitality.

A climate of openness has been encouraged by the Council Leader who holds regular Cabinet meetings at various locations throughout County Durham. The key elements of the Council's approach to communicating and embedding the expected standards of behaviour for Members and staff are also detailed in the Council [Constitution](#). The Council's Codes of Conduct included in the [Constitution](#) also apply to its partnership working, and the revised Code of Conduct for Employees was implemented in May 2014. The [Constitution](#) also sets out a protocol for the Chairman and Vice-Chairman of the Council that includes an expectation of political neutrality and acting as the conscience of the Council

The values of the Council are further promoted in the revised Equality Policy, which was approved in January 2014 and includes 'protected characteristics' covered by the Equality Act. Supporting this scheme is an impact assessment process, which ensures that the impact on equality is considered in the Council's decision making. For example, in 2013/14, the [MTFP](#) was fully equality impact assessed. A schedule of impact assessments is monitored through the Equality, Diversity and Cohesion Working Group. The implementation of the Access Strategy is monitored by the Equality, Diversity and Cohesion Working Group and a programme is in place for making access improvements to identified priority buildings.

The Standards Committee has the key governance role of promoting and monitoring high standards of conduct by elected Members, independent Members and co-opted Members. The Localism Act 2011 introduced a new duty to promote and maintain

high standards of conduct and a new ethical framework was adopted in July 2012. The [Annual Report of the Standards Committee](#) was presented to the Full Council in September 2013.

In terms of disclosure of gifts, hospitality and interests, assurance is gained over Member declarations and registrations by the Monitoring Officer maintaining and monitoring the Register of Gifts, Interests and Hospitality for Members, which is available online. Staff declarations are maintained and monitored by their Head of Service. The Monitoring Officer issued a formal reminder during the year to Corporate Directors about their responsibilities in relation to gifts and hospitality.

In response to amendments to the Protection of Freedoms Act 2012, the corporate guidance on investigations under the Regulation of Investigatory Powers Act has been updated.

#### **Principle 4: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**

The key governance documents supporting this principle are the [Constitution](#); the Corporate Complaints Policy and Procedure; the Risk Management Strategy and Policy; the Counter Fraud and Corruption Strategy; and the [Confidential Reporting Code \(Whistleblowing policy\)](#).

The Council's [Constitution](#) sets out how the Council operates, how decisions are made and the procedures followed to ensure that these are effective, transparent and accountable to local people. This includes the Officer Scheme of Delegation, which is reviewed annually in line with the review of the [Constitution](#). For example, an amendment was made to the [Constitution](#) to reflect the revised scheme of delegation to officers for the Corporate Director, Resources.

All major decisions as identified in the officer delegations scheme are documented, with the reports and decisions made for those that are in the public domain being available on the website. All Cabinet reports must state that legal advice on proposals has been sought, as well as the source of the advice, and Chief Officers and Heads of Service were briefed on this by way of a refresher in February 2014 by the Head of Legal and Democratic Services.

A notice of key decisions covering a rolling period of four months is published on the Council's website. Decisions made by the Executive are published on the Council's website within two days of the respective meeting. Assurance over the adequacy and effectiveness of the control framework for the Committee Management System was provided by Internal Audit.

To maintain the accountability and integrity of the Council's decision-making, a number of further improvements to governance in this area have been implemented in 2013/14. For example:

- Face to face data protection training was provided to 130 officers in November 2013 to address identified training needs, in addition to all staff being covered by online training.

- The Potential Data Breach policy was updated and circulated;
- A training and awareness session was held in November 2013 for Records Champions.

The key mechanism provided for employees, and contractors and suppliers providing services for the Council, to raise concerns about potential breaches of conduct in decision-making is the [Confidential Reporting Code \(Whistleblowing policy\)](#), which is part of the Council's [Constitution](#), and is monitored by the Audit Committee. The policy is referenced in the Scheme of Financing of Schools, and the School Financial Value Standard requires schools to have appropriate whistleblowing procedures. A revised [Confidential Reporting Code](#) was approved by Audit Committee on 20 May 2014.

To further strengthen fraud awareness across the Council, 250 managers and staff have successfully completed fraud awareness training, and work has also progressed during the year to improve the effectiveness of the Council's Counter Fraud Strategy. This has been strengthened by the formation of the Corporate Fraud Team in December 2013.

Overview and Scrutiny, which consists of an Overview and Scrutiny Management Board and six committees, has the key role to make decision-making processes transparent, accountable and inclusive and to improve services for people by being responsive to their needs. Where appropriate, Members have scrutinised the decisions of the Council, demonstrated by a number of key reviews which are outlined in the [Overview and Scrutiny Annual Report](#). They also contributed to a number of consultations and policy development areas, such as:

- Stock Transfer proposals;
- The [County Durham Plan](#);
- Joint Health and Wellbeing Strategy;
- The Combined Authority proposals for the North East Local Enterprise Partnership; and
- The Council's [Medium Term Financial Plan](#).

A number of key projects and reviews have also been carried out by Overview and Scrutiny Committees including:

- Neighbourhood Wardens;
- Impact of Government Policy and Funding changes to the County Durham economy;
- The impact of flooding on our local communities;
- Customer First Strategy and customer services; and
- Alcohol and substance misuse by young people.

Further assurance on the effectiveness of the Overview and Scrutiny function can also be gained from the [Peer Review](#) in 2012, which concluded that it is making a useful contribution through influencing policy development in areas related to the [Council Plan](#).

As part of the annual review of the [Constitution](#), the Terms of Reference of the Overview and Scrutiny Management Board and Committees were updated in line

with the refresh of the [Sustainable Community Strategy](#) and [Council Plan](#) priorities and actions. This demonstrates that the work of Overview and Scrutiny contributes to the strategic priorities of the Council and its partners, and reflects the legislative requirements placed on the Council in respect of scrutiny arrangements.

With regard to the Overview and Scrutiny Committees, key points to note during 2013/14 include:

- Following the Council elections in May 2013, 55 new Councillors were elected. To ensure continued effectiveness of the Council's Overview and Scrutiny function, a series of bespoke induction sessions were held across all Overview and Scrutiny Committees engaging all Councillors and co-opted members;
- The Adults Wellbeing and Health Overview and Scrutiny Committee has been conferred with the Council's powers of review and scrutiny in respect of NHS Service changes in accordance with the Health and Social Care Act 2012;
- Through the Council's various publications and regular updating of web pages, the profile and awareness of the Overview and Scrutiny function was raised;
- Cross party representation on all Overview and Scrutiny Committees serves to promote an independent, non-partisan approach in their activities;
- Established a Joint Health Scrutiny Committee with Hartlepool and Stockton Borough Councils to formally engage and respond to proposals to reconfigure emergency medical and critical care services at North Tees and Hartlepool NHS Foundation Trust.

The Police and Crime Panel has now reviewed the first annual report of the Police and Crime Commissioner, as well as the [Police and Crime Plan 2013 – 2017](#), to fulfil its legal requirements. An update on activity from the Panel is now presented to each meeting of the Council's Safer and Stronger Communities Overview and Scrutiny Committee.

The Council's Monitoring Officer oversees the arrangements for conflicts of interest, gifts and hospitality. Members are required to review their declarations of gifts and hospitality annually. Officers and members are required to declare annually any conflicts of interest.

The Council's decision-making processes are also supported by:

- A risk management strategy and policy;
- An Audit Committee with responsibility for monitoring and reviewing the risk, control and governance processes and associated assurance processes; and
- The Council ensuring that it complies with legal requirements in its decision making by ensuring that all reports requiring a decision include the legal implications, report authors confirming that they have obtained legal advice on proposals contained in reports, and the source of that legal advice.

During the year, a new Audit Charter was approved in line with Public Sector Internal Audit Standards. The Council's self-assessment against both the principles of the CIPFA Statement on the Role of Head of Internal Audit and the new Public Sector Internal Audit Standards, which were presented to Audit Committee in June 2013, illustrates a high degree of compliance.

A Corporate Complaints policy is in place for non-statutory complaints. From 2013/14 details of complaints, and of investigations by the Commissioner for Local Administration, have been reported to Corporate Issues Overview and Scrutiny Committee.

A Freedom of Information (FOI) Policy and Publication Scheme are in place, and details of how to make a FOI request for information can be found on the Council's website.

### **Principle 5: Developing the capacity and capability of Members and Officers to be effective**

The key governance documents supporting this principle are the [Constitution](#); the Member Learning and Development Strategy; People and Organisational Development Strategy; and the Recruitment and Selection Policy.

The Council is committed to continually reviewing the development needs of Members and Officers. Our approach to Member development is outlined in the Member Learning and Development Strategy.

Other improvements to governance arrangements in this area during the year include:

- A review of the Corporate Induction programme was completed;
- Recruitment and Selection Policy was reviewed and implemented;
- A new system for maintaining staff records, which will be directly accessible by managers through the Intranet, was implemented, leading to improved efficiency and shortened processing timescales;
- The "The Durham Manager" development programme, which was rolled out to managers from September 2013, was enhanced after seeking feedback from managers through a course evaluation and focus groups programme;
- A revised Grievance Policy has been implemented, and the Disciplinary Policy is under review;
- Following extensive consultation, a revised Organisational Development Strategy will be finalised in October 2014. The Council continues to adopt the principles of the Investor in People Standard through the Organisational Development Strategy, without seeking accreditation under the scheme;
- Induction training was provided for new members following the election in May 2013;
- Individual training and development plans were produced for all members;
- The Mental Wellbeing in the Workplace Policy, which is based on the Health and Safety Executive Stress Standards, has replaced the Stress Management Policy and Toolkit;
- The Council's Occupational Health Service has been awarded Safe, Effective, Quality Occupational Health Service (SEQOHS) accreditation, which is the formal recognition that it has demonstrated the competence to deliver against the measures in the SEQOHS Standards developed by the Faculty of Occupational Medicine.
- Health and Safety unitisation and consequential review of health and safety policies and procedures; and



- A pilot scheme to improve the quality and accuracy of sickness absence data commenced in January 2014.

The Council also continues to support employees through the change process with, for example, Jobcentre Plus information sessions.

### **Principle 6: Engaging with local people and other stakeholders to ensure robust public accountability**

The key governance documents supporting this principle are the [Constitution](#); the [Consultation and Engagement Strategy](#); and the County Durham Partnership Community Engagement and Empowerment Framework.

As the strategic partnership for the County, the County Durham Partnership (CDP) is the lead umbrella partnership for most other partnerships in County Durham, and the Leader of the Council is the chair of the CDP. The Council's relationships with partners are managed through the Partnership Governance Framework.

The Council's approach to engaging stakeholders is outlined in the [Consultation and Engagement Strategy](#). This is complemented by the County Durham Partnership Community Engagement and Empowerment framework, which has shaped and supported a common vision and approach for community engagement by partners in County Durham. The County Durham Compact provides a framework for partnership and engagement with the voluntary and community sector, and most partners within the County Durham Partnership are signatories. E-learning on the Compact has been delivered to partners and [VCS](#) organisations. Attendance by the public at Council meetings and the protocols for asking questions are contained in the [Constitution](#).

The Council has a strong commitment to working with partners to meet the needs of its communities. There are 14 [Area Action Partnerships \(AAPs\)](#) in place across the County, who are each governed by a board comprising members of the public, partner organisations and elected Councillors. These are multi-agency partnerships that are fully engaged with the community in identifying and addressing local priorities, and utilise locality budgets to drive improvements to the local area. During 2013, through this network of [AAPs](#), the Council staged 23 'Your Money, Your Choice' consultation events across the county, working with parish councils and the community and voluntary sector. The events encouraged local people to vote for which community projects should be given a share of a community chest funded by the council and other public sector organisations. Residents were also asked to express a view on each area's local priorities. Nearly 10,700 people took part in the events, allocating £563,000 to 177 community projects.

As part of these events, the Council carried out a detailed consultation process during the development of [MTFP4](#), and 97% of the 3,300 respondents agreed with the plan. This process involved in depth exercises at 14 separate [AAPs](#) and the completion of online questionnaires. The key aim of the exercise was to assess public opinion on how to achieve its target savings, and the outputs from the exercise identified areas of the budget the public would wish to protect and those

where higher levels of saving should be implemented. Partners and key agencies, including the Police and NHS County Durham and Darlington, were also consulted.

The Durham [Citizen's Panel](#) was consulted about various proposals, projects and issues of concern, including:

- Residential Care Homes;
- [Medium Term Financial Plan](#);
- Garden Waste;
- School Crossing;
- Customer First;
- Community Resilience;
- Fixed Play Provision; and
- Corporate Tree Management Policy.

Evidence of our community engagement includes:

- A [Voluntary and Community Sector \(VCS\) Strategy](#) was developed to help the council work in partnership with the [VCS](#) to realise the ambitions of individuals and to improve their quality of life;
- The [AAPs](#), voluntary sector organisations and a community buildings team funded by the council has worked with local community organisations to take on a number of community buildings, following targeted investment to improve the assets;
- Councillors and employees, particularly those in customer-facing roles, have received training to help them understand the welfare reform changes and how the council and partners can help;
- A comprehensive communications programme has been instigated to ensure that claimants understand proposed welfare reform changes;
- The corporate website is being re-designed, with views being sought from staff and members of the public, and it is planned to go live in 2014;
- Strengthening the remit, representation and focus of the Customer Focus Board that provides a multi service approach to developing and implementing a new Customer First Strategy for the Authority;
- All [AAPs](#) and the Terms of Reference were reviewed this year, during which the first four-year tenures of Public Representatives were completed.

In achieving Council of the Year at the 2014 Local Government Chronicle Awards, judges were impressed by community engagement arrangements across the Council:

*The Council has made considerable efforts to engage the community and prides itself on being ambitious, open to trying new things and exhibiting a clear set of priorities. Its 'Altogether Better Council' plan is one example of the organisation's priorities and sets out a precedent for collaborative community strategies. Finally, its pioneering approach to engaging local communities through [area action partnerships](#), neighbourhood budgets and participatory budgeting has won international acclaim. Partnership is a key part of this organisation's success and Durham believes it has a huge amount to offer to its peers". (LGC article)*



Assurance can also be gained from the [Peer Review](#) by the Local Government Association, which was undertaken in 2012, which highlighted that the Council is 'effectively engaging with stakeholders' and has 'communication channels with local communities'.

Through its partnership governance framework, the Council has gained assurance that:

- members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority;
- there is clarity about the legal status of the partnership; and
- representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

#### **4. REVIEW OF EFFECTIVENESS**

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the senior managers within the Council who have responsibility for the development and maintenance of the governance environment, the annual report of the Head of Internal Audit and Risk, and also by comments made by the external auditors and other review agencies and inspectorates.

We are in a group relationship with East Durham Homes and Dale and Valley Homes and undertake significant activities through this group. The main features of their governance arrangements are documented each year through written assurance statements.

Maintaining the effectiveness of the corporate governance framework involves the key Member and Officer roles outlined below, namely:

- The Executive;
- Chief Financial Officer;
- Monitoring Officer;
- Overview and Scrutiny Committee;
- Standards Committee;
- Audit Committee.

The Council's [Constitution](#) sets out the governance roles and responsibilities of these functions. In addition:

- The Corporate Director, Resources co-ordinates and oversees the Council's corporate assurance arrangements by:
  - Preparing and maintaining the Council's Code of Corporate Governance as a formal framework for the Council's governance arrangements;

- Reviewing the systems, processes and documentation to determine whether they meet the requirements of this Code, reporting any breaches and recommending improvements;
  - Preparing an Annual Governance Statement to demonstrate how far the Council complies with the principles of good governance and recommending improvements.
- Internal and External Audit provide independent assurance on the effectiveness of the corporate governance framework.

The review was also informed by a statement provided by each Corporate Director and the Assistant Chief Executive commenting on the effectiveness of the Council's governance arrangements generally and how they impacted on their service areas. These included consideration of the effectiveness of internal controls.

Based on the delivery of the internal audit plan, Internal Audit is able to provide a moderate overall assurance opinion on the adequacy and effectiveness of internal control operating across the Council in 2013/14. This opinion ranking provides assurance that, whilst there is basically a sound system of control, there are some weaknesses, which may put some of the system objectives at major risk. Given the extent of change across the Council and the overall reduction in resources during the year, the sustainment of this assurance opinion should be regarded as a positive outcome.

## **5 SIGNIFICANT GOVERNANCE ISSUES**

We have been advised on the implications of the result of the review of the effectiveness of the governance framework by the Audit Committee. The Council is fully committed to the principles of corporate governance, and has made further progress during the past twelve months in developing its arrangements.

### **Update on improvements identified in the 2012/13 Annual Governance Statement**

Following the production of the Annual Governance Statement for 2012/13, an action plan, containing the following recommendations was produced. Progress made in implementing each recommendation, as outlined below, was confirmed by the Corporate Director, Resources and formed the starting point of the work to produce the 2013/14 Annual Governance Statement.

#### **1. Business Continuity**

A backup ICT site, developed in partnership with Sunderland City Council, is now in place. The equipment has been installed and data has been transferred. Testing has taken place at a functional / equipment level and a full test is planned for June 2014.

## **2. Arrangements for ensuring Value for Money**

The Audit Commission VFM profiles, which will be adopted by the Local Government Association (LGA) on the demise of the Audit Commission in March 2015, are used to provide assurance that the mechanisms that we currently have in place are identifying and addressing those areas where less than optimal VFM is being achieved. These are supplemented by CIPFA VFM benchmarking information for central services, where available, and this has been done in 2013/14. In Children and Adults Services, analysis of s251 (children and young people's budget statement) and PSSEX1 (Personal Social Services Expenditure) benchmarking data is well embedded and is used to inform VFM considerations in this service.

In conclusion, we are satisfied that the Council's corporate governance arrangements in place during 2013/14 were sound. As a result of the review of governance arrangements, and the work of both internal and external audit, we have not identified any further areas for significant governance improvement in 2014/15.

### **Signed:**

Simon Henig  
Leader of Durham County Council

George Garlick  
Chief Executive

Don McLure  
Corporate Director, Resources

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