



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 20 July 2016** at **10.00 a.m.** to transact the following business:-

1. To confirm the minutes of the meeting held on 22 June 2016 (Pages 1 - 6)
2. To receive any declarations of interest from Members
3. Chairman's Announcements
4. Leader's Report
5. Questions from Area Action Partnerships
6. Questions from the Public
7. Petitions
8. Report from the Cabinet (Pages 7 - 24)
9. Community Governance Review - Pelton Fell - Report of Head of Legal and Democratic Services (Pages 25 - 40)
10. Local Determination Procedure for Standards Committee Hearings - Report of Head of Legal and Democratic Services (Pages 41 - 64)
11. County Durham Youth Justice Plan 2016/17 - Report of Corporate Director, Children and Adults Services (Pages 65 - 94)
12. Overview and Scrutiny Annual Report 2015/2016 - Report of Assistant Chief Executive (Pages 95 - 116)

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13. Motions on Notice

Councillor O Temple to Move

The European Structural and Investment Fund (ESIF) programme for 2014-2020 allocated circa €537 million for the North East LEP area, including €157 million for County Durham as a Transition Region. County Durham also qualified for an additional €9 million to tackle youth unemployment and NEETs.

It is critical that this investment in skills, jobs, infrastructure and the environment is protected, and this Council therefore calls on the UK government to bring forward legislation to guarantee all current EU funding for the period 2014-2020 without delay.

This Council further calls on the Government to guarantee that post-2020 funding is provided to County Durham at a level at least equal to that currently provided jointly from the EU and UK.

Councillor Wilkes to Move

We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. We, Durham County Council condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Durham County Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in County Durham that they are valued members of our community.

14. Questions from Members

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

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

Part B

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

17. Independent Review - Employment Tribunal Case Award - Report of Chief Internal Auditor and Corporate Fraud Manager (Pages 117 - 150)

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

Dated this 12th day of July 2016

A handwritten signature in black ink, appearing to read 'Colette Longbottom', with a long, sweeping flourish extending to the right.

Colette Longbottom
Head of Legal and Democratic Services

To: All Members of the County Council

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DURHAM COUNTY COUNCIL

At an Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 22 June 2016 at 10.00 a.m.**

Present:

Councillor E Bell in the Chair

Councillors E Adam, J Allen, J Alvey, B Armstrong, J Armstrong, B Avery, A Batey, D Bell, J Bell, R Bell, J Blakey, G Bleasdale, D Boyes, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Charlton, J Clare, J Clark, P Conway, K Corrigan, P Crathorne, R Crute, K Davidson, M Davinson, M Dixon (Vice-Chairman), S Forster, N Foster, D Freeman, I Geldard, B Graham, J Gray, O Gunn, C Hampson, J Hart, T Henderson, S Henig, J Hillary, M Hodgson, A Hopgood, K Hopper, L Hovvels, S Iveson, I Jewell, O Johnson, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, J Lindsay, A Liversidge, R Lumsdon, J Maitland, C Marshall, L Marshall, N Martin, J Maslin, P May, O Milburn, B Moir, S Morrison, A Napier, T Nearney, H Nicholson, R Ormerod, A Patterson, M Plews, C Potts, L Pounder, G Richardson, S Robinson, K Shaw, M Simpson, H Smith, M Stanton, W Stelling, B Stephens, D Stoker, A Surtees, L Taylor, P Taylor, O Temple, F Tinsley, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, A Willis, C Wilson and S Zair

Apologies for absence were received from Councillors A Bell, A Bonner, K Henig, D Hicks, G Holland, C Kay, J Measor, M Nicholls, J Robinson, J Rowlandson, A Savory, A Shield, J Shuttleworth, M Simmons, P Stradling and M Williams.

Prior to the commencement of the meeting the Chairman referred to the deeply shocking, appalling and tragic events surrounding the death of the Member of Parliament for Batley and Spen, Jo Cox, whilst carrying out her everyday constituency work.

Jo was just 13 months into representing her constituency and it was clear from the many heartfelt tributes heard over the last week and in the House of Commons that Jo was a highly respected and much loved MP whose presence would be very sorely missed.

The Chairman reported with great sadness the death of former Durham City Labour Councillor, Margaret Davies who had recently passed away.

The Council stood for a moments silence as a mark of respect.

1 Minutes

The minutes of the meetings held on 16 and 25 May 2016 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 item of business on the agenda.

3 Chairman's Announcements

Stanley Crook Primary School

The Chairman extended a warm welcome to pupils and staff from Stanley Crook Primary School and hoped they found their visit an interesting experience.

Retirement of Director of Public Health

The Chairman informed the Council that Anna Lynch, Director of Public Health was to retire from the Council at the end of June, with Gill O'Neill being appointed to the post on an interim basis until a formal appointment was made.

Councillor Henig, Leader of the Council praised the Director of Public Health for her distinguished career across health and local government. She had identified where areas of health priority should be and had established excellent joint working with Health Service colleagues. Councillor Henig thanked the Director for her service and wished her well for a happy retirement.

Councillor Stelling, Leader of the Durham Independent Group echoed the words of Councillor Henig.

Councillor Temple, on behalf of the Liberal Democrat Group praised the Director of Public Health for her passion and commitment to health and to closing the gap between the health of residents of County Durham and the rest of the country.

Councillor R Bell, Leader of the Conservative Group praised the Director of Public Health who had done a tremendous job and was always helpful.

Queen's Birthday Honours

The Chairman placed on record congratulations to the following:

- Dr Peter Trewby of the County Durham and Darlington NHS Foundation Trust who had been awarded an OBE;
- Jean Johnson, Volunteer at Belmont Cheveley Park Primary School who had been awarded a BEM;
- Audrey and Edward Stringer who had received BEM's for services to young people in Burnopfield;
- Karl Wharton, Director of Deerness Gymnastics Academy who had been awarded an MBE.

Municipal Journal Achievement

The Chairman informed the Council that he was delighted to announce that the Council had won a Municipal Journal Achievement Award for 'Excellence in

Governance and Scrutiny'. The prestigious national award was presented to the Council that best demonstrated how excellent governance and scrutiny had added value to the way it conducted its business and delivered improved outcomes for residents. Judges were looking for aspirational approaches to decision-making, underpinned by a commitment to local democracy and insight from partners and communities.

Councillor Henig received the award which had been achieved thanks to the work of many people involved in the scrutiny and engagement process.

Charity Cycle Ride

The Chairman congratulated Councillor Brookes and Andrew Gilmore on the completion of their charity ride from the border of County Durham to the Welsh border and return in 24 hours to raise funds for Dementia Durham. Donations could be made through the Just Giving web page or through sponsorship forms which were available in Member Support.

Code of Conduct

The Chairman reminded all Members of their obligations under the Code of Conduct in treating each other with respect.

4 Leader's Report

The Leader of the Council paid tribute to Jo Cox, MP, who had been killed while doing her job as an elected representative, this being an attack on democracy. He hoped that in future any debate could be carried out in a more reasoned and calm manner.

The Leader of the Council reported that he had attended a memorial service for Don Robson which was held at the Riverside at Chester le Street. The service was a fitting tribute to Don, who had played a leading role in the North East since the 1970's.

The Leader of the Council reported that he had stood down as Chair of the North East Combined Authority at its Annual General Meeting, adding that the intention was always to rotate the position of Chair around the seven constituent authorities. The position of Durham on the Combined Authority was that there were red lines around the issues of fair funding, Durham being no worse off, governance arrangements being in place to protect Durham's position and an embedded Mayor. A devolution scheme was due to be published in July and consultation would take place over the summer, with a Governance Order being published in the autumn.

The Leader of the Council reported that the Chief Officer Appointments Committee had made the following interim appointments:

- Corporate Director, Resources – Paul Darby
- Director of Public Health – Gill O'Neill
- Corporate Director of Adult and Health Services – Jane Robinson

The process of appointing to permanent positions had commenced.

The Leader of the Council was pleased to report that Lumiere was to return to Durham City for the fifth time in 2017. 200,000 people had attended Lumiere event in 2015, which was considered to be Britain's largest light festival. Additionally the Lighting Urban Community International would be hosting its Conference in Durham alongside the festival in 2017.

5 Questions from Area Action Partnerships

Questions had been received from the Chester le Street Area Action Partnership and the East Durham Area Action Partnership relating to the following:

- Improvements to key destination parks such as Chester le Street Riverside Park
- The opportunity to help develop the criteria and procedures for the allocation of funding for youth support.

Andrew Megginson, Chester le Street AAP Coordinator was in attendance to ask their question and Jane Bellis East Durham AAP Coordinator was in attendance to ask their question.

Councillor M Plews, Portfolio Holder for Leisure, Libraries and Lifelong Learning thanked the Chester le Street AAP for their question and provided a response. Councillor O Johnson, Portfolio Holder for Children and Young People's Services thanked the East Durham AAP for their question and provided a response.

The Head of Legal and Democratic Services informed the Council that the questions, together with the responses, would be placed on the Council's website and a copy of the responses would also be sent to the Area Action Partnerships.

6 Questions from the Public

A question had been received from a Member of the Public regarding the Troubled Families Programme. In the absence of the questioner, the Head of Legal and Democratic Services informed the Council that a copy of the question, together with the responses would be placed on the Council's website and a copy of the response would also be sent direct to the questioner.

7 Petitions

The Head of Legal and Democratic Services explained the procedure for the presentation of petitions to Council.

Councillor Hart informed Council that a 91 signature petition had been gathered by the pupils of Stanley Crook Primary School to request a lowering of the speed limit outside of the school. The road outside of the school currently had a speed limit of 60 m.p.h. with no footway either side of it. The petition was presented to Council by two pupils of the Primary School.

The Chairman thanked Councillor Hart and the pupils of Stanley Crook Primary School for the petition.

8 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 6 April and 11 May 2016 (for copy see file of Minutes).

9 Motions on Notice

In accordance with a Notice of Motion it was **Moved** by Councillor Lumsdon, **Seconded** by Councillor Brookes

As the council for a county with high levels of deprivation where some of the poorest of its inhabitants have faced severe cuts in income due to restrictions on the public purse at the same time as many large corporations are evading and avoiding tax, this council asks the Government to implement legislation to allow councils to take into account in its procurement a fair tax requirement; requiring bidders seeking to do business with councils in England to be open and transparent in their financial dealings, especially with reference to their tax affairs in the UK, and thereby contribute to the public purse;

This Council supports this campaign for tax justice by:

Setting up a cross party working group to explore how we can encourage the development of the Fair Tax Mark and to consider how best to promote the Fair Tax Campaign and transparency in all tax dealings.

Upon a vote being taken it was

Resolved:

That the Motion be **carried**.

10 Questions from Members

Councillor A Watson

This Council was promised a report of the inquiry for this Council Meeting into how a School Teacher who had her career ruined and was awarded £1.5m by an Industrial tribunal was allowed to happen and the lessons learned from it. Can the Portfolio Holder explain why the report has not been presented to this meeting?

Councillor Johnson, Cabinet Portfolio Holder for Children and Young People's Services thanked Councillor Watson for his question.

Councillor Johnson had been informed that the Council's Chief Internal Auditor and Corporate Fraud Manager had recently completed his comprehensive independent review of this complex case and had drafted his report. The reason for the delay was that the investigating officer was awaiting a response from the former teacher,

having sought her views and input on the key lines of enquiry within the scope of the review. It was Councillor Johnson's understanding that the Chief Internal Auditor and Corporate Fraud Manager intended to present his report to the County Council meeting to be held on 20 July 2016.

20 July 2016

Report from the Cabinet



Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 15 June 2016 to enable Members to ask related questions.

Members are asked to table any questions on items in this report by 2 pm on 19 July 2016 in order for them to be displayed on the screens in the Council Chamber.

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15 June

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- Item 5 Draft Durham City Sustainable Transport Strategy 2016-2033
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'Finance Durham'
- Item 7 Update on North East Combined Authority Delegated Transport
Activity
- Item 8 Review of Refuse and Recycling Operations
- Item 9 The Durham City Air Quality Action Plan
- Item 10 Lumiere Festival 2017
- Item 11 Medical Examiners Service

1. County Durham Plan – Issues and Options
Key Decision: R&ED/07/16
Cabinet Portfolio Holder – Councillor Neil Foster
Contact – Mike Allum 03000 261906

We have considered a report of the Corporate Director, Regeneration and Economic Development which requested Cabinet to agree the Issues and Options of the County Durham Plan for public consultation, and, to endorse the evidence base.

Cabinet agreed the timescales set out in the Local Development Scheme (LDS) for the preparation of the County Durham Plan in April 2016. The Issues and Options is the first stage in that process. The Issues and Options proposes a draft Vision and Objectives for the future development of County Durham up to 2033.

In terms of employment land, early findings are presented in terms of requirements relating to different methodologies which result in a range of between 130 and 270 hectares. In the case of new housing, the report detailed three alternatives for the number that are needed. The number of houses is based on Government guidance, projections of population change and an understanding of future projections relating to migration as set out in the demographic analysis by Edge Analytics.

The distribution of employment land relates to the need to ensure that local jobs growth can be promoted. Predominantly this relates to six key strands; A1 Corridor; A19 corridor; Durham City; Consett; Bishop Auckland; and the rest of the county including rural communities.

The Issues and Options also included sections on a number of different topics including: a prosperous rural economy; sustainable transport; infrastructure; good design; climate change; the natural and historic environment amongst others. Throughout all sections a number of questions were set to enable respondents to submit their comments.

The revised Statement of Community Involvement (SCI) was agreed for consultation at the Cabinet meeting in April and the revised SCI was agreed by the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development on 31st May 2016.

The consultation on the Issues and Options must conform to the provisions of the SCI and will consist of public exhibitions and drop-in events, the use of the Area Action Partnerships, social media and the press. The consultation period will run from the 24th June until the 5th August 2016. The responses received will be fully considered and integrated into the policies and proposals that are brought forward in future stages where appropriate.

Sustainability Appraisal (SA) is a statutory process integrated into the preparation of all aspects of the County Durham Plan. The SA has informed the Issues and Options and will be available to view during the consultation.

In order to ensure that the Plan is deliverable, a Viability Assessment will be prepared to inform the Preferred Options stage of the Plan. However a consultation report, 'Issues and Options - Viability Assessments in County Durham' is to be published alongside the County Durham Plan Issues and Options, which sets out the methodology and assumptions that will be used in the future work.

Following the consultation period the comments provided by respondents together with additional evidence will be used to select the preferred option. In accordance with the LDS the Preferred Options document will be published by the end of the year for consultation. Publication of the Submission Draft will then follow in summer 2017 with Submission by the end of 2017.

Decision

We have:

- i. Agreed the County Durham Plan Issues and Options for consultation from the 24th June to the 5th August 2016.
- ii. Agreed that any minor modifications to the above document following Cabinet agreement and before consultation begins can be agreed by the Corporate Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development.
- iii. Endorsed the updated evidence base including the:
 - Demographic Analysis and Forecasts
 - Strategic Housing Market Assessment
 - Employment Land review
 - Joint Local Aggregate Assessment
 - Issues and Options - Viability Assessments in County Durham

2. Quarter Four 2015/2016 Performance Management Report Leader of the Council – Councillor Simon Henig Contact – Jenny Haworth 03000 268071

We have considered a report of the Assistant Chief Executive which presented progress against the council's corporate basket of performance indicators (PIs), Council Plan and service plan actions and report other performance issues for the 2015/16 financial year.

The council has delivered £153.2 million of financial savings since the beginning of austerity and these savings are forecast to exceed £258 million by 2019/20. Against a backdrop of reducing resources it is critical that the

council continues to manage performance and ensure that the impact on the public is minimised.

It was reported that there has been a significant improvement in housing development. Occupancy levels of Business Durham premises have risen and town centre shop occupancy remains stable although council lets have fallen. The employment rate has shown a slight improvement at quarter four after a period of decline but the county continues to be affected by lower than average employment levels. There are fewer children with a child protection plan although the rate of looked after children has increased which reflects national trends. Performance in child assessments and review timeliness is positive. Crime levels continue to be low, anti-social behaviour levels have reduced and there are fewer young offenders, although the re-offending rate (which includes adults and young people) continues to increase. Environmental cleanliness is better than average and carriageways and footpaths repaired within timescale are close to target. However, significant challenges continue in the underlying health picture in the county with mortality rates, diabetes and breastfeeding prevalence all worse than national levels.

The council has observed changes in demand for some key areas this year such as increases in looked after children cases, freedom of information requests and benefit change of circumstances. Some notable reductions are in the number of people requiring rehousing, overall planning applications and the number of fly-tipping incidents being reported.

Decision

We have:

- a. Noted the performance of the council at quarter three and the actions to remedy under performance.
- b. Agreed the new performance indicator set and targets proposed for corporate reporting in 2016/17 (Appendix 5).
- c. Agreed all changes to the Council Plan as follows:

Amendments

Altogether Wealthier

- i. Enable the development of the Milburngate House site by March 2016. Revised date: September 2016.
- ii. Support the development of a Heritage Lottery application to secure funding to fully restore the historic quay in Seaham and improve public access to facilities by April 2016. Revised date: September 2016.

- iii. Deliver new car parking capacity at North Bondgate to support residents and increase tourists to Bishop Auckland by December 2016. Revised date: March 2017.
- iv. Adoption of the County Durham Plan by February 2018. Revised date: November 2018.

Altogether Healthier

- v. Review the culture and sport offer within Bishop Auckland in response to both Auckland Castle development and educational sector sports provision ambitions by March 2016. Revised date: July 2016.

Altogether Safer

- vi. Strengthen the effectiveness of the Joint Partnership Team (Durham County Council and the police) by enhancing the problem solving model and integrating the work of the Safer Neighbourhood Units with other community safety by March 2016. Revised date: December 2016.

Altogether Greener

- vii. Implement year one of the Air Quality Action Plan for Durham City by March 2016. Revised date: July 2016.
- viii. Review current operational practices for the collection of clinical waste and develop a Clinical Waste Protocol that will harmonise the collection arrangements for clinical waste across the county by March 2016. Revised date: March 2017.
- ix. Revise and rebalance all refuse collection routes across the county to reduce costs and improve consistency of service by March 2016. Revised date: March 2018.

Altogether Better Council

- x. Develop a strategic approach towards workforce development planning that ensures adequate support for managers in relation to progressing planned MTFP savings and meeting future business needs by identifying critical roles and occupational groupings and putting plans in place to ensure that the potential to recruit in these areas is increased by March 2016. Revised date: April 2017.

Deletions

Altogether Healthier

- i. Implement with partners the Healthy Weight Strategic Framework to develop and promote evidence-based multi-

agency working and improve support to children and adults so that they can have a healthier lifestyle.

Altogether Greener

- ii. Develop a Waste Transfer Station Strategy and action plan to maximise their potential.

3. Employment and Employability Initiatives Leader and Deputy Leader of the Council, and Cabinet Portfolio Holder – Councillors Simon Henig, Alan Napier, and Neil Foster Contact – Roger Goodes 03000 268050

We have considered a joint report of the Assistant Chief Executive and Corporate Director, Regeneration and Economic Development which provided an update on the council's employment and employability initiatives scheme, the government's employment policies affecting residents in the county, and sought approval to allocate an additional £500,000 from the Welfare Assistance Scheme budget to the council's employment and employability initiatives scheme.

In order to reduce poverty and the impact of welfare reforms on families in the county, the Poverty Action Steering Group funded an employment and employability initiatives scheme. £500,000 was directed from the council's Welfare Assistance Scheme with the overall aim of supporting them in becoming closer to the employment market, or, to assist those who would like to explore self-employment. The scheme which has successfully provided skills training to 267 individuals has been reviewed with a view to extending it for a further year. Extending the Employment and Employability Initiatives Scheme would provide targeted help to these specific groups of people. An additional £500,000 has been identified from the Council's Welfare Assistance Scheme budget to allow the scheme to continue. The scheme would be developed to improve consistency and simplify referral processes to ensure that, regardless of age, location or benefit type, all residents can gain access to an appropriate level of support.

Decision

We have:-

- a) Noted the contents of the report and the progress being made by the Council's Employment and Employability Initiatives scheme; and
- b) Approved the allocation of an additional £500,000 from the Welfare Assistance budget for the continuation of the council's Employment and Employability Initiatives scheme.

**4. Safe Durham Partnership Plan Refresh 2016-19
Cabinet Portfolio Holder – Councillor Joy Allen
Contact – Peter Appleton 03000 267381**

We have considered a report of the Corporate Director, Children and Adults Services which presented the refresh of the Safe Durham Partnership Plan 2016-19 for approval, which was attached to the report as Appendix 2.

The Crime and Disorder (Formulation and Implementation of Strategy) (Amendment) Regulations 2011 requires that Durham County Council, along with the other responsible authorities (develop and implement a Partnership Plan. The Partnership Plan 2016-19 is a refresh of the previous Partnership Plan 2015-18. The next full review of the Partnership Plan will be for the period 2017-20. The regulations also require that the Safe Durham Partnership (SDP) carry out an annual Strategic Assessment which informs the development of the new Plan every three years and its annual refresh.

The purpose of the Safe Durham Partnership Plan is to demonstrate how the responsible authorities will work together to reduce crime and disorder across County Durham. A consultation workshop was held on 4th November 2015 at the Health and Wellbeing 'Big Tent' Event to inform the development of the Plan. Further consultation with partners, took place between January and February 2016 on the objectives and outcomes contained within the draft refresh of the Partnership Plan 2016-19. The Safe Durham Partnership Board signed off the Plan in May 2016.

The vision of the Safe Durham Partnership is for a county "where every adult and child will be, and will feel, safe." Working in partnership is essential to achieving our vision. The refresh of the Partnership Plan 2016-19 describes the progress and achievements of the Safe Durham Partnership since the publication of the previous Plan. It describes how sustainable improvements will be delivered by working in partnership. The Strategic Objectives and Outcomes Framework for the Safe Durham Partnership Plan 2016-19 were detailed in the report. These strategic objectives were agreed by the Safe Durham Partnership Board in November 2015 and the outcomes were agreed in May 2016, following the consultation period. The Partnership Plan also contains a number of strategic actions that identify the key areas of work that the Safe Durham Partnership will focus on, linked to objectives and outcomes.

Decision

We have:

- a. Noted the contents of the report and approved the Safe Durham Partnership Plan 2016-19; and
- b. Noted the Safe Durham Partnership Plan will be publicised on the County Durham Partnership website.

**5. Draft Durham City Sustainable Transport Strategy 2016-2033
Cabinet Portfolio Holder – Councillor Neil Foster
Contact – Mike Allum 03000 261906**

We have considered a report of the Corporate Director, Regeneration and Economic Development which requested agreement of the draft Durham City Sustainable Transport Strategy 2016–2033 for public consultation.

The draft Strategy represents an important opportunity to initiate a step change in the provision of sustainable transport in the city at a time when there is the opportunity to shape the future development of Durham given that both a local plan for County Durham and a neighbourhood plan for Durham City are being prepared.

The report outlined how investing in all modes of transport and creating better spaces can provide real economic, health and environmental benefits for the city and its residents. The draft Strategy is aligned with the ‘thriving Durham City’ theme of the Sustainable Community Strategy as it seeks to improve accessibility to the city centre for all transport modes. Durham City has a traffic congestion issue, particularly at peak hours. The draft Strategy sets out the short and long term transport policy approach for delivering transport projects in the city.

The council has implemented measures to support sustainable transport use, being the first location in the country to implement a congestion charge in 2002. More recently, the opening of Park and Ride sites serving three of the key radial routes into the city, which complement good local bus services, means that bus services in Durham City are one of the strengths of the city’s transport network.

The Strategy is specifically related to achieving a more sustainable transport network in the city and it identifies the following locations for investment in infrastructure:

- Improvements to the existing city centre transport infrastructure;
- Pedestrians improvements linking the University to the city centre;
- Missing links for sustainable modes in and across main roads and junctions in Aykley Heads, Sniperley, Framwellgate Moor and Newton Hall;
- Reducing congestion by making appropriate improvements for all transport modes in Gilesgate, Dragonville, Carville and Belmont.

Management of the demand to travel by car on the journey to work and school during peak hours is one of the key elements of the strategy. The long term strategy for the city centre is dependent on the ability to provide more space for people travelling on foot, by bike and bus. The best way to achieve this would be an additional crossing of the River Wear which would provide an alternative to Milburngate Bridge and therefore remove vehicular traffic and congestion from the city centre. A longstanding proposal for this additional crossing as part of a Northern Relief Road was identified in both the City of Durham Local Plan and the previous iteration of the County Durham Plan.

A new crossing would remove through traffic and provide the opportunity to re-prioritise space by reducing the number of car lanes on Milburngate Bridge from four to two, making this route less attractive for through trips but making it easier for those people wanting to access the city centre and the economic opportunities including employment, shopping and tourism.

Two stakeholder events and a specific two-week consultation exercise have been undertaken to ensure a broad partnership approach to drafting the strategy and setting the vision.

The draft Durham City Sustainable Transport Strategy will be published for a six week formal consultation in conjunction with the consultation on the Issues and Options of the County Durham Plan. Following consideration of responses and the making of any modifications, if these are minor in nature, it is proposed that the final strategy would be agreed by the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development.

Following adoption of the draft Strategy, the council would proceed with Action Plans to develop the draft Strategy into a sustainable transport programme for demand management (behavioural change) measures and infrastructure interventions. A partnership will be formed with the academic and business stakeholders who form the key destinations (and landowners) in the city. They will monitor the progress of the resultant Travel and Action Plans.

Decision

We have:-

- a. Agreed the draft Durham City Sustainable Transport Strategy for full public consultation.
- b. Agreed that any minor modifications to the draft Strategy following consultation and approval of the final Strategy are delegated to the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development.

6. Option to Create a Durham County Council Investment Fund – ‘Finance Durham’
Deputy Leader of the Council, and Cabinet Portfolio Holder –
Councillors Alan Napier, and Neil Foster
Contact – Simon Goon 03000 265510

We have considered a joint report of the Corporate Director, Regeneration and Economic Development and the Interim Corporate Director, Resources which sought agreement to the creation of an Investment Fund for the county financed by the Council to help deliver business growth and job creation. The fund would be operated on a commercial basis and as such it is intended to generate a financial return over the longer term.

Within the context of economic austerity, the Council no longer offers grants to businesses and indeed this has been the case for several years. However, within Economic Development, Business Durham exists to ensure strong focus on the business sector, including supporting existing businesses to establish and grow whilst ensuring new businesses seek to locate within County Durham.

Up until now, the North East and County Durham has had limited market success in providing access to finance to facilitate business growth. Within the last two years in County Durham, the Council has made equity investments in two businesses rather than offering grants. This means that the Council is partnered with and thus, has greater interest in the investee company and will hopefully make a financial return. Some grant products are available in the North East. However, Government funded grant schemes via the Regional Growth Fund for large projects and the Lets Grow fund for smaller projects are no longer available.

Based on Business Durham's engagement with business, evidence shows that businesses are happy to receive finance as an investment as part of a wider package, especially from a Local Authority as it demonstrates a degree of partnership working. Therefore, the proposal outlined in the report was not for a grant fund, but, for a self-sustaining Investment Fund.

The fund has been designed with growing the County economy as its core function and modelling suggests the fund will support 500 companies, investing in approximately 70 companies over the first ten years, creating and safeguarding about 2,000 jobs. A key responsibility of the fund manager will be to support the delivery of a stronger access to finance community in the County and to spread the message about business finance.

The Council alongside Finance Tree have produced a ten year financial model for Finance Durham based upon a range of assumptions and a business plan for the creation of Business Durham was included at Appendix 2 of the report.

Decision

We have:

- a) Approved the principle of creating a Durham County Council investment fund to be known as Finance Durham;
- b) Agreed that a new limited company and limited partnership be formed to implement creation of Finance Durham;
- c) Agreed that capital funding of £20 million be made available to Finance Durham to be financed £4.15 million from capital receipts in 2017/18;
- d) Authorised the Corporate Directors of Regeneration and Economic Development and Resources in consultation with their respective

portfolio holders to take all necessary steps to implement these decisions;

- e) Noted that annual progress reports be submitted to Cabinet after the fund has commenced operation.

7. Update on North East Combined Authority Delegated Transport Activity
Cabinet Portfolio Holder – Councillor Neil Foster
Contact – Adrian White 03000 267455

We have considered a joint report of the Corporate Director, Regeneration and Economic Development and the Interim Corporate Director Resources which provided an update on the transport activity carried out by the Council under delegation from the North East Combined Authority (NECA).

In April 2014 Cabinet agreed a report in relation to the transfer of transport functions to the Combined Authority and the subsequent delegation back to the Executive in accordance with the Combined Authority's Constitution and Operating Agreement. Cabinet agreed to authorise the Corporate Director of Regeneration and Economic Development to discharge these transport functions in consultation with the Cabinet Portfolio Holder.

The delegation from NECA back to both Durham and Northumberland recognises the different approach taken by the two counties when compared to Tyne & Wear. The lower financial viability of bus services in rural areas places a greater emphasis on the need for integration between public transport, home to school, adult social care, community transport and health transport. A further benefit of the delegation to Durham is that it facilitates integration of transport (including public transport, traffic, parking, network management and development control) alongside other 'place shaping' functions within housing, planning, regeneration and economic development. The NECA Operating Agreement includes a requirement that the Portfolio Holder will provide reports when required to the Transport North East Committee (TNEC) of NECA, advising on how the delegated functions have been exercised.

Appendix 2 of the report provided a summary of transport activity carried out during 2015. This report was presented to TNEC at its meeting on 28 April 2016.

Decision

We endorsed the contents of the report.

8. Review of Refuse and Recycling Operations
Cabinet Portfolio Holder – Councillor Brian Stephens
Contact – Alan Patrickson 03000 268165

We have considered a report of the Interim Corporate Director, Neighbourhood Services which sought approval to harmonise refuse and recycling collection policies for remote and rural properties across the county, which will involve where suitable, collection from next to the public highway, a practice already operated in much of Teesdale and Weardale. The report also sought approval to a reorganisation of collection rounds in the east of the county alongside the above in order to deliver savings requirements of £225,000 per year.

Since vesting day Durham County Council has harmonised many of the policies and working arrangements regarding refuse collection including the introduction of alternate weekly collection. It has not however adopted a harmonised policy relating to collections from farms and other remote rural properties. In our most rural areas, Teesdale and Weardale, approximately 2,100 remote farms and properties are collected at the lane ends of private tracks, next to the public highway by large 26 tonne vehicles. This practice has been in place for some time. It is important to emphasise that residents are not required to take their bins down the track for collection, but rather that bins are permanently located at the lane end, at the edge of the public highway. By contrast, around 1,400 similar remote and rural properties in the Sedgefield, Derwentside, Chester le Street, Durham City and Easington receive a doorstep collection often serviced by smaller vehicles that go down private roads/farm tracks.

The existing arrangements are not only inconsistent, but also inefficient as smaller vehicles are often used to negotiate the private farm tracks, and in some areas (Chester le Street and Derwentside) glass is not collected.

In parallel with consideration to the above there is an on-going need to explore further savings from the collection rounds first introduced at alternate weekly collection. It is important however to be mindful of future housing developments, the potential to absorb new trade waste customers and give some flexibility for winter conditions. Notwithstanding this, the service has already reduced the number of collection rounds from 8 to 7 in the north, and it is felt that there is opportunity in other areas to achieve savings without impacting on delivery. Overall a Medium Term Financial Plan (MTFP) saving of £225,000 has been earmarked for 2016/17.

A consultation exercise was carried out to seek the views of residents that would be affected by the lane ends collection. 47% of the total number of households that were consulted were returned and the majority of the residents who returned completed survey forms disagreed with the proposal.

In the eastern division there are currently 4 rounds serving exclusively farms and isolated properties. These utilise smaller collection vehicles than standard rounds. There are four such vehicles, two for refuse use and two for recycling.

Two farm rounds operate from Meadowfield depot and cover the Durham City area and two farm rounds operate from Peterlee depot and cover the remaining eastern area. The proposed changes can enable more properties in the east to be collected by the larger 26 tonne vehicles, which would allow a reduction of two farm vehicles, two Drivers and four Operatives.

In order to make this reduction a number of inter-dependent service changes must be made, which include the introduction lane end collection arrangements, the amalgamation of the current sixteen collection zones into eight new collection zones, and, the reduction of the number of operational depots. As these operational changes are inter-linked they must be delivered together, the required savings will not be possible if implemented individually. The financial details were described in Appendix 1 of the report.

A proposed revision of the existing relevant policy was described at Appendix 4 which set out the safeguards to be considered. Whilst the proposed reorganisation of collection zones would lead to some changes of collection day for residents, the design has sought to minimise changes wherever possible. The report explained that following site visits and assessments, new lane end collection points would be set up to make the new locations safe and practical. If this is not possible, existing collection points will be maintained and serviced within the resources set out in the report.

Decision

We have:

- a. Approved the revision of DCC refuse collection policy in order to harmonise collection policy for rural and remote properties countywide.
- b. Agreed to implement the revised policy by rolling out lane end collections where appropriate in line with the safeguards.
- c. Agreed to implement changes to the refuse and recycling collection rounds in the eastern division, allowing a reduction of two collection rounds to meet MTFP saving requirements.

9. The Durham City Air Quality Action Plan Cabinet Portfolio Holder – Councillor Brian Stephens Contact – David Gribben 03000 260997

We have considered a joint report of the Interim Corporate Director, Neighbourhood Services and the Corporate Director, Regeneration and Economic Development which updated Cabinet on the outcome of the consultation on the proposed action measures for improving air quality as set out in the draft Air Quality Action Plan and sought approval for the adoption of the revised version of the Air Quality Action Plan which was appended to the report at Appendix 2.

The Council declared the city centre of Durham as an Air Quality Management Area (AQMA) in 2011 and this was subject to a previous report to Cabinet. This was amended in 2014 to include sections of Claypath, New Elvet and the west end of the city to the roundabout at Stonebridge which was approved by the Corporate Director for Neighbourhood Services.

Following the declaration of the Air Quality Management Area, the Council is legally required, under the Environment Act 1995, to prepare an Air Quality Action Plan (AQAP). The Council is also required to demonstrate that it is working towards complying with the national air quality standards within the declared Air Quality Management Area. Progress in relation to the preparation of an Air Quality Plan for Durham City has been subject to regular reports presented to Overview and Scrutiny Committee. Under delegated powers, approval was given for the Council to progress with the public consultation exercise on the Air Quality Action Plan.

The duration of the consultation extended over a twelve week period and began on 21st September 2015 and concluded on 14th December 2015. The feedback from the consultation was primarily obtained from the completion of a survey that sought views on each of the twelve proposed action measures and to invite suggestions for additional measures. The Council also consulted with DEFRA, as a statutory consultee, on the draft Air Quality Action Plan on 28th September 2015.

A total of 156 responses were received via the survey and a summary of the views were included in the report. In addition, a number of suggestions for alternative measures as well as improvements to some of the proposed actions were made by respondents during the consultation.

Whilst many of the issues emerging from the Strategy have already been considered as part of the air quality action plan, one significant infrastructure element is not currently included. The Sustainable Transport Strategy has concluded that sustainable transport opportunities and air quality in the City Centre could be significantly enhanced if a large proportion of the existing traffic volumes could be removed by providing a new crossing of the River Wear via a Northern Relief Road.

The report therefore proposed that the following additional action be included to examine further the implications on air quality from the provision of relief road infrastructure for the City.

- Explore the options for additional highway infrastructure in line with the Durham Sustainable Transport Strategy, taking into account environmental, financial and planning considerations to enable the removal of through traffic from the City Centre and contribute to the overall reduction of traffic emissions.

The revised action measures within the Air Quality Action Plan were detailed in the report which took into account the outcome of the consultation exercise and the material considerations.

The financial implications associated with the implementation of the Air Quality Action Plan were outlined in Appendix 1 of the report. The viability and delivery of specific action measures where costs have been identified may therefore be dependent on available funding. In addition, further consideration will also be given to any potential impact on the local economy and where necessary this may be subject to further reports to Cabinet. Further monitoring of the implementation of the action measures will be undertaken. In addition the Council are required to report progress annually to DEFRA and the next annual status report will need to be submitted by DEFRA by 30 June 2016.

To date progress has been made on the implementation of a number of action measures as follows:-

- Action 1: SCOOT/UTMC System: The preparations involving the modification of the Gilesgate and Leazes Bowl roundabouts in the centre of Durham are currently being progressed and are due for completion by 2017.
- Action 4: The upgrading of the buses operating on Park & Ride routes in Durham City to Euro 6 specification is now completed.
- Action 8: The Air Quality & Planning Guidance Note: The note has been revised to bring it up to date with the latest guidance on Air Quality & Planning issued jointly by the Institute of Air Quality Management and Environmental Protection (UK) in May 2015.
- Action 11: Variable Messaging and car park direction signage: It is understood that the variable messaging system is now operational.
- Action 10: Air Quality Campaign: Further to discussions with the Neighbourhood Services Communications Team a draft Plan has been produced for the undertaking of an air quality campaign. This is very much at an early stage and requires further development to link in and integrate with other relevant campaigns taking place elsewhere in the Council.

Decision

We have:-

- a. Considered the outcome of the consultation exercise.
- b. Adopted the revised Air Quality Action Plan for Durham City and agreed to further updates as the plan is implemented.

10. Lumiere Festival 2017 Cabinet Portfolio Holder – Councillor Neil Foster Contact – Oliver Sherratt 03000 269259

We have considered a report of the Corporate Director, Neighbourhood Services which informed Cabinet of the evaluation of the 2015 Lumiere festival and considered the delivery of a Lumiere in 2017.

Following the extremely successful festivals in 2009, 2011 and 2013, Artichoke was again commissioned by the Council to produce and deliver a fourth festival in 2015. The Policy Research Group based at St Chads, University of Durham were commissioned to provide an independent evaluation. The 2015 Evaluation Report at Appendix 2 of the report concludes that Lumiere 2015 was a considerable success.

It would appear that there is public interest for the Council with partners to deliver an equally spectacular event again. If the biannual pattern previously adopted was followed, this would see a further Lumiere event in 2017.

The cost to stage the event in 2017 is estimated to be £1.8 million. In order to achieve the required level of resource, an indicative funding package has been developed that would see a cash contribution of £600,000 from a mixture of Performance Reward Grant (allocated from the County Durham Economic Partnership Board in 2010 which has been used to fund previous Lumiere Festivals) and cash-limits reserve, that would lever a further £500,000 from Arts Council England under the existing NPO agreement. It is anticipated that the remaining £700,000 of funding needed would be raised from wider partners and sponsorship, although the Council would also provide an additional £100,000 of in-kind assistance.

Initial discussions with stakeholders suggest this is an achievable budget. Early wider discussions with a range of partners and potential sponsors have also been very positive and there is every expectation that the remaining funding can be raised. The ability to get commitment from sponsors is more dependent on there being a decision to host the event in 2017.

There is an opportunity to involve LUCI (Lighting Urban Community International) with the festival, by hosting its Annual General Meeting in Durham City to coincide with the festival. Facilitating this meeting would be a significant opportunity to showcase Durham to over 200 world-wide delegates.

The 'Lumiere' brand is owned and managed by Artichoke, a charitable arts organisation funded by Arts Council England, and in addition to their exclusive rights for "Lumiere" there has been significant learning in the delivery of previous festivals that has resulted in Artichoke possessing a unique set of skills required to deliver this event. It is therefore proposed that Artichoke should be re-commissioned should the event go ahead under the appropriate procurement arrangements as stated in Appendix 1 of the report. The wider considerations of the evaluation of the festival has reinforced the view that there is a strong case for commissioning a Lumiere festival for 2017.

Decision

We have agreed that:

- a. Artichoke be re-commissioned to plan and programme a Lumiere festival for delivery in 2017, in consultation with relevant stakeholders.

- b. The Council provides a cash contribution of £600,000 from a mixture of Performance Related Grant and cash-limits reserve and £100,000 of in-kind assistance.
- c. The terms of the contract are delegated to the corporate Director of Neighbourhood Services in consultation with the Cabinet Portfolio for Economic Regeneration.
- d. In principle agreement be given for hosting the prestigious LUCI Annual General Meeting to coincide with Lumiere, with agreement to terms with the organisers delegated to the Corporate Director of Neighbourhood Services in consultation with the Portfolio Holder for Economic Regeneration.
- e. Further reports providing an update on progress in relation to the 2017 event will be presented to Cabinet.

11. Medical Examiners Service
Deputy Leader of the Council, and Cabinet Portfolio Holder –
Councillors Alan Napier, and Lucy Hovvels
Contact – Colette Longbottom 03000 269732

We have considered a report of the Interim Corporate Director, Resources which advised Cabinet of the consultation to reform the process of death certification in England and Wales and to propose next steps for the establishment of a medical examiners service.

On 10 March 2016, the Government launched a consultation on proposals to reform the process of death certification. This was to involve principal authorities taking responsibility for the establishment of a medical examiners service which was to be entirely funded by payments by users of that service. The consultation stated that the proposed new medical examiner system will benefit the public, the health service and local authorities. The legal basis for the reforms is set out in Chapter 2 of Part 1 of the Coroners and Justice Act 2009, which has yet to enter into force. When in force, section 19 of the 2009 Act, as amended by the Health and Social Care Act 2012, will require medical examiners to be appointed and monitored by upper tier and unitary local authorities in England.

Under the new system, in the case of deaths that do not require coroner investigation, the cause of death will be confirmed by a medical examiner before a medical certificate of cause of death is issued. Medical examiners must be medical practitioners with at least five years full registration with the General Medical Council, and licensed to practice. They must complete prescribed training and meet the skills and competencies essential for the role set out in a specification drawn up by the National Task Team on Medical Examiners which will be produced in guidance to be provided to Local authorities.

Prior to the plans for a medical examiner service being postponed prior to the last general election in May 2015, a small team comprising the Head of Legal

and Democratic Services, a representative from Public Health and a Project Officer from ACE, carried out an information gathering exercise on current processes and a project brief was put together which produced an estimated cost for a medical examiners service. It drew on the experience of pilots in Sheffield and Brighton which indicated revenue costs per annum of around £550,000. Appendix 2 of the report included an analysis of the predicted shortfall to the council based on the charging rates suggested in the consultation where the maximum fee chargeable is £100. The Government has indicated that the Medical Examiner's Service should be self-funding and there are no indications that new burdens funding is available to meet shortfalls within council's budgets.

The shortfall which is estimated to be from circa £100,000 to circa £166,000 would be a pressure on the Medium Term Financial Plan that would have to be met corporately.

The document referred to in the report is a consultation on legislative changes and a number of issues covering the wide range of stakeholders involved in bereavement.

Officers will prepare responses where appropriate. A project team will be established to prepare proposals for the implementation of a medical examiners service from October 2017.

Decision

We have:

- a) Noted the contents of the report and the consultation response at Appendix 3.
- b) Agreed that further reports are presented to Cabinet on proposals for implementing a medical examiners service in due course.

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

12 July 2016

County Council

20 July 2016

Community Governance Review –
Pelton Fell



Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

- 1 To advise Council of the outcome of the re-run of the second period of consultation undertaken as part of the Community Governance Review (Review) of Pelton Fell, and to make a draft recommendation in this regard.

Background

- 2 On 23 September 2015, the County Council resolved to undertake a Community Governance Review following receipt of a valid petition from Pelton Fell Community Partnership (the Partnership), which sought for Pelton Fell to have an independent community council. For the avoidance of doubt, it was understood that the petitioners were seeking the establishment of a parish council to be known as a community council.
- 3 The County Council subsequently proposed two options for the future community governance arrangements in the Pelton Fell area:

Option 1

To implement changes to the current community governance arrangements in accordance with the petition submitted by the Partnership. This would see the unparished area of Pelton Fell, as shown on the map in Appendix 3, become parished and have its own community council.

Option 2

That the current community governance arrangements in the unparished area of Pelton Fell remain unchanged. This would mean that the changes proposed by the Partnership would not be implemented and there would be no change to community governance arrangements in the area.

The Law, Duties and Guidance

- 4 Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply with 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 into account any representations received in connection with the review.

- 5 Under Section 100 of the Act, the Council must also have regard to guidance issued by the Secretary of State. In March 2010, the Department for Communities and Local Government and the Local Government Boundary Commission for England, published guidance on Reviews.
- 6 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.
- 7 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.
- 8 The guidance acknowledges 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.
- 9 The Council must also take into account other arrangements that have been made and could be made for the purposes of community engagement and

they must consider the representations received in connection with the review.

- 10 Whilst the guidance is generally supportive of parish councils, it is not prescriptive and does not state that they should be routinely formed. Indeed in parts of the guidance, it stresses that the statutory duty is to take account of any representations received and gives the view that where a council has conducted a review following receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wish the council to make. It also acknowledges that a recommendation to abolish or establish a parish council may negatively impact on community cohesion and that there is flexibility for councils 'not to feel forced' to recommend that the matters included in every petition must be implemented.

Consultation (First Stage)

- 11 The terms of reference for the Review were published on 23 September 2015, and a consultation exercise was undertaken in accordance with the agreed timetable.

Properties in Pelton Fell

- 12 At the first stage of the consultation 900 consultation documents were sent out to affected properties and 110 responses were received, a 12% response rate. Of those 110 responses, 62 respondents selected option 1 (in favour of a community council), and 48 respondents selected option 2 (no change to community governance arrangements). The responses have been broken down further with a summary of associated comments in the table below:-

Forms issued	Forms returned	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
900	110	62 <ul style="list-style-type: none"> • Ability to bring suggestions to own council • Greater influence on local services provided • Better community and help bring people together 	48 <ul style="list-style-type: none"> • Current arrangements adequate • Can't afford increase in council tax • Would bring increased costs and bureaucracy

Web Form

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

Statutory Consultees

- 14 Consultation letters were sent to the local MP for North Durham, Kevan Jones, the Chester-le-Street and District Area Action Partnership, the County Durham Association of Local Councils (CDALC), the two local County Councillors, Waldrige Parish Council, North Lodge Parish Council, Edmondsley Parish Council, and Pelton Parish Council.
- 15 The CDALC Executive Committee responded to the consultation and confirmed that it had resolved that they would be happy to concur with the wishes of the residents of Pelton Fell following the Review process.
- 16 Local members have previously advised of their support for the wishes of the local people.

Analysis of Response to First Stage of Consultation

- 17 As outlined in the table at paragraph 12 above from the relevant electorate of which there were 900 properties identified; 110 responses were received, which equated to a 12% response. From those that responded, 56% were in favour of the proposals, which equates to 6.87% of the total households consulted in favour, and 44% were against which equates to 5.33% of the total households i.e. a very marginal support for the formation of a new council in what can only be described as a limited return.
- 18 From the relatively small number of responses received, the most that can be assumed from those who did not respond is that they probably have no views either way.
- 19 The views expressed by those in support of the formation of a community council include the ability to bring suggestions to its own council, greater influence on the local services provided, and that it would provide for a better community in helping to bring people together.
- 20 The written representations against the formation of a community council largely pick up the themes of the cost which would bring an increase in council tax, that it would bring an extra layer of bureaucracy, and that the current arrangements are adequate.
- 21 The following table contains a summary of factors for and against the formation of a community council in this Review:

Factors Favouring Formation of a Community Council	Factors Not Favouring Formation of a Community Council
Statutory guidance is generally supportive of parish council formation.	The guidance is not prescriptive.
The formation proposed would be effective and convenient.	Imposing arrangements where there is marginal support is arguably not proposing effective arrangements and may undermine community cohesion.
A petition was proposed requesting formation which demonstrated clear support for the formation of a council.	<p>The petition initiated the Review process. The Review has involved the production of proposals for a council and residents have now given their views on this.</p> <p>The guidance does not contain any expectation on councils to be bound by the petition.</p>
A community council would be able to provide additional local services.	<p>There are other forms of community governance in place for example:</p> <ul style="list-style-type: none"> • The Area Action Partnership allows for issues to be raised in advance. • There are groups and associations in the area which provide for “other arrangements for community engagement in the area” <p>By the formation of the associations referred to above, the population has shown considerable aptitude to form its own associations to address local issues.</p>
	The costs of a community council at a time of austerity. The current economic climate is one of austerity the council may wish to consider carefully whether a precept raising body should be created.
A majority of the questionnaires favour formation.	This was not a binding ballot. The limited return and the narrow margin in favour of creation justifies caution in following a simple majority.

Conclusions on First Stage of Consultation

- 22 The outcome of the first consultation in the Review was very finely balanced in nature and County Council at its meeting on 20 January 2016 agreed with the recommendation of the Constitution Working Group that a second period of consultation should be undertaken with householders in the area and the statutory consultees.
- 23 It was also resolved that the additional consultation should provide information about what a community council would look like if established, including its size, and the precept set for its first year. The information provided in Appendix 2 of the report was included in the consultation document and advised the community that based on the council tax base for 2016/17 a precept of £49.96 would be made for a Band D property, and that this would be re-calculated in-line with the 2017/18 council tax base once established.
- 24 The second stage consultation would offer two options in the Review:-
- Option 1:-** That the current community governance arrangements in the unparished area of Pelton Fell remain unchanged, and therefore no community council would be established.
- Option 2:-** That the current community governance arrangements in the unparished area of Pelton Fell are changed by parishing the area and establishing a community council.
- 25 Council also agreed that as a further period of consultation was required, the timetable for the Review should be revised accordingly.

Consultation (Second Stage)

- 26 This second stage consultation was undertaken for a period of six weeks from 20 January 2016 in accordance with the review timetable.

Properties in Pelton Fell

- 27 900 consultation documents were sent out to affected properties and 160 responses were received. Of those 160 responses, 109 respondents selected option 1 (no change to community governance arrangements), and 51 respondents selected option 2 (in favour of a community council). The responses have been broken down further with a summary of associated comments in the table below:-

Forms issued	Forms accepted	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
900	160	109 <ul style="list-style-type: none"> • Pay enough for existing services • Served well currently no need for added expense • Additional cost and bureaucracy not required • Low response rate indicates lack of interest so not needed 	51 <ul style="list-style-type: none"> • Would enable more to be achieved in area • More local accountability, more accessible • Better prospects for area • Bring more community feel • More community engagement

28 In addition to the 160 responses analysed above there was a further 133 responses received by the Head of Legal and Democratic Services that were not on the original form and not returned in the envelopes provided. A complaint was made by a member of the public, who was also intending to see their MP, casting doubt on the provenance of the photocopied forms, and the manner which a representative of the Community Partnership had collected these from residents. The key significance of the complaint was that forms had been completed with a resident's postcode, however, the suggestion was that they had been asked not to select either option.

29 In the circumstances, the Head of Legal and Democratic Services, after consideration of the forms, took the view that there was too great a risk of challenge in allowing these forms to be counted for this Review. Members of the public had been led to believe by the Council that they should complete the form provided and return it in the envelope provided, and anyone seeking to challenge the outcome of this, on disclosure of the documents, would see that there were significant differences between the submitted documents. For that reason the Community Partnership, as the local group who had submitted the petition for the review, was advised of this outcome, and they had subsequently objected to Head of Legal and Democratic Services' view.

Web Form

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

Statutory Consultees

- 31 Second stage consultation letters were sent to the local MP for North Durham, Kevan Jones, the Chester-le-Street and District Area Action Partnership, the County Durham Association of Local Councils (CDALC), the two local County Councillors, Waldrige Parish Council, North Lodge Parish Council, Edmondsley Parish Council, and Pelton Parish Council.
- 32 The CDALC Executive Committee had responded to the consultation and confirmed that it is supportive of the creation of a new parish (community) council in the Pelton Fell area and fully support the Partnership trying to create this new parish.
- 33 Local members have previously advised of their support for the wishes of the local people.
- 34 The Pelton Fell Community Partnership who submitted the original petition has confirmed its support for there to be a Pelton Fell Community Council, and advised that the local Councillors who are directors of the Partnership confirm their support, as does the local MP Kevan Jones who advised how it could play an important role in supporting community development and ensuring local people have a say in what happens in their area, providing a forum for them to have input on the provision of local services.

Analysis on Second Stage of Consultation

- 35 From the relevant electorate of which there were 900 properties identified; 160 responses were received, which equated to a 17.77% response rate. From those that responded 68.12% were in favour of no change. This equates to 12.11% of the total households consulted in favour of no change to existing community governance arrangements, and 31.88% were in favour of the formation of a community council. This equates to 5.66% of the total households in favour of the area being parished and the establishment of a community council. This is a higher return than from the first round of consultation, where 110 responses were received, which equated to a 12% response, with 56% of the responses received in favour of the formation of the community council.
- 36 The views expressed by those in support of the formation of a community council include that there would be more local accountability, greater community engagement, and better prospects for the area.
- 37 The written representations against the formation of a community council largely pick up the themes of the cost; that the current arrangements are adequate; and the low response indicates there is no interest and it is not needed.

Conclusions on Second Stage of Consultation

- 38 A higher return from the second round of consultation, where further details were provided on what the council would look like if it were established, and of the level of precept that would be set for the council's first year of operation, was received. From the responses received on the Council produced form and in the pre-paid envelope supplied there is majority support for Option 1 - that there be no change to the current governance arrangements in the area.
- 39 On 13 April 2016 Council noted the decision and reasons of the Head of Legal and Democratic Services to exclude the consultation responses returned that were not on the original form or returned in the envelopes provided. Council decided that the second stage consultation be re-run so as to remove any doubt about the validity of responses received going forward.
- 40 Rules regarding what constituted a valid response to the consultation were established for the benefit of the Council and the consultees. It was agreed that only the Council produced form and prepaid envelope should be used and that any other response forms received by the Council including photocopied forms and handwritten envelopes would not be counted. This would be made clear through a covering letter that would be issued with the consultation form and a contact number would be provided for anyone who required a replacement form or envelope.
- 41 In light of the re-run of the second consultation, Council agreed to revise the review timetable.

Consultation (Re-run Second Stage)

- 42 This re-run of the second stage consultation was undertaken for a period of six weeks from 13 April 2016 in accordance with the revised Review timetable.

Properties in Pelton Fell

- 43 893 consultation documents were sent out to affected properties and 204 responses were received. Of those 204 responses, 110 respondents selected option 1 (no change to community governance arrangements), and 94 respondents selected option 2 (in favour of a community council). All 204 responses were made in accordance with the criteria adopted for valid returns. The responses have been broken down further with a summary of associated comments in the table below:-

Forms issued	Forms accepted	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
893	204	110 <ul style="list-style-type: none"> • The community was served well with current arrangements • Concerns about affording additional cost, which would increase yearly • Extra layer of bureaucracy not required • Low response rate from the electorate indicates this is not wanted 	94 <p>Would enable:</p> <ul style="list-style-type: none"> • more to be achieved in area • More local accountability, more accessible • Better prospects for area • Community cohesion • More local matters to be dealt with

Web Form

- 44 The opportunity for responses to be made by the web form was withdrawn for the re-run of the consultation as it would not be possible to verify the responses received.

Statutory Consultees

- 45 Each of the statutory consultees were advised of the re-run of the consultation and that the valid responses they made during the second stage of consultation would still be valid. They were provided with the opportunity to submit anything further or amend their comments should they wish. Letters were sent to the local MP for North Durham, Kevan Jones, the Chester-le-Street and District Area Action Partnership, the County Durham Association of Local Councils (CDALC), the two local County Councillors, Waldrige Parish Council, North Lodge Parish Council, Edmondsley Parish Council, and Pelton Parish Council.
- 46 No further responses were received from the statutory consultees and therefore the comments they made in the second stage of the consultation as detailed below are to be considered as their comments for this consultation:-

- (i) The CDALC Executive Committee confirmed that it is supportive of the creation of a new parish (community) council in the Pelton Fell area and fully support the Partnership trying to create this new parish.
- (ii) Local members have previously advised of their support for the wishes of the local people.
- (iii) The Pelton Fell Community Partnership who submitted the original petition confirmed its support for there to be a Pelton Fell Community Council, and advised that the local Councillors who are directors of the Partnership confirm their support, as does the local MP Kevan Jones who advised how it could play an important role in supporting community development and ensuring local people have a say in what happens in their area, providing a forum for them to have input on the provision of local services.

Analysis on Re-Run Second Stage of Consultation

- 47 From the relevant electorate of which there were 893 properties identified; 204 responses were received, which equated to a 22.84% response rate. From those that responded 53.92% were in favour of no change. This equates to 12.32% of the total households consulted in favour of no change to existing community governance arrangements. 46.08% were in favour of the formation of a community council, which equates to 10.52% of the total households in favour of the area being parished and the establishment of a community council.
- 48 The views expressed by those in support of the formation of a community council include that there would be more local accountability, greater community cohesion, and better prospects for the area.
- 49 The written representations against the formation of a community council largely pick up the themes of the cost; that the current arrangements are adequate; and the low response indicates there is no interest and it is not needed.

Conclusion on Re-Run Second Stage of Consultation

- 50 The outcome from the re-run of the second round of consultation, indicates that there is majority support for Option 1 - that there be no change to the current governance arrangements in the area.

Conclusion of Review

- 51 At the time that the first round of consultation was undertaken with relevant households it could be seen that from a limited return (110 responses from 900 households-12.22% from the total households) there was a marginal majority in favour of changing community governance arrangements in the area (62 from 110 responses- 56.36%). However since additional information was provided at the second and re-run second round of consultation on what

a community council would look like if it was established, including its size and the level of precept to be set for its first year, it can be seen that there is more interest from those that would be affected. From the response to the re-run consultation there has been an increase in the responses received with 204 responses from 893 households - 22.84% from the total households. The returns also show that there is now a majority in favour of leaving community governance in the area as it is (110 from 204 responses- 53.92%).

- 52 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. The Council has a statutory duty to take account of any representations received and members may be concerned about imposing an arrangement that has little support (10.52% of the total households consulted) and more opposition (12.32% of the total households consulted) and the possible impact that could have on community cohesion.
- 53 The Council must also take into account when considering community governance for an area, other arrangements that provide community engagement. In the Pelton Fell area there is already another form of community governance in place, with the Pelton Fell Community Partnership already providing community engagement in the area.
- 54 The Constitution Working Group on 17 June 2016 considered the outcome of the re-run consultation and agreed to recommend to Council that the current governance arrangements in Pelton Fell remain unchanged and that draft recommendations to this effect are published in accordance with the Review timetable.

Next Steps

- 55 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 and in the press after 20 July 2016. Comments on the draft recommendations could be made until 31 August 2016. A further report will be presented to the Council on 21 September 2016, to consider making the final recommendations.

Recommendation and Reasons

- 56 Council is asked to agree that the current governance arrangements in Pelton Fell remain unchanged and that draft recommendations to this effect are published in accordance with the Review timetable.

Background Papers

CLG and Local Government Boundary Commission for England Guidance on Community Governance Reviews
County Council Reports 23 September 2015, 20 January and 13 April 2016

Contact: Ros Layfield, Cttee, Member & Civic Services Manager 03000 269 708
Clare Burrows, Governance Solicitor 03000 260 548

Appendix 1: Implications

Finance - If a community council was established the council will be involved in setting a precept for the first year that the council is in operation, after which the new Council would be eligible to set its own precept. These costs would be borne by the council tax payers in the Pelton Fell parish boundary.

Staffing – The work will impact considerably on staff time in the set-up of a community council.

Risk – None specific within this report

Equality and Diversity – 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 Discrimination Act – None specific within this report

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

Appendix 2: Information provided in the Second and Re-Run Second Stage of Consultation on the formation of a Community Council

Parish area/ Local Council

The unparished area of Pelton Fell as shown on the map would become parished and would be known as 'Pelton Fell Parish'.

An alternative style of local council would be formed in-line with the request from Pelton Fell Community Partnership for a community council. The newly formed parish of Pelton Fell would have its own community council which would be known as 'Pelton Fell Community Council'.

Warding

The area is split into 2 polling districts however due to the number of electorate and size of the area it is not considered necessary to ward the parish. The community council would therefore not be warded.

Size of Council

Taking into consideration the guidance referred to in paragraph 12 of the report, and local knowledge that across County Durham the size of local councils with a similar number of electorate to Pelton Fell vary considerably, a council size of 7 community councillors would be appropriate. There would be a ratio of 188 electorate to one councillor. Councillors appointed to the council would be known as 'community councillors'.

Electoral Arrangements

The ordinary year of election of community councillors would be 4 May 2017 which would be in line with the local, parish and town elections, and then every four years thereafter.

For administrative and financial purposes of the County Council collecting the new Council's precept would become a recognised legal entity in its own right on 1 April 2017.

Precept

The County Council will be required to set a precept to enable the community council to function during its first year.

The consultation document issued by the Authority to all households in the area, advised that any local council that was established would be able to charge a precept for the services it provided, and that the amounts set by local councils can vary considerably depending on the type of services its delivers. Some examples were given of precept charges per year for local councils in the area of Band D equivalent properties. A range of £20.66 to £102.44 was provided for illustrative purposes.

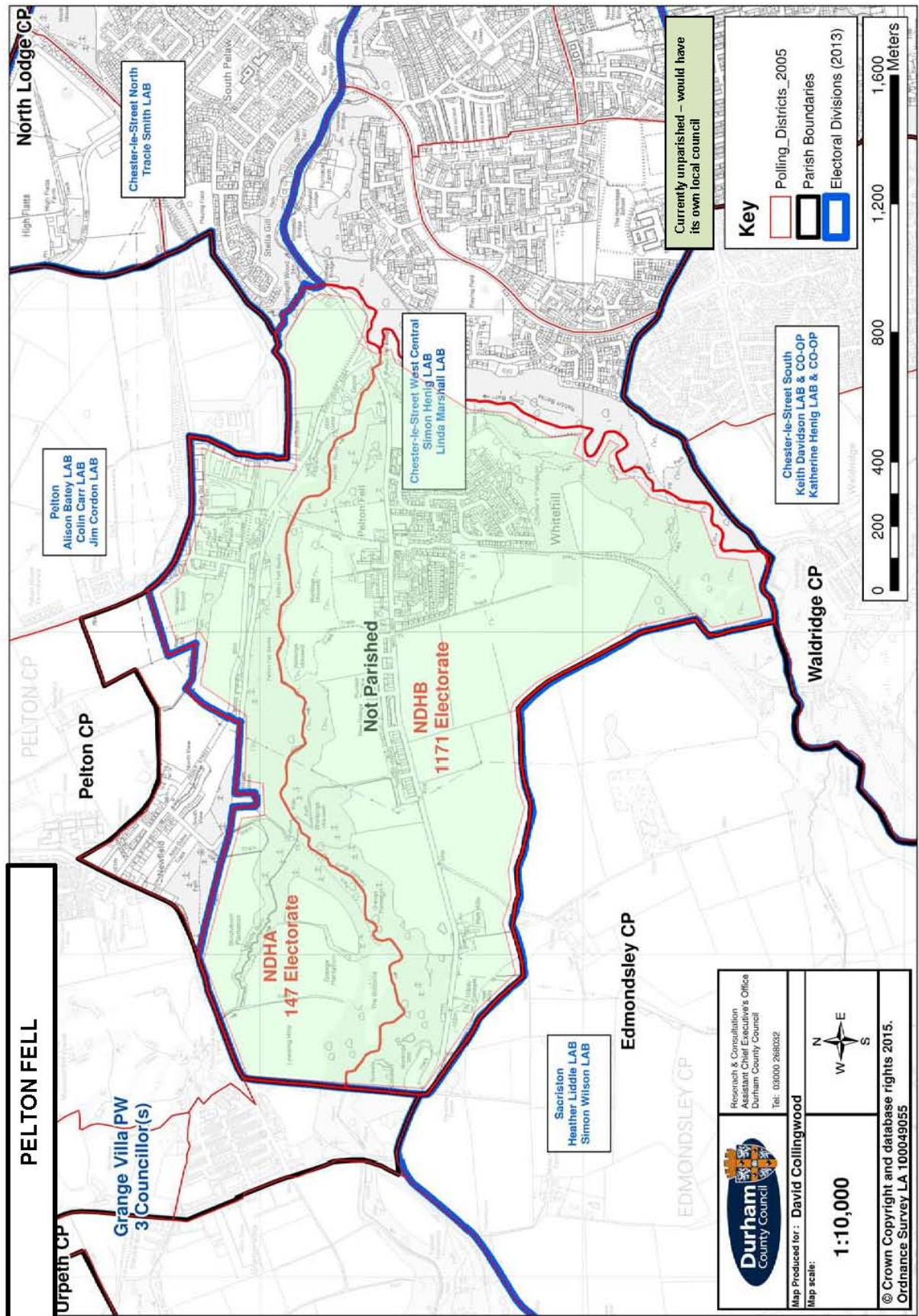
The Partnership also gave examples of precepts the community council may raise in their original consultation document.

These were for precepts raising 21k, which would be £50 equivalent for a Band D property, or £31.5k which would be £75 equivalent for a Band D property.

It is suggested that a nominal precept be set for its first year of operation amounting to £21k.

Based on the council tax base for 2016/17 a precept of £49.96 would be made for a Band D property. This would be re-calculated in-line with the 2017/18 council tax base once established.

Appendix 3: Current unparished area of Pelton Fell



County Council

20 July 2016



Local Determination Procedure for Standards Committee Hearings

Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

- 1 To present an updated Local Determination Procedure ("Procedure") for Code of Conduct Complaints for adoption by Council.

Background

- 2 At the Standards Committee meeting held on 9 September 2015, Members adopted a revised Local Assessment Procedure for Code of Conduct complaints, in accordance with the authority delegated to them by Council on 25 July 2012.
- 3 As part of the review of the Council's procedures governing Standards, which also apply to Town and Parish Councils, the Local Determination Procedure has been reviewed. Standards Committee does not have delegated authority to update the Procedure and changes are required to ensure that the Procedure reflects the Standards provisions contained in the Localism Act 2011.
- 4 Local determination is when a Hearing Panel of the Standards Committee convenes to consider a report by the Monitoring Officer where a failure to comply with the Code of Conduct has been found following an investigation.
- 5 The Procedure at Appendix 2 sets out how the Hearing Panel will be established, the pre-hearing process, the hearing procedure and the sanctions which may be applied if a breach of the code is found by the Hearing Panel.
- 6 Constitution Working Group agreed at its meeting on 17 June 2016 to recommend that Council adopt the updated Procedure subject to the inclusion of a requirement that any member who is the complainant or the subject of the complaint will not participate in the decision making process.
- 7 The sanctions available to the Hearing Panel of the Standards Committee can be found at Appendix 4 to the Procedure. This appendix has been amended since Constitution Working Group to remove duplication and to ensure that it is clear which sanctions may be imposed by the Hearing Panel and where it is appropriate for the

Hearing Panel to make a recommendation to Full Council or to the relevant Town or Parish Council to impose a sanction.

Summary of the Main Changes

- 8 The updated Procedure is now in line with current legislation. References to the Standards Board for England and Ethical Standards Officers have been removed as these are no longer in existence. The sanctions which may be applied to members found in breach of the Code of Conduct have been updated to reflect changes in legislation. The role of the Independent Person in the hearing process has been added to the Procedure, to satisfy the requirement in the Localism Act 2011 that their views are sought and taken into account before any decision on an allegation that the Council has decided to investigate is made.

Recommendations and reasons

- 9 Council adopts the updated Procedure.

Contact: Clare Burrows, Governance Solicitor Tel: 03000 260 548

Appendix 1: Implications

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 - the updated Procedure reflects the changes introduced by the Localism Act 2011

LOCAL DETERMINATION PROCEDURE

Introduction

- 1.1 Under section 28 of the Localism Act 2011 an Authority must have arrangements in place to determine whether or not a Member (including a Co-opted Member) or a member of a Parish Council in its area has failed to follow the relevant Code of Conduct. These arrangements must determine how allegations are investigated and under which decisions on allegations can be made.
- 1.2 The Members' Code of Conduct adopted by the Authority defines the standards of conduct required of all Members of the Authority, including Co-opted Voting Members of the Authority's Standards Committee, when carrying out their duties. The Code represents the standards against which the public, fellow Members, the Monitoring Officer, Investigating Officer and the Authority's Standards Committee will judge a Member's conduct.
- 1.3 This Procedure provides a summary of the process for dealing with allegations of misconduct against Members where an investigation has been completed and the Investigating Officer has found a breach of the Code of Conduct.

Local Determination

- 1.4 Where an investigation finds evidence of a failure to comply with the Code of Conduct and local resolution is not appropriate or possible, the investigation findings will be reported to a Hearing Panel of the Standards Committee for local determination.
- 1.5 The purpose of the hearing is to decide whether or not a Member has failed to follow the Code of Conduct and, if so, to decide whether or not any sanction should be applied and what form any sanction should take.

Scheduling of Hearing

- 1.6 The Hearing Panel shall in the absence of good reason to the contrary hold a hearing in relation to an allegation within the period of three months beginning on the date of completion of the Investigating Officer's report.
- 1.7 The hearing shall not be held until at least fourteen days after the date on which the report was sent to the Member who is the subject of the allegation, unless the Member concerned agrees to the hearing being held earlier.

- 1.8 Except in complicated cases, the Hearing Panel would aim to complete a hearing in one sitting or in consecutive sittings of no more than one working day in total.

Appointment of Hearing Panel

- 1.9 The Hearing Panel will comprise three Members of the Standards Committee selected by the Monitoring Officer. A quorum of the Hearing Panel will be three Members. Any member who is the complainant or the subject of the complaint will not participate in the decision making process.

Hearing

- 1.10 The Hearing Panel will act in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Member on the balance of the information available to it. The Hearing Panel can commission further investigation or information where it needs to do so in order to come to a decision.
- 1.11 It is expected that the Hearing Panel will reach a decision by consensus. In the absence of a consensus, each Member of the Hearing Panel will have one vote and all matters/issues will be decided by a simple majority of votes cast.
- 1.12 Meetings of the Hearing Panel will be open to the public and press unless confidential information or exempt information (within the meaning of Schedule 12A to the Local Government Act 1972) is likely to be disclosed.

Findings

- 1.13 Following its consideration of the matter, the Hearing Panel can make one of the following findings:
- that the Member has not failed to follow the Code of Conduct; or
 - that the Member has failed to follow the Code of Conduct, but no action needs to be taken; or
 - that the Member has failed to follow the Code of Conduct and should be sanctioned.

Sanctions

- 1.14 If the Hearing Panel finds that a Member has failed to follow the Code of Conduct and that he/she should be sanctioned, it may take any one or a combination of the following actions:

- censure the Member (this is the only form of sanction available when dealing with a person who is no longer a Member);
- restriction to the access and use of resources of the Authority for a maximum period of six months, provided that any such restrictions imposed upon the Member: -
 - are reasonable and proportionate to the nature of the breach; and
 - do not unduly restrict the person's ability to perform the functions of a Member.
- a requirement to give a written apology;
- the removal of a member from a committee;
- a requirement to undergo training.

Notice of Findings

- 1.15 The Hearing Panel will announce its decision at the end of the hearing. As soon as practicable after the hearing, the Hearing Panel will give its full written decision to the relevant persons involved.
- 1.16 A summary of the decision and reasons for that decision will be published on the Council's website.

SECTION 2	DESCRIPTION OF TERMS
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Members' Code of Conduct

- 2.1 The Members' Code of Conduct adopted by the Authority defines the standards of conduct required of all Members of the Authority when carrying out their duties.

Complainant(s)

- 2.2 The person(s) making the complaint that a Member has breached the Code of Conduct.

Member

- 2.3 The person against whom the complaint has been made.

Monitoring Officer

- 2.4 The person who oversees investigations into complaints made against Members under the Code of Conduct.

Authority

2.5 The Member's Council at the time of an allegation.

Legal Adviser to the Hearing Panel

2.6 The Monitoring Officer, or in their absence the Deputy Monitoring Officer.

Investigating Officer

2.7 The person appointed by the Monitoring Officer to undertake the investigation of an allegation.

Head of Legal and Democratic Services

2.8 The designated Proper Officer for the determination of "exempt information" as defined in Schedule 12A to the Local Government Act 1972.

Independent Person

2.9 The person who is appointed by the Authority under section 28(7) of the Localism Act 2011 whose views are to be sought, and taken into account, by the Authority before it makes its decision on an allegation that it has decided to investigate.

Administrative Officer

2.10 The Head of Legal and Democratic Services, or their Deputy, and other members of their staff will provide the necessary administrative support to the Hearing Panel.

"Days"

2.11 "Days" include working and weekend days but exclude the day of dispatch and public holidays.

Service Arrangements

2.12 Correspondence and documents for the Member concerned will either be served personally or by recorded delivery.

SECTION 3	PRE-HEARING PROCESS
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Notification to Member

3.1 Where a final report of an Investigating Officer which contains a finding of failure to comply with the Code of Conduct has been referred to a Hearing Panel for local determination, the Administrative Officer will write to the Member concerned to:

- (a) propose a date for a meeting of the Hearing Panel,
- (b) outline the hearing procedure,
- (c) outline the Member's rights.

In addition the Administrative Officer will ask the Member concerned to indicate within 14 days whether or not he/she:

- (a) disagrees with any of the findings of fact in the Investigating Officer's Report, including the reasons for any disagreement,
- (b) will attend the hearing in person,
- (c) wants to be represented at the hearing by a solicitor, barrister or any other person,
- (d) wants to give evidence to the Hearing Panel, either orally or in writing,
- (e) wants to call relevant witnesses to give evidence to the Hearing Panel, and if so, the Member must provide a summary of the evidence to be given by those witnesses,
- (f) wants any part of the hearing to be held in private, giving reasons under the relevant Article of the European Convention on Human rights or category of confidential or exempt information (see Appendices Two and Three)
- (g) wants any part of the Investigating Officer's report or other relevant documents to be withheld from the public, giving reasons under the relevant Article of the European Convention of Human Rights or category of confidential or "exempt information".

Members' Response

3.2 In his/her reply a Member must make clear all of his/her disagreements with the findings of fact in the Investigating Officer's report during this pre-hearing stage. This will allow the Chair of the

Hearing Panel, in consultation with the Monitoring Officer, to decide which witnesses will be needed. A Member will normally not be allowed to raise any new disagreements over findings of fact in the Investigating Officer's report at the Hearing Panel itself, unless there are good reasons for doing so, such as new evidence becoming available.

- 3.3 When the response of the Member concerned has been received, or, if no response is received, once the 14 day period for responding has elapsed, the Chair of the Hearing Panel in consultation with the Monitoring Officer will agree the date, time and place for the hearing.

Advance Notification of Hearing

- 3.4 At least 14 days before the hearing, the Administrative Officer will give notification of the date, time and venue set for the hearing to those involved. He will also inform the Member concerned of the membership of the Panel which will consider the matter.

Agenda for Hearing

- 3.5 At least 7 days before the day of the meeting of the Hearing Panel, the Administrative Officer will send the following papers to each Member of the Panel, to the Member concerned, to the Investigating Officer, to the Monitoring Officer and to the Independent Person:
- (a) the agenda for the meeting of the Hearing Panel;
 - (b) a copy of the Investigating Officer's report (unless already provided); and
 - (c) where relevant, a copy of any written statement in response to the Investigating Officer's report received from the Member and the Investigating Officer's reply to the Member's response.
- 3.6 The provision of any such papers referred to in paragraph 3.14 may be made conditional upon an appropriate undertaking of confidentiality until such time as they are made available to the press and public or the Hearing Panel agrees at the commencement of the hearing that the press and public shall not be excluded from the meeting.
- 3.7 Any additional documents intended to be relied on and/or referred to at the hearing must be provided to the Administrative Officer at least 3 days before the date of the Hearing.

Public Access to Hearing and Documents

- 3.8 There is a presumption that hearings will be held in public and that reports for the Hearing Panel will be available before and during the

hearing. However, there may be reasons, as detailed in **Appendix One**, which would prevent public access to the hearing (or part of the hearing) and documents (or parts of documents) to be considered by the Hearing Panel.

Confidentiality in advance of Hearing

- 3.9 Where the Head of Legal and Democratic Services considers that the Investigating Officer's report and/or Member's written statement in response to the Investigating Officer's report and/or the Investigating Officer's reply to that response is likely to disclose "exempt information", and in consequence that it is likely that the Hearing Panel will not be open to the public during consideration of these papers, he/she shall not provide copies of these papers to the press or public or permit inspection thereof by the press or public in advance of the meeting.
- 3.10 Where the Head of Legal and Democratic Services considers that the Investigating Officer's report and/or the Member's written statement in response and/or the Investigating Officer's reply to that response is likely to disclose "exempt information" falling within Schedule 12A to the Local Government Act 1972, he will not provide copies of such papers to, nor permit inspection by any Member of the Authority other than the Members of the Hearing Panel and the Member concerned in advance of the meeting.
- 3.11 "Exempt information" is defined in Schedule 12A of the Local Government Act 1972 as set out in **Appendix Two**.

SECTION 4 HEARING PROCEDURE

Legal Advice

- 4.1 The Hearing Panel may at any time seek legal advice from the Legal Adviser during the hearing or while the Hearing Panel considers the outcome. Such advice will on all occasions be given in the presence of the Investigating Officer and the Member.

Member Attendance or Representation

- 4.2 The Member may arrange to be represented or accompanied at the hearing at his/her own expense by a solicitor, counsel or another person.
- 4.3 If the Member does not attend the hearing, the Hearing Panel may consider the Investigating Officer's report and the Independent Person's views in the Member's absence. If the Hearing Panel is satisfied with the Member's reason for not being able to attend the

hearing, then it may arrange for the hearing to be held on another date.

- 4.4 Where the Hearing Panel proceeds in the absence of the Member, the procedure for the meeting shall be adapted as necessary, giving any representative of the Member who may be present such rights as would otherwise be accorded to the Member concerned.

Order of Business

- 4.5 The order of business at the meeting shall be as follows:
- (a) Disclosures of interest. The Chair will invite Members to declare any interest they may have in the matter.
 - (b) Introduction of Members of the Hearing Panel, the Investigating Officer, the Monitoring Officer, the Member against whom a complaint has been made, any representative of the Member, any witnesses and, the Independent Person.
 - (c) If the Member is not present, consideration as to whether to adjourn or to proceed in his/her absence.
 - (d) Consideration as to whether the press and public should be excluded from the meeting. The Hearing Panel will take into account any representations from the Investigating Officer, the Member concerned or his/her representative and the Independent Person with reasons why the Panel should make such an exclusion.
 - (e) A note of the issues which the Hearing Panel will have to consider in deciding whether or not to exclude the press and public is set out in **Appendix Three**.
 - (f) The Hearing Panel will then make a determination on whether to exclude the press and public. Where the Panel decides not to exclude the press and public, the Administrative Officer will at this point provide copies of such relevant documentation to any members of the press and public who are present.
 - (g) The Investigating Officer will present his/her own reports. The Investigating Officer will address only the issue of whether the Member has acted in breach of the Code of Conduct. The Investigating Officer may introduce any witnesses required to substantiate any matter. Members of the Hearing Panel and the Independent Person may question the Investigating Officer and any witness on any matter within their competence. The Hearing Panel may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer by the cross-examination of the witness

either directly by the Member (or their representative) or through the Chair.

- (h) Presentation by Member. The Member (or their representative) will address only the issue of whether he/she has acted in breach of the Code of Conduct. The Member (or their representative) may introduce witnesses required to substantiate any matter contained in his/her written statement (where relevant). Members of the Hearing Panel and the Independent Person may question the Member and any witness on their evidence. The Hearing Panel may give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member (or their representative) by the cross-examination of the witness either directly by the Investigating Officer or through the Chair.
- (i) Where the hearing is dealing with an Investigating Officer's report and the Member seeks to dispute any matter in the report where he/she had not given notice of intention to dispute in his/her written statement, the Investigating Officer will draw this to the attention of the Hearing Panel. The Hearing Panel may then decide:
 - (i) not to admit such dispute but to proceed to a decision on the basis of the information contained in the report;
 - (ii) to admit the dispute, but invite the Investigating Officer to respond thereto, recalling any witness as necessary; or
 - (iii) to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute and/or to arrange for the attendance of appropriate witnesses as to the disputed information.
- (j) Members of the Hearing Panel have to satisfy themselves that they have sufficient information upon which to take that decision, and they may question the Investigating Officer, the Member concerned and any witnesses in order to obtain sufficient information to enable the Hearing Panel to come to a decision on the issue.
- (k) The Independent Person will be asked to provide their view about whether the Member has acted in breach of the Code of Conduct. The Independent Person may request an adjournment of the hearing if they require time to form their view before presenting it to the Hearing Panel.
- (l) The Hearing Panel will adjourn into another room with the Monitoring Officer, where it will consider in private session whether the Member has acted in breach of the Code of

Conduct. At any stage in its consideration they may return to ask any further questions of the Investigating Officer or the Member, or seek legal advice.

- (m) At the conclusion of its consideration, the Hearing Panel will return and the Chair will advise the Investigating Officer and the Member or his/her representative of its decision as to whether the Member has acted in breach of the Code of Conduct, and the reasons for that decision.
- (n) If the Hearing Panel concludes that the Member has acted in breach of the Code of Conduct, it will then hear representations from the Investigating Officer and then the Member or his/her representative as to whether the Hearing Panel should take any action against the Member and what form any action should take. Members of the Panel may ask questions of the Investigating Officer, the Member and the Independent Person and seek legal advice in order to satisfy themselves that they have the information upon which to take a proper decision.
- (o) The Hearing Panel will then adjourn into another room together with the with the Monitoring Officer where they will consider in private session whether to take any action in respect of the Member and what form any such action should take.

The sanctions available to the Hearing Panel are set out in **Appendix Four**. The Hearing Panel will then return and the Chair will advise the Member of its decision.

Non-Co-operation

- 4.6 Where the Investigating Officer states that any Member or Officer of the Authority has failed to co-operate wholly or in part with the procedure, the Hearing Panel will consider whether to make a formal complaint to the Standards Committee or to the relevant authority, respectively, about such failure to co-operate.

Costs

- 4.7 Where the Investigating Officer secures the attendance of any person to give evidence to the Hearing Panel, the Authority will reimburse any reasonable costs which the person may incur in so attending.

Additional Evidence

- 4.8 A Hearing Panel may at any stage prior to the conclusion of the hearing adjourn the hearing and require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Hearing Panel; but the Hearing Panel shall not

adjourn the hearing on more than one occasion under these provisions.

SECTION 5 NOTICE OF FINDINGS OF HEARING PANEL AND CONFIDENTIALITY OF INFORMATION

Report to Standards Committee

5.1 As soon as reasonably practicable after the Hearing Panel has made its determination in respect of an allegation, the Monitoring Officer will give written notice of that determination and the reasons for such determination to:

- (a) the Member who is the subject of that determination;
- (b) the Investigating Officer;
- (c) the Standards Committee;
- (d) the Independent Person;
- (e) the Standards Committee of any other local authority of which the Member is, or was at the time of the alleged misconduct, a Member; and
- (f) any person who made the allegation that gave rise to the investigation; and

subject to paragraph 5.2 below, arrange for a summary of the finding to be published on the Council's website.

5.2 Where the Hearing Panel determines that there has not been a breach of the Code of Conduct:

- (a) the notice under paragraph 6.1 will state that the Hearing Panel found that the Member concerned had not failed to comply with the Code of Conduct of the and will give its reasons for reaching that finding; and
- (b) if the Member concerned so requests, the Monitoring Officer will not publish a summary of the finding in any local newspaper.

5.3 Where the Hearing Panel determines that there has been a failure to comply with 6.1 the notice will:

- (a) state that the Hearing Panel found that the Member concerned had failed to comply with Code of Conduct of this or another Council but that no action needs to be taken in respect of that failure;

- (b) specify the details of the failure;
 - (c) give reasons for the decision reached by Hearing Panel; and
- 5.4 Where the Hearing Panel determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice under paragraph 6.1 will:
- (a) state that the Hearing Panel found that the Member concerned had failed to comply with the Code of Conduct of this or the Code of Conduct of another Council;
 - (b) specify the details of the failure;
 - (c) give reasons for the decision reached by the Hearing Panel;
 - (d) specify the sanction imposed,

Confidentiality

- 5.5 No Member or Officer of the Authority shall disclose any information which he/she has obtained in the course of an investigation or in pursuance of this Procedure except in the circumstances set out below:
- (a) the disclosure is made for the purposes of enabling the Monitoring Officer or Investigating Officer to carry out his/her functions or the Hearing Panel to carry out its functions in relation to the matter;
 - (b) the disclosure is made in connection with the investigation and consideration of an allegation of a breach of an authority's code of conduct;
 - (c) the disclosure is made enabling a Standards Committee or sub-committee of a Standards Committee to perform any of its functions in connection with the investigation and consideration of an allegation of a breach of an authority's code of conduct;
 - (d) the person to whom the information relates had consented to the disclosure;
 - (e) the disclosure is made in pursuance of a statutory requirement for disclosure;
 - (f) the information has previously been disclosed to the public with lawful authority;

- (g) the disclosure is for the purpose of criminal proceedings and the information in question was not obtained as a result of personal enquiries of the person subject to the criminal proceedings.

PUBLIC ACCESS TO HEARINGS AND DOCUMENTS

Hearings will be held in public where possible to make sure that the hearing process is open and fair.

Confidential information and 'exempt information'

- 1 There are two circumstances in which hearings (or parts of hearings) can or should be held in private.
 - (a) A hearing must be held in private where this is necessary to prevent confidential information being revealed. Confidential information means information that has been provided by a Government department under the condition that it must not be revealed, as well as information that cannot be revealed under any legislation or by a court order.
 - (b) The law also gives the Hearing Panel the power to hold a private meeting to prevent 'exempt information' being revealed to the public. The categories of 'exempt information' are those set out in Schedule 12A to the *Local Government Act 1972* (see Appendix 2). However, regulations also provide for three additional categories of 'exempt information' in relation to the Hearing Panel.
 - (i) Information which is subject to any obligation of confidentiality.
 - (ii) Information which relates in any way to matters concerning national security.
- 2 The rules about confidential information are different from the rules about 'exempt information'. Hearing Panels must hold some parts of a meeting in private where confidential information is likely to be revealed. However, they have the discretion to decide whether or not to exclude the public if 'exempt information' may be revealed.

Deciding to withhold 'exempt information'

- 3 The Hearing Panel will carefully consider any decision to withhold exempt information from the public. The Hearing Panel will follow Article 6 of the European Convention on Human Rights, as there is an obligation to do so under Section 6(1) of the Human Rights Act 1998. The Hearing Panel has a duty to act fairly and in line with the rules of natural justice.
- 4 Article 6 favours public hearings, except in specific circumstances, for example, in the interests of national security or to protect the private lives of everyone involved.
- 5 If the Hearing Panel decides to exclude the public to prevent 'exempt information' being revealed, it will only exclude the public for part of the proceedings. For example, if a witness' evidence is likely to reveal 'exempt

information', the public will only have to be excluded while that witness is giving evidence.

- 6 If evidence is heard in private, the Chair of the Hearing Panel will warn those present not to mention that evidence during the public parts of the hearing, or outside the hearing. The Hearing Panel may also need to use appropriate initials to protect the identity of witnesses during the hearing and in any public documentation.

Access to documents

- 7 As a general principle, the agenda and reports to be discussed at a Hearing Panel will be available to the public before and during a hearing. The Investigating Officer's report will be one of the reports before the Hearing Panel.
- 8 However, the Head of Legal and Democratic Services has the power to prevent any part of a report being made public if it relates to a part of the meeting which, in his or her opinion, is likely to be held in private.
- 9 After a hearing, sections of the Hearing Panel's reports, which relate to parts of the hearing held in private, will not have to be made available for public inspection. The same principle applies to the minutes of any hearing.
- 10 When considering whether or not to exclude the public from a hearing, the Hearing Panel will also need to say which parts of the reports before the hearing are not to be made available for public inspection.
- 11 Copies of the agenda, reports and minutes of a hearing, as well as any background papers, will be available for public inspection for a specific period of up to six years after that hearing has taken place.

“EXEMPT INFORMATION”

Categories of exempt information under Schedule 12A of the Local Government Act 1972.

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Source: Appendix 2 is an extract from the Local Government Act 1972.

EXCLUSION OF PRESS AND PUBLIC

ISSUES FOR CONSIDERATION

- 1 At the meeting, the Hearing Panel will consider as a preliminary point whether to exclude the press and public from the meeting, or any part of the meeting.
- 2 The Hearing Panel must act in accordance with Article 6 of the European Convention on Human Rights, which gives a right to a fair and public hearing by an independent and impartial tribunal. Article 6 provides that judgement shall be pronounced publicly, but that the press and public may be excluded from all or part of the "trial" in the interests of:
 - (a) Morals
 - (b) public order
 - (c) national security in a democratic society
 - (d) where the interests of juveniles or the protection of the private life of the parties so require or
 - (e) in special circumstances where publicity would prejudice the interests of justice.

Accordingly, the presumption is in favour of a public hearing unless either the Member or Investigating Officer can demonstrate over-riding reasons within one of the five headings above for the press and public to be excluded.

- 3 Article 8 of the European Convention on Human Rights provides that everyone has the right to respect for their private and family life, home and correspondence. It provides that there shall be no interference by a public authority (such as the Hearing Panel) with the exercise of this right except such as is:
 - (a) in accordance with the law (such as the requirements for publication of the agenda, reports and background papers set out in Section 100A to 100K of the Local Government Act 1972), and
 - (b) necessary in a democratic society in the interests of:
 - (i) national security
 - (ii) public safety
 - (iii) the economic well-being of the country
 - (iv) the prevention of crime or disorder

(v) the protection of health and morals (which would include the protection of standards of conduct in public life) or

(vi) the protection of the rights and freedoms of others.

There is a clear public interest in promoting the probity of public authorities and public confidence, so that the presumption of a public hearing set out in Article 6 would appear to come within the exception set out in paragraph (b)(v) above, unless either the Investigating Officer or the Member demonstrates to the Hearing Panel's satisfaction that a public hearing is not necessary for that purpose and that the interest of protecting the privacy of the Member or of the should over-ride that public interest.

- 4 Where the Hearing Panel concludes that the interest of protecting the privacy of the Member or of the Authority should over-ride the public interest in a public hearing, the Hearing Panel remains bound by the provisions of the Local Government Act 1972, as primary legislation, so that it may only exclude press and public from all or part of the meeting if it is satisfied that admitting the press and public would be likely to lead to disclosure of exempt information. In that case, the Hearing Panel has a discretion under Section 100A(4) of the Local Government Act 1972, and would need to resolve whether or not to exclude the press and public.
- 5 Where the Hearing Panel does not resolve to exclude the press and public from the meeting, the Head of Legal and Democratic Services will then be required to provide copies of the agenda and reports to the press and public and other members of the Authority, and to permit inspection of any background papers.

SANCTIONS AVAILABLE TO THE HEARING PANEL

A Sanctions available in respect of a Member who has ceased to be a Member at the date of the Hearing Panel

- 1 Censure of the Member

B Sanctions available in respect of a Member who remains a Member at the date of the Hearing Panel

Any one, or a combination, of the following:

- 1 Censure of the Member;
- 2 Recommending to Full Council, or to the Town or Parish Council that the Member be removed from any or all Committees or Sub-Committees;
- 3 Recommending to Full Council, or to the Town or Parish Council, that the Member be removed from all outside appointments to which s/he has been appointed or nominated by the authority
- 4 Recommending to Full Council, or to the Town or Parish Council, that the Member's access and use of resources of the Authority be restricted for a maximum period of six months, provided that any such restrictions imposed upon the Member –
 - (a) are reasonable and proportionate to the nature of the breach; and
 - (b) do not unduly restrict the Member's ability to perform his functions and duties as a Member;
- 5 A requirement that the Member submit a written apology.
- 6 A requirement that that Member undertake training as specified by the Hearing Panel.
- 7 A requirement that that Member undertake conciliation as specified by the Hearing Panel.

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County Council

20 July 2016



**County Durham Youth Justice Plan
2016/2017**

Report of Rachael Shimmin, Corporate Director Children and Adult Services

Report of Cllr Ossie Johnson, 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 2016/17 to Council for approval subject to agreement by Cabinet on 13 July, 2016.

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 sentences and remands)

- 2 The Youth Justice Plan 2016/17 was approved by County Durham Youth Offending Service (CDYOS) Management Board (9 May 2016) in line with YJB/MoJ requirements. It will be presented to Cabinet and full Council (July 2016) for approval before submission to the Youth Justice Board. After submission to the YJB, Youth Justice Plans are sent to Her Majesty's Inspectorate of Probation (lead for YOS inspections) and are placed in the House of Commons library for Ministers.

Background

- 3 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.
- 4 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.

- 5 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
 - Approving the annual Youth Justice Plan

- 6 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.

- 7 To achieve the key priorities in the plan, a range of actions is 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

- 8 The Youth Justice Plan 2016/17 also sets out the resource plan for the service, including staffing and finance. Cabinet will note that the Youth Justice Plan is resourced through partnership activity and finance. In respect of the budget for 2016/17 the coming year will, again, present a challenge to maintain quality in the face of reducing grants and contributions. For example, the YJB grant for 2016/17 has reduced by 12% on top of an in-year cut of 12% during 2015/16. CDYOS has worked closely with the Safe Durham Partnership and PCVC in agreeing priorities for 2016/17.

- 9 Key achievements are outlined in the Executive Summary. We are particularly proud that:
 - We achieved our lowest ever number of First Time Entrants to the Youth Justice System
 - We achieved our lowest ever number of custodial sentences
 - We achieved our lowest ever number of remand bed nights
 - We continued to reduce the number of young people offending and re-offending and the number of offences they commit
 - Two of our staff (Sarah Caden – Practice Improvement Officer and Susan Stewart – Speech and Language Therapist) were awarded a joint Butler Trust Award for their innovative work in developing and delivering both resources

for staff and a strategy for CDYOS in working with young people's speech, language and communication needs

- We achieved the Restorative Justice Council, Restorative Service Quality Mark for our restorative justice work across the service
- We agreed funding with the PCC for a post of Victim Liaison Officer (Young People)
- We agreed arrangements for the continued secondment of our Speech and Language Therapist
- We agreed arrangements for the continued secondment of our CAMHS Band 7 Nurse
- We have successfully implemented Asset Plus across the Service. Asset Plus is the new Youth Justice Board Assessment tool used for assessing young people.
- We achieved a further Investing in Volunteers Quality Mark

Recommendations

- 10 Council are recommended to approve the County Durham Youth Justice plan for 2016/17.

Background papers:

County Durham Youth Justice Plan 2016/17

**Contact: Carole Payne, Head of Children's Services Tel 03000 268 657
Gill Eshelby, Strategic Manager, County Durham Youth
Offending Service Tel: 03000 265 989**

Appendix 1: Implications

Finance – The YJ Plan includes detail on the budget for CDYOS for 2016/17

Staffing – The YJ Plan includes detail on CDYOS staffing for 2016/17

Risk - None

Equality and Diversity / Public Sector Equality Duty - None

Accommodation - None

Crime and Disorder – The YJ Plan includes detail on CDYOS contribution to the management and reduction of crime and disorder.

Human Rights - None

Consultation - None

Procurement - None

Disability Issues - None

Legal Implications – None

Durham
County Council



County Durham Youth Offending Service

Youth Justice Plan

2016 / 2017



National
Probation
Service



Foreword from the Chair

It is my pleasure to present the County Durham Youth Offending Service Youth Justice Plan 2016/17. This statutory refresh of the previous two year plan (2015 – 2017) reviews the work of the service over the last year and sets out priorities for the next 12 months.

County Durham Youth Offending Service continues to achieve some remarkable outcomes. Since 2007/08, the number of young people entering the criminal justice system has reduced by an impressive 85% as a result of effective joint work between the service and the Police. 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.

Since 2010/11 the number of young people committing offences has reduced by 54.6%, and the number of offences has reduced by the same figure. 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; speech, language and communication work; community reparation and a significant reduction in the use of custody (both sentences and remands). The number of young people re-offending and the number of offences they commit are also reducing.

CDYOS' innovation has been acknowledged nationally, with a string of national award successes. CDYOS' work over the last 12 months to improve its response to young people's communication needs, including partnership work with Health and the development of ClearCut Communication resources resulted in national awards for the work and a Butler Trust Award for the two staff leading the programme. In addition, the Service was awarded a Restorative Service Quality Mark, by the Restorative Justice Council, for its restorative approach across all our work, and Investors in Volunteers accredited the service for a further three years for our work with volunteers, both adults and young people.

These achievements would not be possible without the full and active engagement of a wide 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 future for youth justice services is, at present, an uncertain one. The MoJ commissioned review of the youth justice system by Charlie Taylor is due to finally report in the summer of 2016. Interim findings and recommendations, in respect of the secure estate, have proved to be radical and far reaching. There is no reason to believe that final recommendations, covering the remainder of the youth justice system, will be any less far reaching. The effect of this uncertainty is that, for a short period at least, planning for the future is difficult. This is exacerbated by anticipated future cuts to YJB funding for YOTs, the scale of which remains unknown. Consequently, this Youth Justice Plan 2016/17 provides a 'light refresh' to the, previously published, Youth Justice Plan 2015/17. This plan should be read in conjunction with the 2015/17 plan. It outlines developments since the publication of the substantive plan and includes any changes that have occurred since its publication. This 'refresh' plan also includes performance information for 2015/16 and the Service Improvement Plan for 2016/17.

The County Durham YOS has a good reputation and performs to a high standard. The service is proud of its creative and innovative approach to service delivery and has won a number of awards, in particular for work around restorative practices. It was apparent that staff and managers alike are widely respected, skilled and experienced in understanding, and working with, some of the hardest to reach young people in the county.' (Peer Review, November 2015)

National Outcome Measures 2015/16

■ **First Time Entrants to the Youth Justice System (FTEs): 161**

Once again, we have achieved our lowest ever figure of FTEs. This is a **16.6% reduction** from 2014/15 and

represents a significant achievement. Overall there has been an **85.7% reduction since 2007/08**.

■ **Re-offending**

The latest Ministry of Justice (MoJ) data (April 2013 – March 2014 cohort) shows a binary rate (percentage of young people re-offending (within a 12 months' timeframe) from a cohort of all young people sentenced and/or cautioned) of **44.7%** and a frequency rate of **3.22** (offences per re-offender). This method of collating frequency is newly introduced this year. Whilst the binary rate has risen by 6 percentage points over the previous year, this is as a result of the cohort size reducing by 13.1% whilst the **number** of young people reoffending has increased by only 1. Since 2007/08, the number of young people in the cohort has **fallen by 80.2%**, the number of young people reoffending has **fallen by 73.9%** and the number of offences committed by those re-offending has **fallen by 68.7%**.

■ **Use of Custody**

Custodial Sentences: 8

This is a **60% reduction** from 2015/16 and is the lowest figure, by a significant amount, that we have ever achieved. Since 2011/12 we have **reduced the number of custodial sentences by 81.8%**.

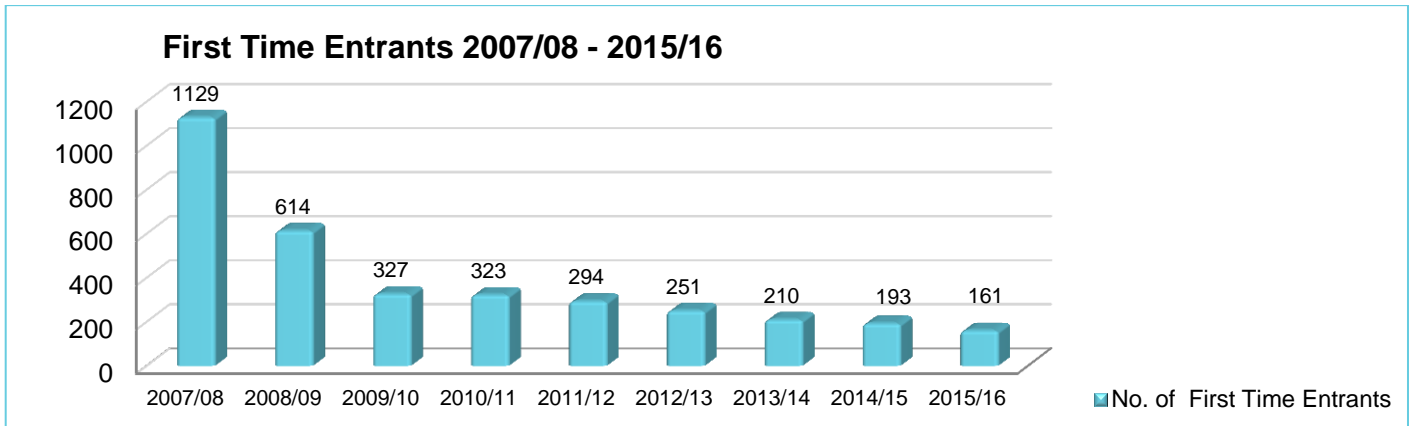
Remand Bed Nights: 227

This is a **35.9% reduction** on the previous year. The costs of remand bed nights are met by the Local Authority, partly offset by a grant from the YJB. Since 2011/12 we have **reduced the number of remand bed nights by 78.1%**

First Time Entrants 2007/08 – 2015/16

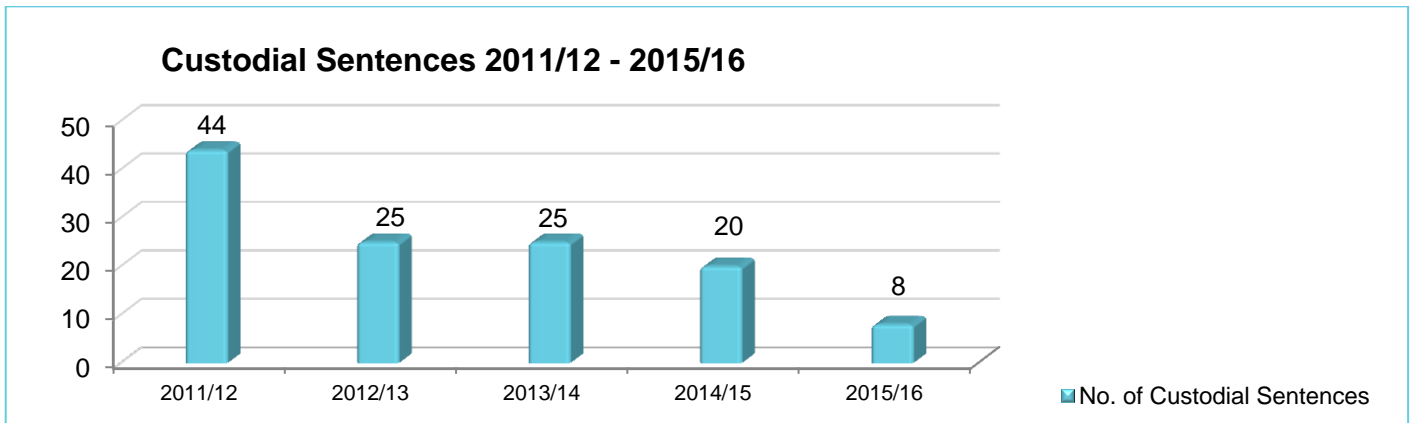
As a result of our fully integrated pre court/out of court system which provides assessment and intervention at a young person’s first point of contact with the youth justice system (first offence), we have reduced first time entrants (FTEs) and re-offending.

Between 2007/8 and 2015/16, we have achieved an **85.7% reduction** in first time entrants, from 1,129 in 2007/08 to 161 in 2015/16.

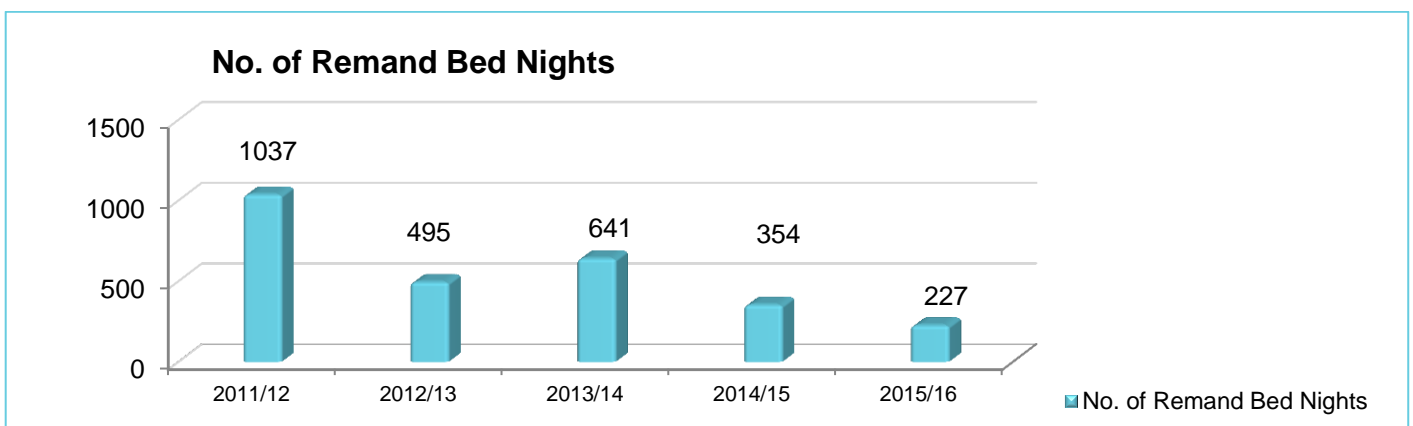


Reducing the Use of Custody 2011/12 – 2015/16

Between 2011/12 and 2015/16 we have reduced the number of custodial sentences **by 60%**, from 44 custodial sentences in 2011/12 to 8 in 2015/16.

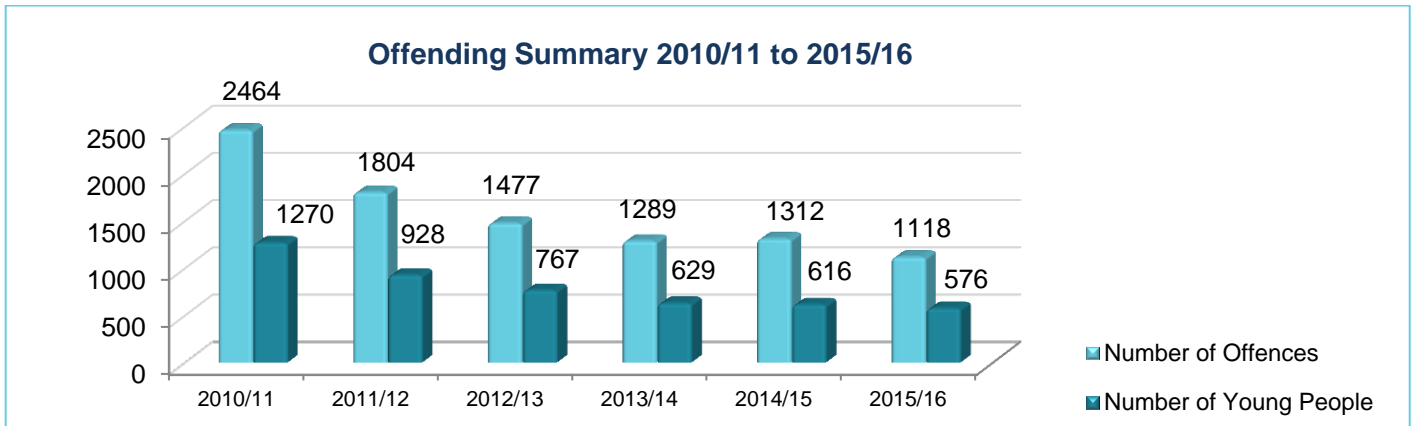


Over the same period we have reduced the number of remand bed nights (remands into youth detention accommodation) **by 78.1%**, from 1037 in 2011/12 to 227 in 2015/16.



Number of Young People Offending and Offences Committed 2010/11 – 2015/16

We have achieved a **54.6% reduction** in both the number of offences committed and the number of young people offending (2010/11 – 2015/16). This includes all offences committed by young people aged 10-17 years, resulting in a Pre Reprimand Disposal (PRD) / Pre Caution Disposal (PCD), pre court/out of court disposal or a court conviction.



Reducing Re-offending 2007/08 – 2013/14

The evidenced success of CDYOS pre court/out of court system in diverting young people from the criminal justice system has resulted in

- 80.2% reduction in the cohort (from 2145 young people in 2007/8 to 425 in 2013/14);
- 73.9% reduction in the number re-offending (from 728 in 2007/8 to 190 2013/14);
- 68.7% reduction in re-offences (from 1950 in 2007/8 to 611 2013).

Both binary and frequency rates have increased regionally and nationally due to the continued and significant decrease in cohort size.

Year	Number in the cohort	Number re-offending	Binary Rate	Number of re-offences	Old Frequency Rate	New Frequency Rate
2007/08	2145	728	33.9%	1950	0.91	2.68
2008/09	1384	489	35.3%	1425	1.03	2.91
2009/10	944	393	41.6%	1150	1.22	2.93
2010/11	773	337	43.6%	1052	1.36	3.12
2011/12	631	239	37.9%	725	1.15	3.03
2012/13	489	189	38.7%	612	1.25	3.24
2013/14	425	190	44.7%	611	1.44	3.22
% reduction (07/08 – 13/14)	-80.2%	-73.9%		-68.7%		

(Source: MoJ data, YOT Data Summary, March 2016)

In 2015/16 we:

Miscellaneous

- Continued to improve the service we offer to victims and young people who offend through our restorative justice work;
- Developed and embedded our group of mentors and 'leaders' all of whom are young people who have been victims of crime;
- Expanded restorative justice interventions across all orders in the service;
- Improved our links with the Office of the Police and Crime Commissioner;
- Expanded the use of Volunteer Mentors for the Stronger Families Programme;
- Improved our work in recognising and dealing with child sexual exploitation;
- Established a programme for parents who are victims of their child's offending;
- Continued our response to the speech, language and communication needs of young people into phase 3 of our strategy;
- Reviewed and improved our work with young people displaying sexually harmful behaviour;
- Contributed to a new multi-agency process for dealing with young people 'sexting';
- Developed and delivered staff focus groups on a range of pertinent issues;
- Developed and delivered management development sessions;
- Extended the use of volunteers as mentors for young people under the supervision of CDYOS;
- Embedded performance measures into our administration processes;
- Improved management information for front-line managers.

Reducing First Time Entrants (FTEs)

- Ensured we delivered a 'scaled approach' to young people subject of out-of-court disposals;
- Refined and developed our assessments of young people and families;
- Reviewed and developed our process for identifying families under the Stronger Families programme;

- Expanded, developed and improved our range of intervention programmes delivered by the Delivery Team;
- Embedded the out-of-court quality assurance process;
- Improved the quality of assessments of young people and families.

Reducing Re-offending

- Worked with colleagues in residential homes to reduce the percentage of young people looked after who offend to the lowest ever level;
- Identified a cohort of young people who are persistent offenders (6 or more offences in 12 months) and provided them with an enhanced intervention programme;
- Embedded the Re-offending Panel into practice;
- Expanded, developed and improved the range of intervention programmes delivered by the Delivery Team;
- Improved the involvement of victims in deciding the type of reparation work to be undertaken;
- Continued to improve our work to meet the needs of young people's speech, language and communication needs;
- Implemented Asset Plus and the consequent new ways of working;
- Improved staff's confidence in working with young people's emotional and mental health needs through training and mentoring;
- Improved the services received by young people in respect of mental health issues through the secondment of Liaison and Diversion staff in CDYOS;
- Extended the Transfer to Local Authority Accommodation Protocol under PACE to include those 17 years old and those detained outside of PACE;
- Developed a process for the transfer of young people from CDYOS to NPS and CRC;
- Extended young people's volunteering opportunities.

Reducing Use of Custody

- Embedded improvements to the Intensive Supervision and Surveillance Programme;
- Targeted young people at risk of a Remand to Youth Detention Accommodation as a means of reducing both bed nights and custodial sentences;
- Reviewed and improved our working practices with other parts of Children's Services;
- Continued our close working relationship with the Magistrates Court.

In 2015/16 we are particularly proud that:

- We achieved our lowest ever number of FTEs;
- We achieved our lowest ever number of custodial sentences;
- We achieved our lowest ever number of remand bed nights;
- We continued to reduce the number of young people offending and re-offending and the number of offences they commit;
- We increased the proportion of 16-18 year olds, who were known to CDYOS, in education, employment and training in 2015-16, compared to 2014-15.
- Two of our staff (Sarah Caden – Practice Improvement Officer and Susan Stewart – Speech and Language Therapist) were awarded a joint Butler Trust Award for their innovative work in developing and delivering both resources for staff and a strategy for CDYOS in working with young people's speech, language and communication needs;
- We achieved the Restorative Justice Council, Restorative Service Quality Mark for our restorative justice work across the service;
- We agreed funding with the PCC for a post of Victim Liaison Officer (Young People);
- We agreed arrangements for the continued secondment of our Speech and Language Therapist;
- We agreed arrangements for the continued secondment of our CAMHS Band 7 Nurse;
- We have successfully implemented Asset Plus across the Service;
- We achieved a further Investing in Volunteers Quality Mark;

- We achieved Investing in Children status for our service.

'In Sarah and Susan's case, the dedication and passion they have brought to their work in transforming the Speech Language and Communication Needs (SLCN) strategy really shone through; our Panel were deeply impressed by their commitment and inspirational leadership which is making such a difference to the young people in their care' (Andrew Skilton, Operations Manager, Butler Trust, March 2016)

In 2016/17 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 do 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 these processes;
- Ensuring that we listen and respond to what young people and their families are telling us;
- Ensuring that volunteering, by both adults and young people, is a key component of the work we do 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, victims, families and young people.

See Appendix 3 (Service Improvement Plan 2016/17) for more detail.

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;
- Durham Tees Valley Community Rehabilitation Company;
- Public Health, Durham County Council;
- SEND and Inclusion, Education, DCC.

Membership and governance are reviewed annually in line with '*Modern Youth Offending Partnerships – Guidance on Effective Youth Offending Team Governance in England*' (MoJ/YJB, November 2013) to ensure they remain robust in a complex and changing operating environment.

The Management Board (via the Chair) reports to the Children and Families Partnership, Safe Durham Partnership and County Durham Partnership. Durham County Council's Overview and Scrutiny Committees also monitor performance against the 3 national outcome measures and receive annual presentations on progress against the Youth Justice Plan.

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.

The Youth Justice Plan, after approval by the Management Board, is presented to Cabinet and full Council for approval before submission to the YJB.

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.

Children's Services provide valuable opportunities for joint work and a clear continuum of services which includes early help and prevention as well as specialist youth justice services. The Think Family and Early Help Strategies underpin all our work. The creation of the Single Front Door and Single Assessment (April 2014) shows the commitment to early help and prevention in Co. Durham. The transformation of Children's Services via the Innovations Programme (integrating One Point, Think Family, Assessment and Intervention), and establishing Families First Team, will further strengthen joint work.

Children and Adults Services, including Public Health, provide valuable 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;
- County Durham Children, Young People and Families Plan;
- Durham County Council Plan;
- The Sustainable Community Strategy for County Durham;

- Safe Durham Partnership Reducing Re-Offending Strategy;
- Safe Durham Partnership Integrated Restorative Practice Strategy;
- Safe Durham Partnership Anti-Social Behaviour Strategy;
- Safe Durham Partnership Alcohol Harm Reduction Strategy;
- Safe Durham Partnership Drug Strategy
- Think Family Strategy;
- Early Help Strategy;
- Durham Police and Crime Plan;
- County Durham Joint Health and Wellbeing Strategy;
- Durham County Council Strategy for Children and Young People with Special Educational Needs and / or Disabilities.

The health needs of young people who offend are included in both the Joint Strategic Needs Assessment and Joint Strategic Assessment. 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 effective links with the Police and Crime Commissioner and CDYOS partnership priorities are included in the Police and Crime Plan.

Think Family work in Co. Durham has been improved by the active involvement of the service. Additional funding has been secured expand the role of CDYOS volunteers as family mentors for the Stronger (Troubled) Families programme. Following a successful pilot in early 2014, this work will continue throughout the next phase of the 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 2016/17

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 (CCGs) and Local Authority) agree funding contributions for the following year.

The confirmed pooled budget for 2016/17 is £3,639,491.

92% of CDYOS budget (£3,364,786) is spent on staff costs. 94% of this is front line delivery.

A detailed budget breakdown can be found at Appendix 2.

YJB Grant Funding 2016/17

The YJB provides 2 grants which are part of CDYOS' pooled budget:

- Youth Justice (YOT) Grant (England) inc. Unpaid Work Grant;
- Remand Grant;

Both grants are ring-fenced to youth justice services.

Youth Justice (YOT) Grant: £609,601.

This grant is for the operation of the youth justice system and the provision of youth justice services with a view to achieving the following outcomes: reduction in youth offending; reduction in the number of first time entrants to the justice system; reduction in the use of youth custody; effective public protection; effective safeguarding. This now includes the Unpaid Work Grant which is the responsibility for the delivery of the YRO unpaid work requirement for 16/17 year olds, if imposed by the courts, transferred from Probation/NOMS to youth offending services from 1 June 2014. This is a new responsibility for YOTs. The purpose of this grant is to develop effective practice in the way YRO Unpaid Work requirements are discharged and to provide YOTs with the necessary funding to create an infrastructure to allow such orders to be completed in line with the requirements of the Operating Model.

The 2016/17 grant is a further 12% reduction on the 2015/16 (£673,702) grant after already having received an in year cut of 12%

Remand Framework for Children: £6,430.

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 2016/17 grant is an 86% reduction on that received for 2015/16 (£46,218). Actions to reduce overspend include: Reducing Remand Bed Night Strategy and remand/special court cover for all courts, including weekend and Bank Holidays.

Restorative Justice Maintenance Grant:

No grant received for 2016/17.

Budget Savings 2016/17

CDYOS has to manage within a tough budgetary environment. The Service had a further budget reduction of £66,625 for 2016/17. Since 2011/12 CDYOS budget has been reduced by 19% (£827,058).

We managed the budget reductions for 2016/17 by:

- 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), including Bank Holidays, with dedicated management cover;
- deleting 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 across a range of measures.

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.

Staffing

The Service is staffed in line, and fully complies, with the requirements of the Crime and Disorder Act (1998), including:

- Social Workers;
- Probation Officers (NPS);
- Police Officers;
- Police staff;
- Health staff (Community Nurses);
- Education Officers.

There a range of other staff, for example:

- Managers;
- Practice Improvement Officers;
- Victim Liaison Officers;
- Think Family Mentor;
- Family Support Officer;
- Intensive Supervision and Surveillance (ISS) Officer;
- Reparation Officer;
- Speech and Language Therapist;
- 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 101 staff (91.9fte) and 70 active volunteers in 2016/17, an increase from 96 staff (88.9fte) in 2015/16 (additional Victim Liaison Officer, Liaison and Diversion workers and CAMHS nurse)

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

Staffing Structure

As of 1 April 2016 CDYOS has 101 staff (91.9fte) and 70 active volunteers.

(See Appendix 4 for CDYOS Staffing Structure)

85 (78.4fte) staff are employed by the Local Authority on behalf of the partnership; 4 (3.8fte) seconded from National Probation Service; 4 (4fte) seconded from Police; 4 (3fte) seconded from Health (County Durham and Darlington Foundation Trust); and 1 (1fte) seconded from North Tees and Hartlepool Foundation Trust, 1.5 L & D and 0.2 CAMHS.

Staff gender: 69 female; 26 male (6 vacancies).

Ethnicity of staff: 94 White British, 1 Other White and 1 White/Black African.

Volunteer gender: 51 female and 19 male.

Ethnicity of volunteers: 66 White British, 1 Pakistani, 1 Bangladeshi and 1 Chinese.

All 101 staff and all 70 volunteers are trained in Restorative Approaches/ Restorative Justice. 53 are trained to facilitate Restorative Justice conferences.

Partnership Arrangements

Outcome:

Effective partnership arrangements are in place between YOT 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 at risk of offending.

Partnership Arrangements

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

- Partners (Police, National Probation Service and Health) have maintained their specialist staff and financial contributions to the service for 2016/17;
- 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, CRC, Public Health, SEND);
- 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 e.g. SLCN Strategy; work with RSPCA, Fire and Rescue Service, Police re development of additional intervention programmes; Positive Futures re interventions directory;
- Police officers and Police staff in CDYOS are now responsible for the collection of forensic samples and for fingerprinting all young people who attend the Police station on a voluntary basis for a Youth Caution or Youth Conditional Caution.

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);
- Local Safeguarding Children Board;
- MAPPA;
- Health (CDDFT, CCGs, NECS, TEWV, NTHFT);
- National Probation Service (NPS);
- Durham Tees Valley Community Rehabilitation Company (CRC);
- Think Family/Stronger (Troubled) Families;
- Local Criminal Justice Board.

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.

'There were good examples of sound and effective operational partnership arrangements. A particularly good example was the arrangements in place regarding the housing provision available for young people. This was underpinned by an effective protocol and well integrated practice supported by the availability of plentiful, quality arrangements. The effective working relationships between the YOT and the wider Children's Services were apparent.'

(Peer Review, November 2015)

Commissioned Services

CDYOS has been successful in agreeing, and arranging funding for, the continued secondment of the Band 7 Clinical Lead Speech and Language Therapist until 31.3.17 from North Tees and Hartlepool Foundation Trust.

In addition, CDYOS has agreed and arranged funding for, the continued secondment of a 0.2fte Band 7 CAMHS Nurse until 31.3.17 This is in addition to the increased presence

of the Liaison and Diversion Programme through the deployment of 1.5fte staff to work with CDYOS.

Future health commissioning will be based upon a comprehensive health needs assessment being undertaken on young people who offend in County Durham. This is being lead and managed by colleagues in Public Health and will provide, for the first time, a comprehensive analysis of health needs of young people in contact with CDYOS and will enable us to enter into discussions to commission health services confident of the needs to be met.

Stronger (Troubled) Families

CDYOS is an active partner in the successful delivery of the Stronger Families programme in County Durham. Agreement was reached for the secondment of a Think Family Mentor to work full-time within CDYOS, supporting staff in ensuring we 'Think Family'.

In addition, CDYOS Volunteer Programme supports at least 50 families (Stronger Families) each year, from across the range of agencies acting as lead professional.

Resettlement after Custody

As a result of our multi-agency approach to resettlement, 100% of young people leaving custody had appropriate accommodation sourced and available prior to release. CDYOS works closely with Housing and Children's Services to ensure young people are effectively resettled.

No young people were remanded to the secure estate in 2014/15 as a result of inappropriate accommodation.

Prevent

Local Authorities, including Youth Offending Services are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015, in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent duty. It applies to a wide range of public-facing bodies. Within CDYOS this duty is discharged through our case work with young people who have

offended and through our membership of partnerships charged with carrying out the 'Prevent' work. All CDYOS staff have been trained in Prevent and the inherent duties through use of e-learning. This is a first stage. CDYOS also has two staff members trained to deliver 'WRAP' training which will be rolled-out to all staff during 2016/17. Case Managers have worked closely with Police and other colleagues when concerns about radicalisation/extremism have been identified with young people and/or families. The Strategic Manager CDYOS is the Children's Services (Durham County Council) lead for the 'Silver Contest Board' and she is also Chair of the 'Channel Panel' – a panel that considers the case management of any individual about whom there are concerns in respect of radicalisation and/or extremism

Information Sharing

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, Vicman (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)
- All magistrates courts in County Durham for CDYOS access.

Key New Partnerships

Key new partnerships/joint work includes:

- The Royal British Legion – reparation work;
- Children's Speech and Language Therapy Services, North Tees and Hartlepool Foundation Trust, formerly County Durham and Darlington Foundation Trust – Speech, Language and Communication Needs Strategy;
- SEND – Local Area Strategy and Accountability Group;
- 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 – Youth Employment Initiative;
- Safe Durham Partnership, NPS, CRC, Police, PCC – TR developments;
- Office of the PCC – young victims of youth crime;
- RSPCA – Paws4Change programme;
- Durham Constabulary Armoury – Air Guns programme;
- Fire and Rescue Service – Firebreak programme;
- Positive Futures partners – range of programmes available;
- The Open Awards – accreditation of core work;
- Checkpoint – partnership diversion programme for low level adult offenders.

Durham Works

CDYOS is a Delivery Partner of the Durham Works Programme (Youth Employment Initiative) and, as a result, significant additional resource is available to support young people who are known to the Service into education, employment and training. This is an exciting development and will continue the steady increase of the number of young people (age 16 to 18 years) in education, employment and training.

'Relationships are excellent with the Police and OPCC, Health, NPS/CRC which can be seen from allocated resources, financial contributions and engagement in the Management Board. The YJB ... has a high level of confidence that whatever the final budget is for 15/16 that services will be arranged to focus on the key priorities and CDYOS will continue to be in a strong position to deliver high quality services.' (YJB, March 2015)

Reducing Re-offending

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

- 85.7% reduction in first time entrants (FTEs) – from 1129 in 2007/08 to 161 in 2015/16;
- reducing all offences committed by young people by 54.6% - from 2464 in 2010/11 to 1118 in 2015/16;
- reducing the number of young people offending by 54.6% from 1270 in 2010/11 to 576 in 2015/16;
- 80.2% reduction in the number of young people in the MoJ cohort between 2007/8 and 2013/14 (from 2145 to 425);

National Recognition

During the course of 2015/16, CDYOS staff and programmes were:

- Awarded a Butler Trust Award, to two members of staff for their innovative work in meeting young people's speech, language and communication needs;
- A finalist in the Children & Young People Now Awards for the resources developed through Clear Cut Communications;
- Highly Commended in the Shine A Light Awards for the work of Clear Cut Communications;
- Awarded a Restorative Service Quality Mark by the Restorative Justice Council for our restorative work across the service;
- Awarded a further three years Investing in Volunteers Mark.

'I am delighted that County Durham Youth Offending Service's Restorative Work has been awarded the RSQM. It is an acknowledgement of their dedication to providing a consistently excellent service for young people who offend and their victims, who are guaranteed a safe and effective restorative justice process.' (Jon Collins, RJC Chief Executive, April 2016)

Risks to Future Delivery against Youth Justice Outcome Measures

Outcome:

Robust actions are in place to mitigate risks to future delivery against youth justice outcome measures

CDYOS Quality Assurance (QA) Framework

CDYOS has implemented a comprehensive QA Framework which covers all QA work undertaken by line managers in CDYOS, one element of which includes a robust audit programme and quarterly thematic audits. Themed audits to be undertaken in 2016/17 include:

- CSE
- Emotional wellbeing/mental health
- Desistance
- Management of risk

Both the Management Development programme, for CDYOS managers, and the staff focus sessions will continue throughout 2016/17.

Peer Review

CDYOS undertook a Peer Review (YJB) during October 2015. The focus of the review was our practice and partnerships to reduce re-offending. The review process was a positive experience and we received both complimentary and helpful, constructive feedback. Areas for consideration were debated by CDYOS Management Board at a

special meeting held in November 2015 and improvement/development actions, following on from the review, have either been completed already or included in the Service Improvement Plan for 2016/17.

Diversity

CDYOS is committed to meeting the needs of the young people, families and victims with

whom we work. All staff have undertaken specialist diversity training for youth offending, SLCN training and, in addition, case managers have undertaken specialist diversity training for assessments. Diversity issues are a specific category on the checklist used by managers to countersign assessments and intervention plans.

Risk	Action to Mitigate Risk
Remands to Youth Detention Accommodation (RYDA) – financial risk to local authority	<ul style="list-style-type: none"> • Reducing Remand Bed Nights Strategy • Management oversight • Mid-week and weekend staffed court cover • Remand Court specialists • ISS Bail Programme • Joint work with Children’s Service’s colleagues
Future budget efficiencies/reductions in partner contributions	<ul style="list-style-type: none"> • On-going review of Service structure • Review accommodation • Review all vacancies • Consider new ways of working
Maintaining improving performance in face of on-going budget reductions	<ul style="list-style-type: none"> • SIP 2016/17 • Quality Assurance framework • Self-assessment against HMIP criteria • Innovation • Staff forums • Managers forums
Taylor Review of the Youth Justice System leads to uncertainty for the future and complicates planning	<ul style="list-style-type: none"> • On-going review of Service structure • Staff forums • Managers forums • Innovation • Emphasis on improving quality of core practice
Reoffending rate (binary) increases due to continued reduction in full cohort numbers at a rate greater than reduction in numbers of young people reoffending	<ul style="list-style-type: none"> • Expansion of reoffending cohort • Review and changes to enhanced programme for reoffending cohort • Introduction of Asset Plus • Amendments and improvement in QA processes • Managers forums • Staff forums • Emphasis on improving quality of core practice • SIP 2016/17

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 8 years.

‘We were extremely impressed by the enthusiasm and dedication of the staff team, who were clearly motivated to provide the best service to meet the needs of the young people engaged with the service. There was substantial evidence from both the staff team and the young people themselves. We heard good evidence of relationship based practice and young people felt their YOT workers were there for them.’ (Peer Review, November 2015)

This plan was considered by CDYOS Management Board on 9 May 2016.

I approve this plan on behalf of the Board.



Carole Payne
Head of Children's Services
Chair of CDYOS Management Board

Appendix 2

County Durham Youth Offending Service Budget 2016/17

Agency	Staffing Costs	Payments in Kind	Other Delegated Funds	Total
Local Authority			2,010,997	2,010,997
Police Service	153,991	72,000	125,000	350,991
National Probation Service	107,919		27,029	134,948
Health Service	149,573		50,267	199,840
Community Safety Funding			160,872	160,872
YJB – Youth Justice (YOT) Grant			609,601	609,601
Other Funding (Stronger Families)			35,000	35,000
Total	411,483	72,000	3,018,766	3,502,249

CDYOS also has a budget of £155,033 for specific projects as detailed below.

YJB - Remand Grant	6,430	6,430
Community Safety Funding	48,200	48,200
Youth Employment Initiative	82,612	82,612
Total CDYOS Pooled Budget	3,156,008	3,639,491

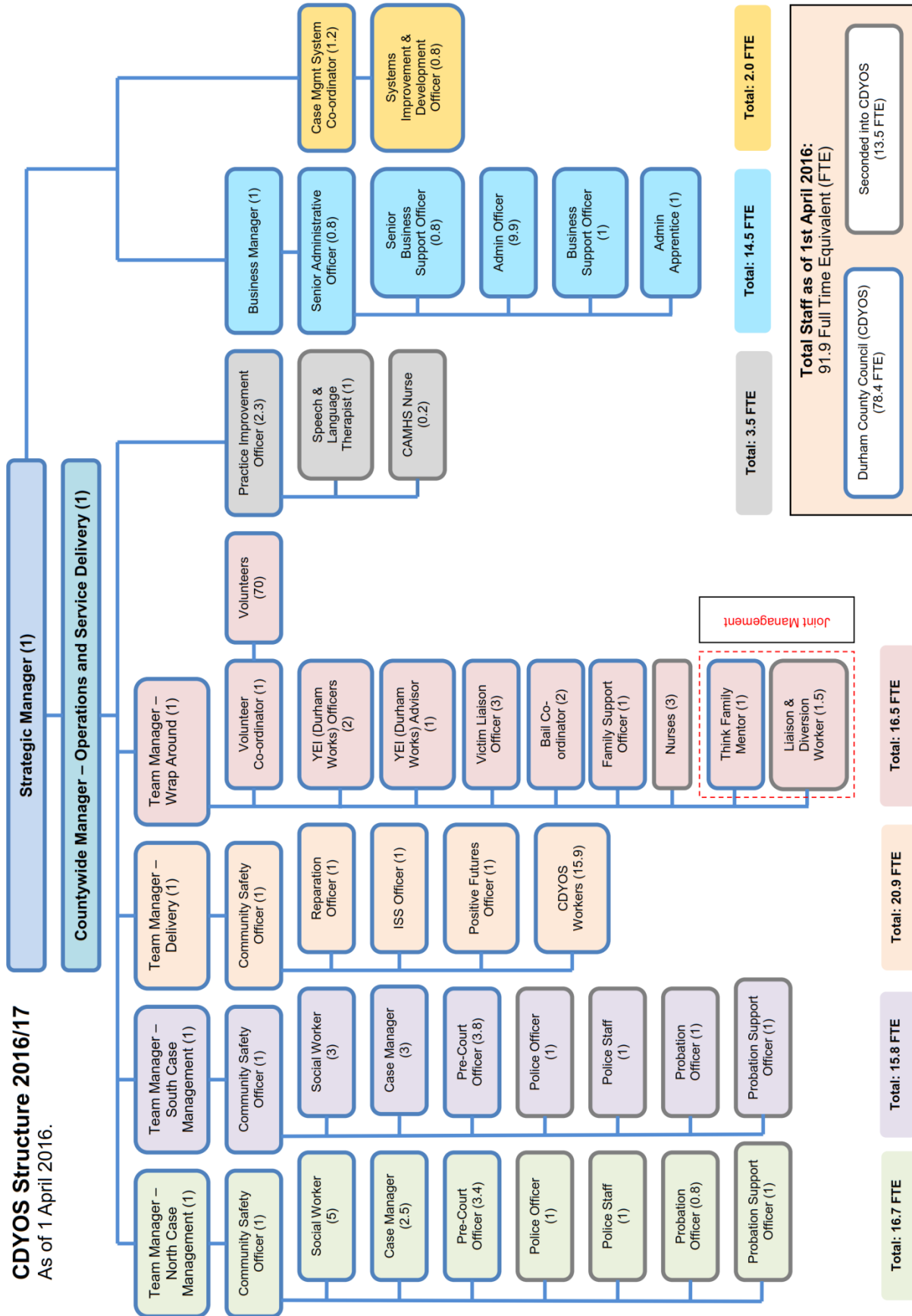
Priority

- 1) **Improving how we communicate with young people and the interventions we complete with them**
 - Deliver phase three of the Speech, Language and communication strategy, concentrating on the quality of the service we deliver to young people and clinical input
 - Expand the SLCN resources available for work with young people
 - Further develop the Clear Cut brand
 - Continue to expand the range of interventions delivered by the Delivery Team
 - Improve the quality of the programmes delivered
 - Improve Case Managers confidence in screening for mental health needs
 - Improve pathways to mental health services for young people under the supervision of CDYOS
 - Ensure our work on CSE and sexually harmful behaviour is complimentary and coordinated
 - Improve our evaluation of the effectiveness of interventions used within CDYOS
 - Embed and improve the quality of assessments through Asset Plus
 - Undertake a comprehensive health needs assessment on young people who offend to influence commissioning of services
- 2) **Putting victims, especially young victims, and Restorative Justice at the heart of everything we do**
 - Embed and expand 'With Youth in Mind' Group for young people who have been victims of crime
 - Integrate the volunteering function into the Wrap Around Team
- 3) **Targeting our resources on those young people committing the most offences**
 - Improve the monitoring and evaluation of the Reoffending Cohort
 - Review and improve both the enhanced programme and the process for reviewing the reoffending cohort
- 4) **Ensuring we have robust quality assurance and staff management processes in place and a skilled management team to manage these processes**
 - Deliver a series of training sessions for managers in respect of countersigning within Asset Plus
 - Ensure CDYOS is prepared for the implementation of the new inspection framework
 - Embed 'operational managers' development sessions
- 5) **Ensuring we listen and respond to what young people and their families are telling us**
 - Increase to 70 the number of HMIP young people's surveys undertaken
 - Ensure the opinions of young people from County Durham are included in the Taylor Review of the Youth Justice System
 - Embed the use of young people's self-assessment into the Asset Plus assessment process
 - Review and increase the 'voice of the child' in our work
 - Embed and expand 'With Youth in Mind' Group for young people who have been victims of crime
- 6) **Ensuring volunteering, by both adults and young people, is a key component of the work we undertake with young people and victims**
 - Embed and expand 'With Youth in Mind' Group for young people who have been victims of crime
 - Improve the quality of our work and monitoring of Family Mentors through the Stronger Families Programme
 - Increase the opportunities for young people working with CDYOS to take-up volunteering opportunities
 - Increase the use of volunteer mentors working with young people
- 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, victims, families and young people.**
 - Embed performance targets into administration processes
 - Expand the review of management information to include all management information needs

Appendix 4

Service Structure 2016/17

CDYOS Structure 2016/17
As of 1 April 2016.



Appendix 5 CDYOS Statutory Functions

Provision of:

- Supervision of Courts Orders (Community and Custody) in line with National Standards for Youth Justice
- Youth Conditional Caution Supervisions
- Court staffing (Youth, Crown, Remand Courts including Saturday and Bank Holiday working)
- Bail Supervision functions
- Appropriate Adult service for Police interviews (PACE)
- Pre-Sentence Reports for Courts
- Community Volunteers (Referral Order Panels)
- Recruit, train, manage, supervise, and deploy volunteers to carry out statutory functions
- Referral Order Panel Reports
- 'Prevention' services to prevent youth crime
- Anti-Social Behaviour escalation supervision
- Service to victims of youth crime
- Delivery of court-ordered reparation to community and victims
- YJMIS data / management info to Youth Justice Board / Ministry of Justice regarding youth justice cases
- Parenting Orders imposed in the Youth Court (Criminal Matters)

Management of:

- Sex Offenders (Assessment, Intervention and Moving On (AIM)) – young people under 18
- Children remanded into Youth Detention Accommodation
- Remands into Youth Detention Accommodation (RYDA)

Duty to:

- Comply with National Standards for Youth Justice (accountable to Ministers)
- Comply with arrangements for multi-agency public protection (MAPPA)
- Cooperate with MAPPA/LSCB/SDP (CSP)
- Provide and support a Management Board
- Produce and deliver an annual Youth Justice Plan
- Provide assistance to persons determining whether Youth Cautions or Youth Conditional Cautions should be given
- Cooperate with Children's Services to improve wellbeing of children and young people in County Durham
- Cooperate regarding safeguarding and public protection incidents in the community (YJB)

Additional Functions:

- Provision of Out of Court Disposals (service delivery)
- Provision of Think Family / Stronger Families
- Manage safeguarding and risk management inherent in all the above
- Team Around the Child (TAC) / Team Around the Family (TAF)
- Assessment, Planning Interventions, Supervision (APIS)
- Offending Behaviour Programmes (OBPs)

Appendix 6

Glossary

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

Appendix 7

Contact Details

Gill Eshelby
Strategic Manager

Dave Summers
Countywide Manager (Operations and Service Delivery)

County Durham Youth Offending Service

County Hall
Durham
DH1 5UJ

Telephone: 03000 265999



clearcutcommunication@durham.gov.uk



County Durham Youth Offending Service
Youth Justice Plan
2016/17

County Council

20 July 2016



**Overview and Scrutiny Annual
Report 2015-16**

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

1. To present the Overview and Scrutiny Annual Report 2015/16 (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 report outlines the work that has been undertaken during 2015/16, and has been agreed by the Overview and Scrutiny Management Board prior to submission to Full Council.
4. It is intended that the report will be distributed electronically to Members, Officers and Partners.

Recommendation

5. That County Council receive the annual report for 2015/16, 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

Contact: Jenny Haworth, Head of Planning and Performance
Tel: 03000 268071 email: jenny.haworth@durham.gov.uk

Appendix 1: Implications

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 the Overview and Scrutiny Management Board to report annually on the work of all the Council's Overview and Scrutiny Committees.



Altogether better

Overview and Scrutiny Annual Report 2015-2016

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

May 2016

Foreword

Overview and Scrutiny is an integral part of the Council's operations - influence can be seen in the budget process, policy formation, and the drive for continuous improvement of our services to local communities. A strong and robust Overview and Scrutiny function is an important element within the Council's governance and decision making arrangements and it is vital that we continue to support this work in an ongoing climate of budget pressures.



The Council's budget continues to be managed effectively, thanks to the leadership and management within the authority, with Overview and Scrutiny continuing to play its part. The excellent relationship between executive and non-executive members continues.

The statutory scrutiny roles of Health, Crime and Disorder and Flooding Risk Management feature within this Annual Report alongside thematic Scrutiny work in respect of Economy and Enterprise, Environment and Sustainable Communities, Corporate Issues and Children and Young People. The report provides an update of the work undertaken by Overview and Scrutiny during 2015/16 – it has been another very busy year. Issues covered have included Attendance Management; 20 mph speed limits; parking on council land; free school meals and holiday hunger; skills development; alcohol and demand on the emergency services; the customer relationship management system; as well as scrutiny having input into a number of consultations.

I and the Chair of Economy and Enterprise OSC have represented the council on the NECA Overview and Scrutiny Committee, which looks at matters of significant importance to residents across the areas covered by the seven councils, with a view to influencing decisions made in respect of all matters within the remit of the Combined Authority. The committee meets six times a year at varying locations across the NECA area and meetings are open to the public. Further details on NECA can be found at www.northeastca.gov.uk

Councillor Brian Stephens, Cabinet member for Neighbourhoods and Local Partnerships, said, "I would like to applaud scrutiny Members for their valuable work across a wide range of topics, their partnership working with AAPs, and in particular this year work on 20 mph limits. These schemes were introduced to keep children safe and the contribution from scrutiny Members working with Cabinet and officers has delivered results which have far exceeded their original objectives. This is something we can all be very proud of."

Durham County Council has recently been listed as a finalist in the Excellence in Governance and Scrutiny category of the 2016 Municipal Journal Achievement Awards for its approach to scrutiny, community engagement and consultation and governance arrangements.

As always, I would like to thank everyone who has 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 2015-16

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.

Skills Development – the Skills Development Working Group has examined the role and performance of DCC in supporting skills development within County Durham; how DCC works in partnership to support skills development; changes within Further Education and skills and how this impacts on the authority and the county; identified gaps and barriers in relation to current skills support provision; and identified future skill priorities.



Free School Meals and Holiday Hunger - the Children and Young People's OSC set out to raise awareness among eligible parents of the importance of claiming free school meals, identify any barriers that may stop parents or children from claiming their free school meals, and highlight what is being done in local communities to address holiday hunger. The review is expected to conclude in the late summer and report to Cabinet in autumn 2016.

20 mph – the 20 mph working group has completed its activity and presented its report to Cabinet in May 2016. This review revisited a previously scrutiny recommendation to explore the use of 20mph speed limits and zones around schools where the risk of accidents is higher. The report highlights the significant contribution of the working group to providing challenge for value for money and expansion of schemes beyond the initial 33 projects, engagement of local Members within scheme design and influence on policy development. Cabinet accepted the review recommendations which are informing the ongoing programme of 20 mph limit zones.



Alcohol and the Demand on Emergency Services – the Safer and Stronger Communities OSC has undertaken review activity looking at the impact of alcohol on emergency services within County Durham. Initial findings have highlighted both the volume of demand on each service and personal impact of alcohol related incidents on our emergency services personnel. To gain an insight, Members have undertaken field study activity with Durham Constabulary, North East Ambulance Service and the Accident and Emergency Department at University Hospital of North Durham. The working group are scheduled to publish its report in autumn 2016.



The following light touch reviews have also been carried out:

Attendance Management - the Attendance Management Working Group examined and commented upon the draft attendance management policy including the Mental Wellbeing in the Workplace Policy; considered a range of attendance management performance information setting out trends; considered the role of managers in managing sickness absence, including associated training; and reviewed the role of Occupational Health and the promotion of better health at work initiatives.

Customer Relationship Management System (CRMS) - the Corporate Issues OSC review of the CRMS is enabling Members to assess the functionality of the new CRM system and the range of services that will be integrated into/available through the system. It also allows Members to 'road test' the new system, and to look at their operational needs in accessing information and reporting issues/service requests on behalf of their constituents and in respect of their casework.

Parking on Council Land – Members of the Environment and Sustainable Communities OSC carried out a light touch review of parking on council land, the findings of this light touch review were shared with the Cabinet Portfolio Holder.

Other review activity in 2015/16 included:

- Scrutiny of the budget process through consideration of the Medium Term Financial Plan. Considerations were broad-based and ranged from scrutiny of the timetable for the budget process, scrutiny of developing cost reduction proposals, as well as ongoing quarterly scrutiny of the delivery of savings.
- Increased awareness of the Council's scrutiny function through articles in local media, Members' Bulletin, and an ongoing update of the scrutiny web pages.
- Formally responded to NHS Quality Accounts 2015/16 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, for example:
 - Tourism Marketing scrutiny review activity undertaken by Visit County Durham (VCD) was shared with VCD Board and then the County Durham Economic Partnership.
 - Management of DCC's woodlands estate scrutiny review report – County Durham Environment Partnership
 - The review of Self Harm by Young People was shared with both the Children and Families Partnership and the Health and Wellbeing Board.
 - The report on organised crime was presented to the Safe Durham Partnership Board.

- Contributed to:

- Adults Wellbeing and Health OSC (AWBH OSC) – Durham Dales, Easington and Sedgefield Clinical Commissioning Group’s Review of Ambulance Services - the AWBH OSC has concluded its input into the Durham Dales, Easington and Sedgefield CCG (DDES CCG) proposals to change ambulance services, in particular ambulance crew skills mix within the Durham Dales area.
- Adults, Wellbeing and Health OSC examined proposals to reconfigure inpatient wards for people with organic mental illness (predominantly dementia) serving County Durham and Darlington – Statutory Health Consultation.
- Had input into the following:
 - Anti-poverty strategy
 - Refuse collection service in rural areas and isolated properties
 - Review of Youth Support
 - Home to School Transport
 - Children and Young People’s Plan 2016-2018
 - Joint Strategic Needs Assessment and Health and Wellbeing Strategy 2016-2018
 - The Housing Strategy for County Durham
 - The Customer First Strategy
 - County Durham Drugs Strategy 2014-17
 - In-house Residential Homes Consultation Process
 - Children’s Centres consultation process
 - Safe Durham Partnership Plan 2015/18
 - Consultation on the Fire and Rescue service’s annual Integrated Risk Management Plan (IRMP) 2016/17 to 2018/19
 - Safe Durham Partnership Alcohol Harm Reduction Strategy 2015/17
 - Children, Young People & Families Plan 2015-2018
 - Healthy Weight Framework.

Key Achievements 2015-16

Overview and Scrutiny Site Visits

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



Hitachi



Consett Academy



Cycle Routes



Wisedrive



Flood Defence



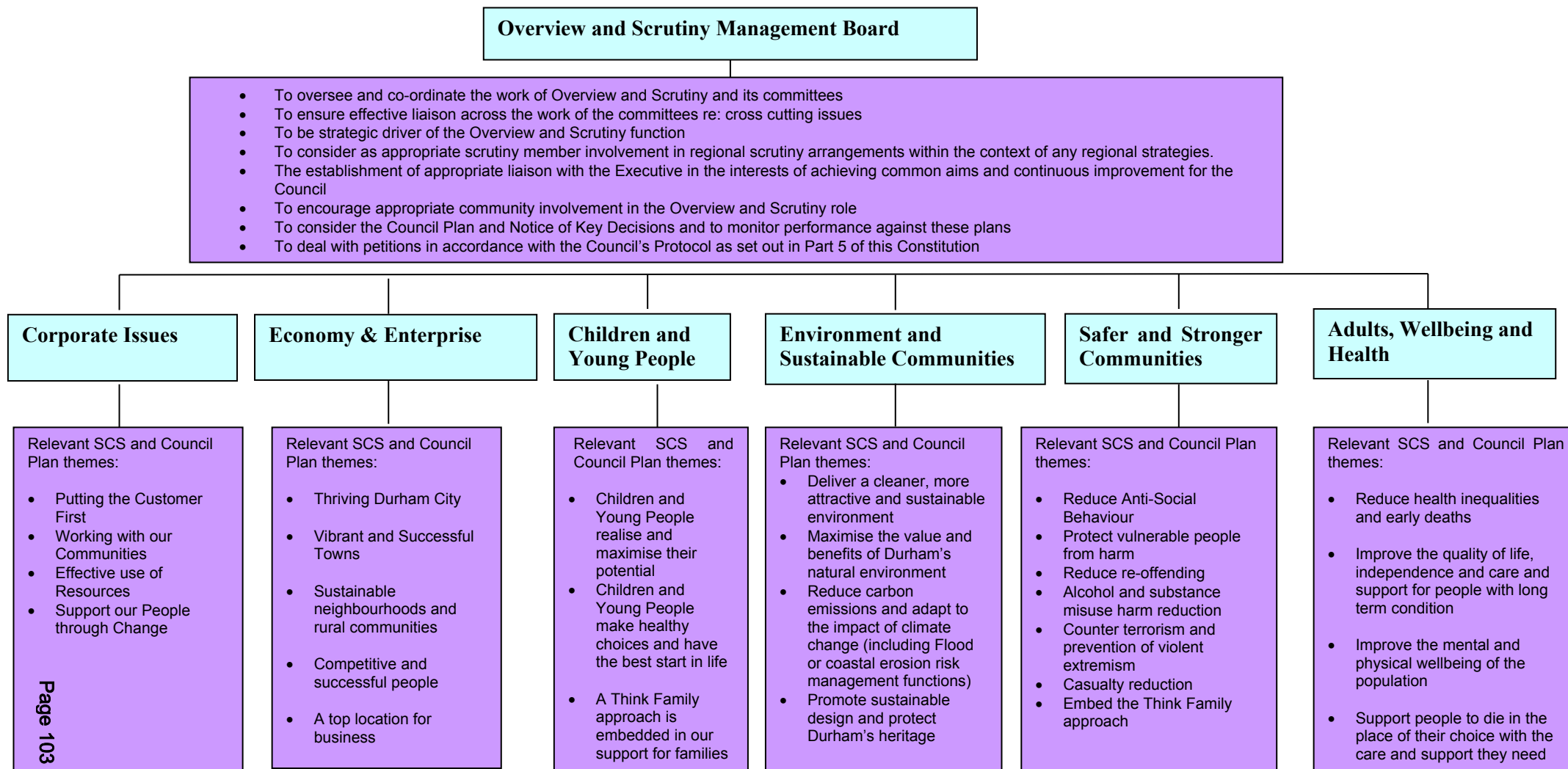
Peterlee Recovery Centre

Overview and Scrutiny Site Visits also include

- Skills Development Working Group to:
 - New College, Durham
 - Infinite Learning and Development, Peterlee
 - South West Durham Training Ltd, Aycliffe Business Park
- Durham City Centre Night time Economy & Ambulance Crew Observation
- Civil Contingencies Live Exercise
- School meal with pupils at Seaham School of Technology
- School Road Safety Assembly at Etherley Lane Primary School

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. Below is the structure of the Council's Overview and Scrutiny Committees.



Overview and Scrutiny Management Board

The **Overview and Scrutiny Management Board (OSMB)** provides a strategic direction for the work of all the committees. Its work programme for 2015/16 included the following:

- Examination of the Council's Medium Term Financial Plan 2016/2017 – 2019/2020 (MTFP 6), Council Plan and Service Plans and revenue and capital budget proposals for 2016/2017 to make sure that the Council's resources are used effectively and efficiently;
- 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 - Implications of the Government's Policy Programme on DCC;
- Received updates on:
 - The County Durham Partnership
 - Welfare Reform
 - The delivery of the Medium Term Financial Plan 5
 - County Durham Drug Strategy
- Continued to receive regular updates on:
 - Performance management every quarter before it is disseminated to respective Overview and Scrutiny Committees for further comment;
 - 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;
 - Work programme activity from each of the Overview and Scrutiny Chairs;
- Received a presentation on, and had input into, the draft County Durham Poverty Action Plan;
- Received a call-in on the proposed closure of the Durham Light Infantry Museum and future arrangements for displaying the collections;
- Held a special meeting in December 2015 to discuss the future of the DLI collections;
- Led and co-ordinated on the reappointment of the non-voting scrutiny co-optees and the appointment of new co-optees to Scrutiny Committees.



Cllr Joe Armstrong,
Chair of Overview and
Scrutiny Management
Board



Cllr Paul Stradling,
Vice-Chair of
Overview and Scrutiny
Management Board

Corporate Issues Overview and Scrutiny Committee



Cllr John Lethbridge,
Chair of Corporate
Issues Overview and
Scrutiny Committee



Cllr Katherine Henig
Vice- Chair of Corporate
Issues Overview and
Scrutiny Committee

The **Corporate Issues Overview and Scrutiny Committee**, which is aligned to the **Altogether Better Council** priority in our Council Plan has:

- Undertaken and finalised a review of Absence Management;
 - Undertaken a review on the Customer Records Management System (CRMS);
 - Received a systematic review on the recommendations of the Customer First review;
- Collaborated with the OSMB on in depth scrutiny of the of the Council's Medium Term Financial Plan 2016/2017 – 2019/2020 (MTFP 6), Council Plan and Service Plans and revenue and capital budget proposals for 2016/2017 to make sure that the Council's resources are used effectively and efficiently;
 - Received details and commented on the Council's use of powers under the Regulation of Investigatory Powers Act (RIPA) 2000;
 - Refreshed the Corporate Issues Overview and Scrutiny Work Programme;
 - Received quarterly updates on:
 - Performance Management 2015/16 and commented on progress against the Council's corporate basket of performance indicators for the Altogether Better Council Theme;
 - the Forecast of Revenue and Capital Outturn for Assistant Chief Executives and Resources;
 - Customer Feedback: Complaints, Compliments and Suggestions;
 - Received the annual update of The Children's and Adults Service Annual Representations Report 2014/15;
 - Received a presentation on DCC's revised Corporate Complaints Policy;
 - Had input into:
 - the refresh of the Council Plan and Service Plans;
 - the performance indicators for Altogether Better Council.

Adults, Wellbeing and Health Overview and Scrutiny Committee

The Adults, Wellbeing and Health Overview and Scrutiny Committee (AWH OSC) has a statutory role under the Health and Social Care Act 2001 as amended to scrutinise local health services. This committee is aligned to the **Altogether Healthier** priority theme and has:

- Examined and provided commentary upon Quality Accounts 2014/15 including proposed priorities for 2015/16 for Tees, Esk and Wear Valley NHS FT; County Durham and Darlington NHS FT and North East Ambulance Service NHS FT. The Committee also considered updates on progress from all three Trusts in respect of priorities during 2015/16;



Cllr John Robinson,
Chair of AWH OSC



Cllr Sonia Forster
Vice-chair of AWH OSC

- Considered and endorsed the County Durham and Darlington Urgent Care Strategy;
- Scrutinised the Consultation and Engagement Plans in respect of Durham Dales, Easington and Sedgefield CCG's Review of Urgent Care services in North Durham;
- Examined the results of independent review by NHS England's Northern Regional Clinical Senate into proposals by Durham Dales, Easington and Sedgefield CCG in respect of Accident and Emergency Ambulance service model changes in their area, and endorsed the implementation of the new arrangements;
- Considered and commented upon the refresh of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy 2016-2019
- Reviewed Annual Reports and performance information in respect of County Durham HealthWatch and the County Durham Health and Wellbeing Board, including the results of the Board's Peer Review;
- Considered update reports in respect of:
 - County Durham and Darlington Clinical Strategy;
 - The Securing Quality in Health Services (SeQIHS) /Better Health Programme;
 - NHS England's five year Forward View;
 - The Care Act 2014;
 - North Durham and Durham Dales, Easington and Sedgefield CCGs Clear and Credible Plans;
 - Public Health services and funding;
 - The work of the North East Regional Joint Health OSC.
- Engaged with the Care Quality Commission (CQC) as part of their ongoing inspection programme by submitting evidence reports in respect of the North East Ambulance Service NHS FT and North Tees and Hartlepool NHS FT;
- Examined the CQC inspection reports and actions plans in respect of County Durham and Darlington NHS FT and Tees, Esk and Wear Valleys NHS FT;

- Considered and commented upon the Safe Durham Partnership's Draft Alcohol Harm Reduction Strategy and County Durham and Darlington Fire and Rescue Service's Integrated Risk Management Plan 2016-17;
- Considered the County Council's Review of its Care Connect Services;
- Scrutinised the Consultation and Engagement Plans in respect of Tees, Esk and Wear Valleys' NHS FT/Durham Dales, Easington and Sedgefield; North Durham and Darlington CCGs' Review of Organic(Dementia) Inpatient Wards serving County Durham and Darlington;
- Examined the Winter Plan and systems resilience plans of North Durham and DDES CCGs;
- Received quarterly updates on:
 - Performance management 2015/2016
 - Forecast of revenue and capital return for Children and Adults Services;
- Engagement with Hartlepool BC and Stockton on Tees BC in respect of North Tees and Hartlepool NHS FT proposals to close the Assisted Reproduction Unit at University Hospital Hartlepool.

Children and Young People's Overview and Scrutiny Committee

Children and Young People Overview and Scrutiny Committee (CYP OSC) is aligned to **Altogether Better for Children and Young People** priority theme in the Council Plan. This Committee has:

- Undertaken a major review on Take up of Free School Meals and Holiday Hunger to raise awareness of the importance of eligible parents claiming for free school meals and raise awareness of holiday hunger activities taking place in communities;
- Received information on young people who are not in education, employment or training and what help and support is available for them in County Durham;
- Scrutinised the Alcohol Harm Reduction Strategy; the Care Leavers Strategy and the Fixed Play Strategy;
- Examined:
 - the Home to School Transport Policy and fed into the consultation process
 - Educational attainment at key stage two and key stage four;
- Continued to follow closely the impact of smoking on children and young people and the Wellbeing for Life programme;
- Scrutinised:
 - the 0 -5yrs Health Visitor and Family Nurse Partnership services and 5-19 years School Nursing Service;
 - the support given to younger carers in County Durham;
- Received presentations and commented upon:
 - Welfare Reform and Poverty Issues
 - Refresh of the Children, Young People and Families Plan 2016-2019
 - Refresh of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy 2016-2019
 - Review of Youth Support;
- Maintained a keen interest in the health and wellbeing of children and young people in County Durham and has received information on the Children and Adolescent Mental Health Service (CAMHS) Crisis Care Pathway and Help and Support for Children and Young People with Autistic Spectrum Disorder;
- Scrutinised Annual Reports from the Director of Public Health and the Local Safeguarding Children's Board;
- Continued to receive updates on:
 - The Council Plan
 - School Funding Reforms;
- Received quarterly updates on:
 - Performance management 2015/2016
 - Forecast of revenue and capital return for Children and Adults Services;
- Received an update on the review of Self-Harm by Young People;



Cllr Christine Potts
Chair of CYP OSC



Cllr Morris Nicholls
Vice-Chair of CYP OSC

- The Chair of the Overview and Scrutiny Management board, together with the Chair of CYP OSC, were interviewed as part of the Ofsted Single Inspection of local authority childrens' services and review of the Local Safeguarding Children's Board (LSCB);
- Received summary of minutes from Children and Families Partnership;
- Involved young people through taking committee meetings to them in their school.

Economy and Enterprise Overview and Scrutiny Committee

Economy and Enterprise Overview and Scrutiny Committee (Economy OSC) is aligned to the **Altogether Wealthier** priority team in the Council Plan. This Committee has:



Cllr Rob Crute,
Chair of Economy and
Enterprise OSC



Cllr Alison Batey
Vice-chair of Economy
and Enterprise OSC

- Undertaken a review on:
 - Support provided for skills development within County Durham by DCC focusing on the role and performance of DCC in supporting skills development including detail of how it works in partnership with key partners;

- Received updates and commented on key developments and the direction of travel in relation to: the EU funding programme; Youth Employment Initiative; the Combined Authority; the County Durham Plan; the Regeneration Statement and the Housing Strategy;

- Received detail of and commented on the apprenticeship offer within County Durham, the progress of the Digital Durham Programme, the delivery of the various town centre masterplans and the support provided to small and medium sized enterprises (SMEs) within County Durham;

- Consider on an annual basis detail of the work undertaken by the County Durham Economic Partnership and Business Durham;

- Continue to receive information on the continued development of the Homelessness Strategy and Durham Key Options;

- Considered the Regeneration and Economic Development, investment planning process;

- Received an update on the progress of recommendations of the impact of changes in Government Funding and Policy on the Economy of County Durham scrutiny review;

- Monitored the performance and revenue and capital expenditure through quarterly performance management and budgetary reports;

- Received quarterly updates on:
 - Performance management 2015/2016
 - Forecast of revenue and capital outturn for RED service grouping 2015/16;

- Received minutes from the County Durham Economic Partnership.

Environment and Sustainable Communities Overview and Scrutiny Committee

The **Environment and Sustainable Communities Overview and Scrutiny Committee** (Env OSC) has statutory responsibility under the Localism Act 2011 as amended to scrutinise flooding and coastal risk management functions of the council and external bodies (Environment Agency and Northumbrian Water Ltd.) This committee is aligned to the **Altogether Greener** priority theme in the Council Plan. The committee has:



Cllr Barbara Graham
Chair of Environment OSC

Cllr Eddy Adam
Vice-chair of Environment OSC

- Undertaken a review on Parking on Council Land;
 - Scrutinised Warm up North and Fuel Poverty; Renewable Energy and the Flooding and Risk Management Authorities via special meetings;
 - Received regular updates on the waste programme; European Structure and Investment Funding programme and carbon emissions:
- Analysed Contaminated Land Strategy and Air Quality Action Plan;
 - Explored environmental campaigns and Incentives;
 - Considered the Winter Maintenance Plan;
 - Received update on the progress of recommendations on:
 - Woodlands Review
 - Flooding Review;
 - Received and commented on rural and isolated bin collections consultation;
 - Examined strategic cycle routes;
 - Received minutes from:
 - The County Durham Environmental Partnership
 - County Durham Flood Prevention Group
 - Northumbria Regional Flood and Coastal Committee;
 - Received quarterly updates on:
 - Performance management 2015/2016
 - Forecast of revenue and capital outturn for Neighbourhood Services 2015/16;
 - The Committee is the Flood and Coastal Erosion Risk Management Committee for County Durham and receives on an annual basis an update on the work of the Flood Risk Management Authorities for County Durham which focuses on:
 - Flood mitigation work currently being undertaken within County Durham by the Flood Risk Management Authorities for County Durham;
 - Future flood mitigation work to be undertaken and detail of funding;
 - Any issues identified by the Flood Risk Management Authorities in relation to flood mitigation schemes/projects within the County.

Safer and Stronger Communities Overview and Scrutiny Committee

The **Safer and Stronger Communities Overview and Scrutiny Committee** (SSC OSC) has powers under the Police and Justice Act 2006 as amended to scrutinise work being undertaken by the statutory crime and disorder reduction partnership; the Safe Durham Partnership. The committee is aligned to the **Altogether Safer** priority theme in the Council Plan. The committee has:



Cllr David Boyes
Chair of Safer and Stronger
Communities OSC



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

- Completed review activity on organised crime and Substance Misuse Centres. The report's findings and recommendations were presented to and agreed at the Safe Durham Partnership (SDP) Board and Cabinet. An update on organised crime is scheduled during 2016/17 and the Committee are to hold a special meeting with the service provider to follow up on its review work for substance misuse services in June 2016.
- Led activity of the 20 mph Working Group that has completed its work and contributed to achieving value for money with the £1m scheme for 33 schools being expanded to further schools, enhancing phase 1 schemes with local member input and development of a new 20 mph policy. This activity was part of the Council's application for a Municipal Journal Award.
- Engaged with Police, Fire, Ambulance and Accident & Emergency Departments in gathering evidence for its current review on Alcohol and its demand on emergency services.
- Received information and progress reports from the National Probation Service and Durham Tees Valley Community Rehabilitation Company on the implementation of the Government's Transforming Rehabilitation Programme;
- Requested the consumer protection service raise awareness of their positive enforcement activity to Area Action Partnerships and Magistrates.
- Considered a presentation from the Chair of the City Safety Group on progress on implementation of outcomes to improve safety within Durham City following the report by the Royal Society for the Prevention of Accidents.
- Responded to consultations on the Safe Durham Partnership Plan and County Durham and Darlington Fire & Rescue Service Integrated Risk Management Plan;
- Received reports and provided comment on activity of the Safe Durham Partnership Board, Police and Crime Panel, the Road Casualty Reduction Forum, Youth Justice Plan and Checkpoint programme.
- Monitored quarterly performance reports and provided acknowledgment of high performance areas and included performance challenges within its work programme.
- Remained focused on levels of anti-social behaviour (ASB) through consideration of a presentation on reducing the number of secondary deliberate fires, receiving update reports on implementation of recommendations from previous review activity of Neighbourhood Wardens and implementation of new ASB powers.

Regional Scrutiny

The North East Regional Employers' Organisation supports a Region – wide Joint Member and Officer Scrutiny network where all twelve North East local authorities' Scrutiny leads discuss national developments in scrutiny and also have an opportunity to share their work programmes and priorities and consider emerging issues that have an impact across local authority boundaries. Key issues considered by the network during 2015/16 have included the role of Ofsted in Safeguarding Children; Scrutiny of educational performance; the effective scrutiny of Health and Social Care integration; the transfer of 0-5 Children's Public Health Commissioning; the development of relationships between Overview and Scrutiny and the Care Quality Commission.

North East Combined Authority (NECA) scrutiny arrangements

The North East Combined Authority (NECA) has agreed three broad areas of focus:

- Transport
- Employability and Inclusion
- Economic Development and Regeneration

Governance arrangements for the NECA include an Overview and Scrutiny Committee which enables local councillors, on behalf of their communities, to scrutinise and challenge all matters within the remit of the Combined Authority. The committee investigates matters of significant importance to residents across the areas covered by the seven councils with a view to influencing decisions made in respect of all matters within the remit of the Combined Authority. The North East Combined Authority (NECA) Overview and Scrutiny Committee is made up of 14 councillors from across the 7 combined authority areas. Durham County Council is represented on the NECA Overview and Scrutiny Committee by Councillor Joe Armstrong, Chair of DCC's OSMB and Councillor Rob Crute, Chair of DCC's Economy and Enterprise OSC.

The first meeting of the year was held on 22nd June 2015, with an agenda including the Local Enterprise Partnership annual report and overview of funding, and potential topics for the Committee's work programme for the year. The Committee is currently undertaking a policy development scrutiny review on Transport Related Barriers to Education, Employment and Training, which began in 2015. The NECA scrutiny committee is due to meet 6 times this year at varying locations across the NECA area and meetings are open to the public. Further details on NECA can be found at www.northeastca.gov.uk

As part of several devolved powers, the North East Combined Authority has also established a Commission for Health and Social Care Integration, in partnership with the NHS. The Commission will look at the potential for integrating health services, including acute and primary care, community services, mental health services, social care and public health. It is hoped this will strengthen services while improving local outcomes and health inequalities.

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 North East Regional Joint Health Scrutiny Committee consists of lead Health Scrutiny members from all 12 North East local authorities and is charged with scrutinising issues around the planning, provision and operation of health services in and across the North East region, comprising for these purposes the areas covered by all constituent authorities.

During 2015/16, the committee has:

- considered the Annual Report and Performance update for the North East Ambulance Service;
- engaged with NHS England in respect of the Review of Neonatal services in the north east;
- Considered an update by NHS England on the National Congenital Heart Review;
- Examined the North East and Cumbria Learning Disability Fast Track Transformation Plan.

It is envisaged that this work will roll forward into 2016/17.

External Review and Inspection

The Council's Overview and Scrutiny function is frequently engaged in external review and inspection processes. During the course of 2015/16:-

- the Chair of Overview and Scrutiny Management Board and the Chair of Children and Young People's Overview and Scrutiny Committee were interviewed as part of Durham County Council's Ofsted inspection of Children's Services;
- the Chair of the Safer and Stronger Communities Overview and Scrutiny Committee attended a meeting with HMIC Inspectors as part of Durham Constabulary's 'Effectiveness' inspection that included organised crime;
- the Adults Wellbeing and Health Overview and Scrutiny Committee submitted an evidence portfolio setting out how they had worked alongside North East Ambulance Service NHS Foundation Trust as part of their Care Quality Commission Inspection.

Co-optees

Non-councillors 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;
- to bring specialist knowledge and/or skills and an element of external challenge to the Overview and Scrutiny process;
- to take an interest in, attend and contribute to the committees or working groups to which appointed;
- to establish good relations with other members, officers and co-optees;

- where individuals are representatives of any particular organisation or group, to feed back any appropriate discussions or decisions of the relevant committee or working group to their respective organisation or group.

A fundamental review of the appointment process for non-statutory, non-voting co-optees was undertaken in 2014, for a two-year period. The Overview and Scrutiny Management Board agreed in March 2016 that the appointment period for currently serving non-statutory, non-voting co-optees would be extended for a further two years with a fundamental review of the appointment process planned for 2018.

Work Programmes

The current work programmes focus on the priority areas identified within the Council Plan, the Cabinet's Forward Plan of 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 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, or see the Durham County Council website, www.durham.gov.uk.

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