

Report from the Cabinet

Electoral division(s) affected:

All

Purpose of the Report

To provide information to the Council on issues considered by the Cabinet at the meetings held on 16 March, 6 April, 27 April and 18 May 2022 to enable Members to ask related questions by no later than midday 3 working days before the day of the meeting

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1. Feasibility Study Outcomes: Refurbishment and Re-use of the Former DLI Museum and Art Gallery Building at Aykley Heads

Key Decision No. REG/02/22

Cabinet Portfolio Holders – Councillors Elizabeth Scott and James Rowlandson

We considered a report of the Corporate Director of Regeneration, Economy and Growth on the further feasibility studies relating to the refurbishment and reopening of the former DLI Museum and Art Gallery (DLIMAG) and grounds. The report set out an approach to bring it back into use as an exhibition centre, gallery and café venue with appropriate reflective and contemplative grounds.

In June 2021 we agreed to review options to reopen and repurpose the DLIMAG and within this context, also consider the options for housing parts of the collection within the former site. The initial review was considered by Cabinet in September 2021. We identified that the preferred option was to bring the building back into use as an exhibition centre, gallery, and cafe venue with appropriate reflective and contemplative grounds. This would incorporate a dedicated display space for items from the DLI Collection to complement the exhibition plans for the new Durham History Centre. The new History Centre would be the permanent home for the DLI Collection, its storage, care and curation.

Since the decision to review the site in September 2021, an intense period of feasibility studies had been conducted to support decision making in relation to the options to reopen the site and the associated financial requirements.

Engagement with key stakeholders and partners alongside considerations from key council services including planning, highways and equality and diversity, had informed considerations and options for the site. This built upon the stakeholder engagement carried out during July 2021, which was considered as part of the report presented to Cabinet in September 2021.

In October 2021, the Council, in partnership with Durham University and the Culture Durham Partnership, were long listed along with seven other places for the UK City of Culture 2025 competition. A key aspect of the bid was support of the sustainability of cultural assets. Revival of the DLIMAG building as part of the strategic re-development of Aykley Heads, and in line with the county's emerging inclusive economic strategy, provided an opportunity for culture-led levelling up, open to all communities and free at the point of access.

Redevelopment of the site as an exhibition centre would not only enable the delivery of a world-class visual art, alongside displays of our proud history. These would be integral to the broad opportunities at Aykley Heads, but also the wider tourism offer of the country and the region, but a conscious

programme to celebrate culture and heritage and the many positive impacts these can have for residents and visitors.

The feasibility study included the review of five options against a clear brief of objectives to be delivered at the site and for our communities, those options were:

- (a) Option 0 - **Do Minimum** option comprising a refresh and 'clean up' of the existing building within the existing footprint, dedicated display space for the DLI Collection and baseline works to develop a contemplative garden;
- (b) Option 1 – **Minimum Intervention** comprising complete transformation of the existing building, dedicated display space for the DLI Collection and baseline works to develop a contemplative garden, with the demolition of the existing single storey elements (including public toilets) and a small extension to the east of the property;
- (c) Option 2 – **Intermediate Intervention** similar to Option 1 but includes a much larger extension along the full extent of the eastern elevation increasing the net internal area of the building by approximately 47%. The amount of exhibition space, and dedicated display space for the DLI Collection, is increased and there is also an increase in the amount of flexible space for education and events. The café is also larger. Additional space is included for an artist in residence and bookable meeting rooms. Works to the garden are based on a mid-level scope;
- (d) Option 3 – **Maximum Intervention** similar to Option 2 but the extension along the eastern elevation doubles increasing the net internal area of the building by around 96%. This option has the most exhibition space and dedicated display space for the DLI Collection. The space for artists in residence / creative hub is also more than double the space provided in Option 2. In addition to a larger café this option also includes additional space for a new restaurant. Works to the garden are based on the top-level scope;
- e) Option 4 – **Do Maximum** as Option 3 in terms of geometries / space requirements but assumes new build rather than a refurbishment of the existing building.

Options 3 and 4 were the only options to fully meet the critical success factors. Based on the financial, commercial, economic and market analysis to date the report recommended Option 3 as providing the best value for money against the criteria, whilst delivering a cultural and visual art venue that would raise the city and county's profile against the regional and national cultural offer. Construction costings and business plan analysis developed for each option had taken a risk-based approach and maximum expected financial commitments were presented.

Decision

Having regard to the corresponding exempt report we:

- (a) agreed to implement Option 3 as the preferred redevelopment opportunity with a forecast additional MTFP revenue budget requirement, including revenue cost of prudential borrowing required, totalling £1.019 million to be built into MTFP (13) planning;
- (b) agreed that a comprehensive capital and revenue fundraising strategy be developed with immediate effect to seek external funding in order to minimise the prudential borrowing and ongoing revenue commitment of the Council;
- (c) noted the need to further develop all aspects of the preferred option including the preferred delivery model and revenue implications.

2. Forecast of Revenue and Capital Outturn 2021/22 – Period to 31 December 2021 and Update on Progress towards achieving MTFP(11) savings Cabinet Portfolio Holder – Councillor Richard Bell

We considered a report of the Corporate Director of Resources which provided updated information relating to:

- (a) the forecast revenue and capital outturn for 2021/22, based on the position to 31 December 2021;
- (b) the forecast for the council tax and business rates collection fund position at 31 March 2022, based on the position to 31 December 2021; and
- (c) the forecast use of and contributions to earmarked, cash limit and general reserves in 2021/22 and the estimated balances to be held at 31 March 2022.

The report sought approval of the revised capital programme, other budget adjustments, the proposed sums outside of the cash limit in-year and provided an update on progress towards achieving MTFP(11) savings in 2021/22.

COVID-19 had a significant and complex financial impact in 2020/21, which had continued into 2021/22, making forecasting the council's outturn position even more challenging than usual. In addition to the general financial uncertainty during 2021/22, the longer-term financial impact of the pandemic beyond this 2022 remained uncertain at the current stage. The risk in this regard would be considered and assessed in MTFP Cabinet reports.

Since COVID-19 outbreak, the council had implemented national support schemes at short notice such as the various Business Rates Grants Support Scheme(s); the Council Tax Hardship Support Schemes; Test and Trace

Payments; Winter Support Payments Scheme; COVID-19 Local Support Scheme; Infection Control Schemes and Contain Outbreak Management Schemes. In addition, the council had also implemented a range of supplier relief schemes and addressed increased demand for support to vulnerable households whilst trying to accommodate new ways of working itself in response to the pandemic.

Based on the position to 31 December it was forecasted that there would be a net in-year surplus on the collection fund for the council of £0.342 million after taking into account Section 31 grant receivable.

Considering the brought forward position from 2020/21 and including the phasing of collection fund deficits over three years there was a total forecast deficit on the collection fund of £1.498 million. The situation would be kept under close review during quarter four, especially in relation to collection rates as the public and businesses recovered from the impact of the pandemic.

The government had provided non ringfenced funding to local authorities in the current year for the additional costs incurred as a result of COVID-19. £15.56 million had been allocated to the council for 2021/22. In addition, the government had also extended the Sales, Fees and Charges Income Guarantee Scheme for three months to 30 June 2021. This scheme required local authorities to bear the first 5% of any qualifying income loss after which the government provided a grant for 75% of subsequent losses. The council submitted a claim for circa £2.6 million from the scheme for 2021/22.

Based on the position to 31 December 2021 service groupings had forecasted a net overspend of £14.217 million before any adjustment for COVID-19 related items. This net overspend position had mainly arisen from additional expenditure and loss of income associated with the COVID-19 outbreak of £22.882 million. It had been offset by COVID-19 related underspends (relating to closure of facilities and disruption to normal service activity because of the pandemic) of £7.224 million – giving a net COVID-19 related position of a £15.658 million overspend. The position was a £0.996 million improvement since quarter two mainly relating to a lower than forecast impact to materials, recycling and income losses not being as high as forecast in leisure centres and car parks. With the net COVID-19 overspend excluded there was a forecasted cash limit underspend of £1.441 million across all service groupings.

The forecast COVID-19 overspending across the various service groupings is fully offset by the circa £18.2 million the council expects to receive from the government to cover the financial impact of the pandemic. At this stage, net COVID-19 costs are £2.5 million below the grant funding the council expects to receive, which is an improved position on that forecast at quarter two when the net impact was forecast to be £0.5 million below the grant funding provided. This reflected a £1 million improvement in net spending and £1

million of additional grant from the Sales, Fees and Charges Income Guarantee Scheme.

Overall it is estimated that the council's 2021/22 budget will be underspent by £5.856 million, representing 1.3% of the net expenditure budget of £461.251 million.

A wide range of assumptions had been made in relation to expenditure and income over the remainder of the financial year, with significant uncertainty regarding the ongoing impact of COVID-19 following the initial lifting restrictions at the beginning of quarter two and the changes implemented in December following the outbreak of the Omicron variant.

A developing budget pressure related to hyper inflationary pressures in the energy markets. The additional costs associated with energy price uplifts could be managed within the general contingency budget but this position would need to be kept under review. A further risk related to pay inflation, where the trade unions had not accepted the employers 1.75% pay offer. Broader inflationary pressures would need to continue to be managed within service cash limits.

A potential range of interventions would be required by the council and ongoing impacts post pandemic had not yet been quantified. The Cash Limit and General Reserves would potentially be required to meet any shortfall that ultimately arose in this regard whilst longer term strategies were implemented.

In terms of service grouping cash limits, the projected cash limit underspend of £1.441 million was around 0.31% of the cash limit budgets.

At quarter one, Children and Young People's Services had forecasted an overspend of £4.754 million whilst Adult and Health Services had forecasted an underspend of £3.886 million. On 15 September 2021 we agreed to a 2021/22 base budget transfer of £4.5 million from Adult and Health Services to Children and Young People's Services which would also be included in the base budget for 2022/23. The updated quarter three forecast of outturn indicated a cash limit underspend of £0.189 million for Adult and Health Services and a cash limit overspend of £2.210 million for Children and Young People's Services. Consideration would need to be given at final outturn as to how to address the deficit cash limit reserve position within Children and Young People's Services. Previously, cash limit overspends in Children and Young People's Services had necessitated a transfer from general reserves.

In terms of sums outside the cash limit, there was a forecasted underspend of £4.415 million. The position would be kept under careful review, especially in relation to additional costs and loss of income linked to the ongoing impact of COVID-19 and from any further inflationary pressures.

Total earmarked and cash limit reserves (excluding school reserves) were forecasted to reduce by £38.458 million in 2021/22, from £245.532 million to £207.074 million. The forecast at quarter two indicated that total earmarked and cash limit reserves (excluding school reserves) were forecasted to reduce by £36.559 million in 2021/22, to £208.973 million.

A review of all reserves had enabled the realignment of £14.9 million of cash limit and earmarked reserves enabling the investment of earmarked reserves in council priorities. This included a £10 million transfer into the Members' Initiatives Reserve supporting additional investment and £4.9 million to replenish corporate reserves as factored into MTFP(12) and the 2022/23 budget agreed by Council on 23 February 2022.

The forecast cash limit and general reserves position is a prudent one given the significant financial uncertainties facing local government beyond 2022/23. The MTFP(12) report to Council on 23 February 2022 highlighted ongoing budget concerns for the council with a forecast savings shortfall of £29.987 million over the 2022/23 to 2025/26 period, with the delivery of further savings becoming ever more challenging to achieve.

The projected capital outturn this year is £158.979 million, with the capital budgets having been augmented with reprofiled budget from underspending against the 2020/21 capital programme.

To the end of quarter three, the council has delivered savings totalling £4.805 million, which is 90% of the £5.312 million target for the year.

Decision

We noted

- (a) the council's overall financial position for 2021/22 and the continuing uncertainty associated with the outturn forecast resulting from the continuing impact of COVID-19 as set out in the report;
- (b) the forecast use of earmarked reserves in year;
- (c) the forecast end of year position for the cash limit and general reserves;
- (d) the additional costs and income loss faced as a result of COVID-19 which is offset by additional grant funding provided by government;
- (e) the emerging inflationary pressures which it is forecast can be managed within general contingencies and cash limit reserves;
- (f) the position on the capital programme and the Collection Funds in respect of Council Tax and Business Rates; and
- (g) the amount of savings delivered to 31 December 2021 against the 2021/22 targets and the total savings that will have been delivered since 2011.

We agreed the proposed 'sums outside the cash limit' for approval and the revenue and capital budget adjustments as set out in the report.

3. Bus Service Improvement Plan and Concessionary Fares Budget Cabinet Portfolio Holder – Councillor Elizabeth Scott

We considered a report of the Corporate Director of Regeneration, Economy and Growth which sought consideration as to whether the County Council should support some of the bus services across County Durham. This was in response to some routes which were no longer commercially viable due to uncertainty of Government support and reduced passenger numbers because of the Covid pandemic. The proposal in the short-term, was to use budget received from Government for the concessionary fares scheme which would otherwise not be required for that purpose.

In October 2021, Cabinet was advised of progress on formulating a Bus Service Improvement Plan (BSIP) in response to the Government's National Bus Strategy which highlighted our commitment to improving Public Transport. Local authorities were encouraged to submit ambitious bids to what was then heralded as a £ 3 billion investment in bus services.

At that time, it was envisaged that with an increasing return to more normal life, bus patronage would continue to recover closer to pre-pandemic levels. However, the reality of the current position was that passenger numbers remain subdued and that temporary Government support for the industry was set to be withdrawn. The amount of future national funding available was expected to reduce significantly.

Against this backdrop, bus companies across the region had started to plan for the new financial year with no guarantees of financial support from Government either in the short or medium term. As a result, without intervention, expected cuts to bus services across the region of around 10% would impact directly on people accessing employment, education, and other essential services.

If these cuts were to go ahead, they would vary significantly across the County. Some areas may experience a reduction in frequencies, others a loss of evening or weekend services. A minority would see entire services curtailed. By contrast some communities would see no change at all.

There were short term options for Durham to support bus services using savings within the Concessionary Fares budget to allow time for Government interventions to be confirmed and the full state of a post Covid transport system could start to emerge.

Decision

We agreed that the contents of the report be noted together with the potential impacts of the respective funds set to be announced in March. We also agreed that short term support be given to bus services in County Durham by redirecting funding from the Concessionary Fares budget which was forecasted to underspend by £1.934 million during 2022/23.

4. Public Space Protection Order – Durham City Cabinet Portfolio Holder – Councillor John Shuttleworth

We considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an overview of the powers, benefits and risks available under a Public Space Protection Order (PSPO). The report also sought agreement to a consultation on proposed new behaviours and actions to be included in the existing Public Space Protection Order (PSPO) to help control aggressive/anti-social type begging in Durham City.

It had been evidenced that PSPOs were seen as an effective tool in tackling anti-social type behaviour in areas where persistent and ongoing problems had resulted in adverse impact on residents, businesses, and visitors.

Introducing a PSPO for specific activities did not guarantee that problems would be completely eradicated and should only be used along with a range of other intervention methods including education. Consideration should also be given to the resources required to enforce such an order.

Some types of activities could generate negative reputational concerns for both the Local Authority and the local areas where the PSPOs are proposed/in force. There was a PSPO currently in place for the centre of Durham City for the consumption of alcohol outside premises which is due to run until July 2022 and would require a review.

Decision

We agreed that a full consultation exercise be undertaken to gauge the level of public support and to gather evidence on the merits of introducing a new activity to control aggressive begging which could be introduced as a new Public Space Protection order in Durham City.

We also agreed to a consultation exercise which would allow for a full review of the existing PSPO in Durham City which limits the consumption of alcohol.

5. Review of Community Engagement and Funding Processes Cabinet Portfolio Holder – Councillor Elizabeth Scott

We considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an outline of a planned review of the community engagement and funding processes currently provided by Area Action Partnerships (AAPs). The report set out the scope of the review, governance arrangements and proposed timescales for completion.

The Council carries out a number of community engagement functions across its services. One of the key sources of engagement with the public is through Area Action Partnerships (AAPs). AAPs have been in operation since 2009 since the establishment of the Unitary County Council.

Since then, the Council's community engagement work had constantly evolved in terms of new work areas, management of budgets and new approaches to engage with the community, including local responses to the COVID pandemic and local resilience support to Storm Arwen and Storm Malik.

There is a need for the Council to ensure it effectively discharges its duty to consult with the public on important local decisions and there is also the opportunity to enhance support provided to local Elected Members in their community champion role.

Over recent years national and local agendas had changed, and innovative ways of engagement needed to continue. It is important that our community engagement mechanisms are fit for the future and continue to meet the corporate needs of the Council, our key partners and deliver outcomes for our communities and Councillors. For example, there is an exciting opportunity to look at how we could potentially enhance more 'area based' delivery across our communities. This review will focus on a series of issues and key questions to ensure that we can respond appropriately.

Decision

We noted the content of the report and agreed:

- a) the principle of undertaking a review of the Council's community engagement functions, including the work of AAPs;
- b) the scope of the review set out in paragraphs 29 – 31 of the report;
- c) the proposed review timescales set out in paragraph 44 of the report;
- d) the review governance arrangements set out in paragraphs 38 – 41 of the report.

6. Feasibility Study Outcomes: Refurbishment and Re-use of the Former DLI Museum and Art Gallery Building at Aykley Heads [Key Decision No. REG/02/22]

Cabinet Portfolio Holders – Councillors Elizabeth Scott and James Rowlandson

We considered a report of the Corporate Director of Regeneration and Economic Growth on the further feasibility studies that have been undertaken following agreement by Cabinet in September 2021 to consider the options for refurbishment and reopening of the former DLI Museum and Art Gallery (DLIMAG) and grounds. The report set out an approach to bring it back into use as an exhibition centre, gallery and café venue with appropriate reflective and contemplative grounds.

Decision

We agreed the recommendations in the report.

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

Cabinet Portfolio Holder – Councillor Ted Henderson

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

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

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

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

The establishment of a single school operating on a split-side model in 2015 did not address the underlying challenges evident before the amalgamation. Pupil numbers had continued to fall as education standards had declined with challenge from both DfE and Ofsted. As a result, the school faced financial challenges compounded by the long-standing site issues.

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

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

Following the completion of the initial consultation process, the Corporate Director of Children and Young People's Services approved the issuing of a statutory notice proposing to close the Sunnydale site of Greenfield Community College on 31 August 2022 and to rebuild the Newton Aycliffe site. The statutory notice was issued on 20 January 2022. During the 4 week statutory representation period, 14 comments were received, 12 in support of the proposal and 2 not in support of the proposal.

Decision

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

8. Declaration of an Ecological Emergency [Key Decision No. NCC/03/22] Cabinet Portfolio Holders – Councillors Mark Wilkes and James Rowlandson

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

The considerable work of the ESCOSC in assessing evidence on the state of the environment in County Durham and detailed in the circulated report was acknowledged and much appreciated. The findings showed overwhelming evidence for global and national decline in habitats and species, and whilst local data was understandably less extensive it strongly mirrored the national and global trends.

County Durham had a rich tapestry of habitats. From its upland peatland and moorland, to the Wear and Tees lowlands with semi-natural ancient woodland, meadows and wetlands, to the magnesian limestone plateau with its species rich pasture and Heritage Coast. This represented not only a valuable resource for biodiversity, and a store for carbon, but an incredible asset for recreation and wellbeing. The environment had of course been shaped by farming, industrial heritage and settlements, and as in the past, human influence would hold the key to improvements in the future.

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

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

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

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

Strategy, when produced, would be a key high-level guide to influence the priorities in the Council's future action plans.

Further guidance was awaited from Department of Agriculture Food and Rural Affairs (DEFRA) on the Local Nature Recovery Strategy but this did not prevent the County Council considering what more it could do in further enhancing biodiversity from its own landholdings. Whilst the Council already had 31 designated Local Nature Reserves and an additional 61 sites identified as important for local wildlife, it was fully recognised that the Council's plans would need to go beyond the managed sites to consider what more could be done through different services (clean and green management of open spaces, planning for instance) and key relationships with education, awareness and volunteering. This work in compiling an initial plan could commence immediately.

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

Decision

We agreed to:

- (a) thank ESCOSC for its work detailed in their report in examining evidence relating state of habitats and species across the County, and for its recommendations to Cabinet;
- (b) declare an ecological emergency for County Durham;
- (c) ask for an initial action plan on Council activities in response to this declaration be provided within six months;
- (d) include planning for the ecological emergency in future MTFP planning cycles with a value for money outcome-based focus alongside other projects and programmes;

We also noted that the Council was required to prepare a Local Nature Recovery Strategy, which would, once complete, inform future plans that considered opportunities for enhancing biodiversity both by the Council and countywide partners.

9. Annual Review of Constitution

Leader of the Council – Councillor Amanda Hopgood

We considered a report of the Head of Legal and Democratic Services and Monitoring Officer which presented the Constitution following the annual review, for adoption by Council.

The Council's Constitution described the four methods by which the Council operated; the Council, the Executive, Overview and Scrutiny and the Committees. It also provided the framework of operation in terms of:

- (a) the rules and procedures to be followed by the Council and committees when conducting their business;
- (b) the decision-making powers of the Council, the Executive, Committees and Officers;
- (c) the financial and contract regulations;
- (d) the rights of the public;
- (e) codes of conduct for councillors and employees;
- (f) members allowances;

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

Decision

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

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

Cabinet Portfolio Holder – Councillor Elizabeth Scott

We considered a report of the Corporate Director of Regeneration, Economy and Growth to seek Cabinet's approval to commence consultation on:

- the second draft of the Parking and Accessibility Supplementary Planning Document;

- the first draft of the Developer Contributions Supplementary Planning Document; and
- minor alterations to the Residential Amenity Supplementary Planning Document.

All three documents supported the recently adopted County Durham Plan which sought to ensure that County Durham was a successful place to live, work, invest and visit and focussed on supporting and creating vibrant communities.

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

Decision

We agreed:

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

to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the document following consultation.

11. Updated SEND Strategy for County Durham 2022-24 Cabinet Portfolio Holder – Councillor Ted Henderson

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

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

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

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

Decision

We adopted the SEND Strategy 2022-24

12. High Needs Block Funding for SEND and Inclusion Support Cabinet Portfolio Holders – Councillor Ted Henderson and Richard Bell

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

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

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

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

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

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

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

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

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

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

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

- Centrally Managed Services;
- Special Schools;

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

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

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

Decision

We noted the updated assumptions and forecast position for HNB spend in 2021/22 and the progress on the transformation projects and other work outlined in the report.

We agreed:

- (a) to the updated five-year financial plan for 2020/21- 2025/26 which included a deficit recovery plan for previous HNB overspend to be recovered; and
- (b) the five-year plan being regularly reviewed and updated, including allowing for any impacts from the coronavirus outbreak and subsequent recovery period which may be protracted in relation to SEND support needs; and

13. Apprenticeship Strategy 2022 – 2025 Cabinet Portfolio Holder – Councillor Richard Bell

We considered a report of the Corporate Director of Resources to adopt the council's updated Apprenticeship Strategy for the period 2022-2025.

The council's apprenticeship strategy and programme were an integral part of the council's approach to address current and future skills needs.

Apprenticeships helped the Council to attract and retain the very best talent

and to benefit from a skilled, motivated and flexible workforce to deliver high quality services to the Council's communities.

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

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

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

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

Decision

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

14. Poverty Strategy and Action Plan **Cabinet Portfolio Holder – Councillor Alan Shield**

We considered the report of the Corporate Director of Resources which provided an update on work to ensure a coherent and co-ordinated strategic approach, both within the council and across the Council's partners to address poverty across County Durham.

The report also sought approval to consult on a revised County Durham Poverty Action Plan which set out a comprehensive response to the impacts of the wide-ranging poverty issues within the county.

In the annual Poverty Issues report to Cabinet on 15 December 2021, information was presented on the progress made by the council and its partners in addressing poverty issues across the county. The report described the work of the council and partners to address and help alleviate the pressures which contributed to vulnerability arising from an individual's inability to meet their personal needs.

The Cabinet report was then presented to Corporate Overview and Scrutiny Management Board. Their feedback influenced the strategy refresh approach.

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

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

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

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

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

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

A draft updated strategy and action plan had been developed as a result of the review process and was presented for consideration. Further consultation was proposed to ensure that partners and other key strategies, such as the emerging Inclusive Economic Strategy were fully aligned. A further report

would then be brought back to Cabinet following consultation, to update the Poverty Strategy and Supporting Action Plan in line with that feedback.

Decision

We noted the contents of the report and that a further report be brought back to Cabinet following that consultation to update the Poverty Strategy and Supporting Action Plan in line with that feedback

We approved the revised Poverty Strategy and Action Plan for wider consultation and engagement with partners and stakeholders.

15. North East Screen Industries Partnership Cabinet Portfolio Holder – Councillor Elizabeth Scott

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

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

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

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

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

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

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

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

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

Decision

We:

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

of the 2022/2023 financial contribution alongside the equivalent contributions of the constituent local authorities within NECA.

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

**16. Tees Valley Energy Recovery Facility Local Authority Special Purpose Vehicle, Key Decision No. NCC/02/22
Cabinet Portfolio Holder – Councillor Mark Wilkes**

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

Decision

The recommendations in the report were approved.

**17. Durham County Council Headquarters Alternative Options Assessment [Key Decision: REG/04/22]
Cabinet Portfolio Holders – Councillors James Rowlandson and Richard Bell**

We considered a joint report of the Corporate Director of Regeneration and Economic Growth and the Corporate Director of Resources which was the third in a series of reports reviewing the plans to occupy the newly constructed building on The Sands in Durham City. The report considered the options for the location of the Council's Headquarters (HQ) and the functions and use of its estate to support wider economic objectives for the county should the Council not occupy The Sands site. The report set out a proposal to dispose of The Sands site, (excluding the surface car park area and new multi storey car park), subject to planning. The Cabinet considered the key business case requirements and value for money, including economic, financial, commercial, management and strategic objectives.

On 16 June 2021, Cabinet agreed to review the options for use of the newly constructed Durham County Council Headquarters (HQ) at The Sands in Durham City and to set out an approach for reviewing the options for the Council's HQ functions.

The building at The Sands had been completed, however, the common land de-registration process had resulted in additional unforeseen and unbudgeted

costs of circa £2.1 million having been incurred to practical completion. This had resulted in an overall development spend of £51.2 million.

The additional costs could be largely offset should the Council choose not to occupy the building as the planned investment in audio-video/ICT infrastructure and new furniture and fittings, which were included in the original budget sum, could be saved. This reduced the overall additional spend incurred to a forecast £0.6 million, which could be financed from capital contingencies and would require a revised development budget of £49.7 million.

On 29 September 2021, we agreed to a number of recommendations regarding the future of the Council's estates strategy and Council HQ functions. It was agreed that further work would be undertaken on alternative options for office accommodation and committee space for the Council. The protection of the strategic employment development site at Aykley Heads and future demolition of the existing County Hall building was also agreed. The need to meet public interest and value for money considerations underpinned the September 2021 report and these considerations were required to inform any change to the original plans for the Council to occupy The Sands building.

Cabinet agreed that the viable alternative to the Council occupying the new HQ building on The Sands would be for the disposal of that the building or the letting of the building to a single third-party occupier within a reasonable timescale and to conclude the position by Summer 2022. The September 2021 report identified the difficulties in securing interest in a building of this size, noting that another single occupier would likely be the only viable alternative. We noted the high-level risks and issues that would require consideration prior to any final decision not to occupy the building on The Sands and to dispose of it.

The September 2021 report also advised that a third party had expressed an interest in acquiring the building. It was agreed that negotiations with the third party would progress on a subject to contract basis, whilst at the same time, a business case for an alternative accommodation strategy would be prepared. The interest from a specific third party was referenced in the report, but not formally identified at that time due to commercial confidentiality.

The interested third party, Durham University, sought to acquire the building to enable the development of the University business school. The use of the building, readiness of the University and the heads of terms agreed for the purchase price were the key factors in the justification for the disposal to a 'special purchaser' in this case.

Durham University Business School (DUBS) and its strong global reputation would provide an important economic asset to the overall development. The University also had a key role in enabling and supporting an inclusive economy. The University had presented clear evidence of a readiness to move forward with the business school, subject to planning.

It was agreed that any negotiation with the third party must be concluded no later than three months following approval of any viable alternative office accommodation strategy, which was anticipated to be Summer 2022.

It was agreed that if a satisfactory outcome from negotiations with the interested third party could not be reached within the timeframes set out in the report, or if a viable alternative office accommodation strategy was not found, then the Council would occupy the building on The Sands as its new HQ.

The proposed disposal to the University was subject to planning approval of a change of use for the existing site to support the use as a business school (use for education purposes). A planning application led by the University is expected to be considered by the County Planning Committee in July 2022. The report provided Cabinet with the outcome of the negotiations with the University and the business case for disposal, including the broader economic outcomes and the alternative Council office accommodation strategy that could be implemented. The report addressed the public interest and value for money considerations that needed to inform any change in the original plans for the Council to occupy the building on The Sands.

Underpinning the recommendations set out in the report were a range of issues, not only the importance and opportunity to ensure a high performing and consistent approach for publicly accessible, workforce accommodation and space, but also the opportunities to achieve strong economic objectives releasing wider development for the county, a strong commercial outcome for public money and an alternative accommodation plan that meets the Council's needs.

A number of key areas were considered as part of the business case:

- (a) demonstrating a strong financial position from progressing the alternative options;
- (b) a clear economic case that meets the Council's aspirations for levelling up and an inclusive economy;
- (c) the connectivity of the development of the Council's estate with broader regeneration master plans for the county including the Aykley Heads strategic employment site development;
- (d) the need to ensure that climate change is considered in the proposals; and

- (e) ensuring that the development of the estate can reflect the needs of the Council to deliver effective services and workforce wellbeing.

Technical reviews to assess the key aspects of the strategic, economic, financial, commercial and the management case for the proposals were undertaken. This included understanding the costs and comparison of the benefits of the alternative estates strategy, against the original business case for occupying the building on The Sands. Additional work would be required on the detailed development and assurance of the project as it is implemented. In reviewing the preferred option for the alternative estates strategy, the following options and building scenarios were considered:

Aykley Heads, Plot C, offered potential to provide a flexible space in a building that would be available within a relatively short timescale. Consideration would need to be given to the grant funding provided by the LEP to part finance the construction.

Conclusion: To be further considered as part of an alternative accommodation strategy.

Aykley Heads, Plot D Development Site offered the potential to provide flexible dual use civic space for the Council and, importantly, conferencing accommodation and facilities for the broader Aykley Heads development, along with office accommodation. The overall size of accommodation could be adjusted to reflect need.

Conclusion: To be further considered as part of an alternative accommodation strategy.

Durham Salvus House is currently occupied by Business Durham and a number of small businesses. If this building were to be used to accommodate additional Council staff, businesses would need to be relocated.

Conclusion: Due to the impact and disruption for businesses already located in this site, this option was not considered appropriate for further consideration.

Spennymoor Education Development Centre was extensively used by schools and a significant refurbishment and/or extension was not considered to represent the best option for the accommodation requirements set out in the report given the impact on existing users and wider implications on timescales for the development of the wider Aykley Heads site.

Conclusion: It was not considered appropriate for further consideration.

Meadowfield Annand House provided limited scope for additional office accommodation of the scale required.

Conclusion: It was not considered appropriate for further consideration.

Durham Priory House was currently leased out by the Council. Any Council occupation would require the current lease to be terminated with a resulting risk of the occupant relocating outside of the County Durham area.

Conclusion: It was not considered appropriate for further consideration.

Tanfield Lea Comeleon House had limited scope to provide additional office accommodation of the scale required.

Conclusion: It was not considered appropriate for further consideration.

Stanley Front Street was a vacant building which significantly detracted from the Town Centre and future investment opportunities. Although refurbishment costs were higher than for other buildings, bringing the building back into use as office accommodation as part of this strategy would bring broader regeneration opportunities and outcomes.

Conclusion: To be further considered as part of an alternative accommodation strategy.

Taking account of the desired objectives, the preferred alternative accommodation strategy consisted of occupation of the building currently under construction at Plot C, Aykley Heads, a new build civic centre incorporating a conferencing facility at Plot D, Aykley Heads and the refurbishment of the former Customer Access Point building at Front Street, Stanley, which were recommended for the following reasons:

- a) considers the estate as part of a broader plan for regeneration;
- b) provided flexibility for the Council's office accommodation;
- c) allowed for increased use of existing assets;
- d) provided the option for civic accommodation to be used as a conference facility for the wider Aykley Heads employment site, which would enhance marketing opportunities for the Aykley Heads site;
- e) overall, the revised estates strategy sought to deliver against a range of objectives to meet a balanced outcome and ensure value for money.

We also considered a separate, private report which included information considered to be exempt under paragraph 3 Schedule 12A of the Local Government Act 1972.

Decision

We:

- (a) noted the work that has been undertaken to review the Council's current main office estate and office accommodation requirements, to reflect the needs of the business and the ways of working post Covid, and the business case underpinning the preferred alternative office accommodation strategy set out in the report;
- (b) noted the options set out in the report to provide an alternative HQ and office accommodation, including the proposal for a new civic site for the authority which provides an opportunity for wider events space at Aykley Heads and will enhance the attractiveness of the site to prospective occupiers;
- (c) agreed the preferred office accommodation option for a new build civic centre at Aykley Heads Plot D, use of the building under construction, Plot C at Aykley Heads for office accommodation and refurbishment and use of the former Stanley Customer Access Point;
- (d) noted the flexibility to review the scope and scale of the new build and refurbishment areas to reflect any changing requirements which could include bringing other buildings into the strategy. Authority for such changes to be made to be delegated to the Corporate Director of Regeneration Economy and Growth and Corporate Director of Resources in consultation with the Cabinet Members for Resources, Investments and Assets and for Finance;
- (e) noted that this strategy will be further developed considering technical delivery, legal issues, consultation and further detailed appraisals commensurate with a development of this type and scale;
- (f) agreed to progress with the disposal of the building on The Sands, to exclude the surface car park area and multi storey car park, to Durham University. The disposal to be subject to planning permission for a change of use to enable the building to be used as the University's business school;
- (g) delegated authority to the Corporate Director of Regeneration Economy and Growth and Corporate Director of Resources in consultation with the Cabinet Members for Resources, Investments and Assets and for Finance to agree the detailed terms of the disposal;
- (h) agreed that should the University not move forward with the acquisition within timescales set out in the report, that the Council moves into the existing building on The Sands;

- (i) agreed that any surplus funds from the disposal that are not otherwise required for the delivery of the Council's revised estate strategy will be available for MTFP planning purposes and can be considered for a range of investment opportunities including levelling up investment across the wider county;
- (j) agreed that the capital budget for The Sands development is increased by £0.6 million, financed from capital contingencies, on the basis of the building being sold to Durham University, or £2.1 million if retained and occupied.

18. Council Plan 2022-2026

[Key Decision: CORP/R/22/04]

Leader of the Council – Councillor Amanda Hopgood

We considered a report of the Corporate Director of Resources which presented the draft updated Council Plan for the period 2022-2026, prior to it being submitted for consideration and approval by Full Council in June.

The Council Plan was Durham County Council's primary corporate planning document. It detailed Durham County Council's contribution towards achieving the objectives set out in the Vision for County Durham 2035, together with the objectives and change agenda. It aimed to provide a readable and accessible summary for members, partners and the public on the Council's priorities for the county and the main programmes of work that to be undertaken over the coming four years to help achieve these priorities.

The Council Plan aligned to both the council's Medium-Term Financial Plan which sets out how priorities would be resourced and the County Durham Plan, a spatial representation of the ambitions contained within the Council Plan around housing, jobs and the environment until 2035, as well as the transport, schools and infrastructure to support it.

The current Council Plan was approved by County Council in November 2020, and covered a period of four years. It had been refreshed to reflect the political changes in the Council in May 2021, set an additional objective relating to the environment and climate change and had been updated to reflect new initiatives such as the development of the inclusive economic strategy, the bid for City of Culture and the decisions taken on the review of the former DLI museum. It reflected the outcome of the review of the plans to occupy the newly constructed building on The Sands in Durham City and the revised proposals for the location of the council's Headquarters (HQ) functions and use of its estate to support wider economic objectives for the county.

The Council Plan reflected the ambitious nature of the Council and how it would build back better following the pandemic. The plan is underpinned by a series of corporate strategies and service planning arrangements which are

being undertaken to deliver on priorities. Historically, the Council Plan had been updated every three to four years. In future, it is proposed that the plan be refreshed annually to ensure full integration of corporate and financial planning.

Decision

We considered and agreed the content of the draft Council Plan 2022- 2026 and that the updated Council Plan be considered by Full Council in June. We delegated authority to the Corporate Director of Resources in consultation with the Leader to make any further minor amendments and updates to the document as necessary prior to consideration by Full Council.

19. Durham County Council Headquarters Alternative Options Assessment [Key Decision: REG/04/22] Cabinet Portfolio Holders – Councillors James Rowlandson and Richard Bell

We considered a joint report of the Corporate Director of Regeneration and Economic Growth and the Corporate Director of Resources which reviewed the plans to occupy the newly constructed building on The Sands in Durham City. The report considered the options for the location of the Council's Headquarters (HQ) and the functions and use of its estate to support wider economic objectives for the county should the Council not occupy The Sands site. The report set out a proposal to dispose of The Sands site, (excluding the surface car park area and new multi storey car park), subject to planning. We considered the key business case requirements and value for money, including economic, financial, commercial, management and strategic objectives. The report supplemented item 2 on the agenda.

Decision

That the recommendations in the report be approved.

20. Annual Enforcement Programme Children and Young Persons (Protection from Tobacco) Act 1991 and Anti-Social Behaviour Act 2003 Cabinet Portfolio Holder – Councillor John Shuttleworth

We considered a report of the Corporate Director of Neighbourhoods and Climate Change which reviewed enforcement activities under the Children and Young Persons (Protection from Tobacco) Act 1991, the Anti-Social Behaviour Act 2003, and the Licensing Act 2003 for the period April 2021 to March 2022. The report also sought approval of a new enforcement programme for 2022/23.

The County Council had a statutory responsibility for enforcement of age restricted products, namely tobacco, nicotine inhaling products, spray paint containers, alcohol, videos and DVDs, cigarette lighter refills, fireworks and the proxy sale of tobacco products and supply of nicotine inhaling products to under 18s. The Authority had also elected to enforce the age-restricted sales of solvents and glue, knives, access to gaming establishments and access to sunbed premises.

For many years the Authority had taken a proactive approach to tackling the harms and criminality associated with the illegal supply and misuse of alcohol and tobacco within County Durham. Together with partners including the Police Licensed Economy Team and the County Durham Tobacco Alliance, the Council continued to conduct high visibility enforcement campaigns to tackle health inequalities and links with organised crime associated with such products. The protection of children was also a high priority. This formed part of a holistic approach the County Council had adopted to tackle the harms caused by alcohol and tobacco, as well as tackling the wider determinants of health.

Over the last two years, Covid had impacted on service activities and staffing resource, with members of the service being involved in the regulation of businesses impacted by the Covid restrictions. As a result, the timing of the annual plan had been disrupted and activity had been significantly limited compared to previous years. Considerations around the health and wellbeing of staff and, most importantly, any young volunteers used in test purchase exercises had put this work on hold in terms of the ability to conduct test purchases in a Covid secure way. This was in line with the health and safety risk assessments around work activities. Covid business restrictions and social distancing had limited activities and the approach to businesses. As a result, Covid had curtailed areas of the enforcement work relating to illicit tobacco and age restricted products.

With the emergence from the pandemic, there were plans to relaunch this important area of work, to protect young people and residents of County Durham and safeguard their health and wellbeing. This report provided details of enforcement activity during 2021/22 in relation to age restricted products and tackling supplies of illicit tobacco. It also provided information in relation to complaints, test purchase and seizure activity for the period and the outcomes of enforcement action. The proposed enforcement programme for 2022/23 was also provided.

Decision

We noted the enforcement activity undertaken during 2021/22 and approved the proposed enforcement programme for 2022/23.

21. Health Protection Assurance Annual Report Cabinet Portfolio Holder – Councillor Paul Sexton

We considered a joint report of the Corporate Director of Adult and Health Services and the Director of Public Health which provided members of Cabinet with an update on health protection assurance arrangements in County Durham and health protection activities over the course of the year. The Health Protection Assurance and Development Group (HPADG) meets quarterly and seeks assurance on five main strands of health protection activity, in addition to data and communications which are threaded throughout:

- (a) Screening programmes;
- (b) Immunisation programmes;
- (c) Outbreaks and communicable diseases;
- (d) Strategic regulation interventions;
- (e) Preparedness and response to incidents and emergencies.

The report provided information on key achievements overseen by HPADG in the last year including the following:

Programme delivery:

- (a) Improvement in flu vaccination uptake amongst eligible groups and effective delivery of the extended Durham County Council flu vaccination to all staff, with sustained increased uptake;
- (b) The Progression of work with cervical screening services to ensure that staff shortages and previously restricted access to training has improved;
- (c) Sustained delivery of national immunisations programmes;
- (d) Sustained delivery of the Antenatal and Newborn Screening programme;
- (e) Development of the avian flu and seasonal flu (care home settings) anti-viral prescribing pathways.

Collaborative system working:

- (a) Continued excellent working relationships with UK Health Security Agency (UKHSA) during a time of significant change and COVID-19 enabling response to several non-covid outbreaks and incidents;
- (b) Development of Health Protection Assurance Board (HPAB) Transition Plan capturing the learning from covid including in relation to engagement of communities (vaccine inequality), use of data, real time dashboards and national and local intelligence;

- (c) Establishment of a protecting health team within public health to embed the learning from COVID-19 lead both proactive and reactive health protection responsibilities, working closely with system partners;
- (d) Completion of collaborative review, Public Health and NHS England (NHSE), to identify variation in second dose measles, mumps, and rubella (MMR) vaccinations by GP practice and address key issues contributing to this variation and undertake catch-up programme.

Areas impacted by COVID-19 and requiring further development:

- (a) All screening programmes have been impacted by the pandemic other than Antenatal and Newborn screening;
- (b) The restoration of affected screening programmes was started prior to the second wave and will have been affected by successive waves;

Development areas include:

Programme delivery

- Understanding reasons for underperformance for the newborn and infant physical examination and ensure remedial measures are put in place;
- Improving uptake of certain vaccinations including shingles and pneumococcal;
- Ensuring equitable coverage and uptake of screening and immunisations programmes, seeking to identify, understand and address within Durham inequalities;
- Ongoing work with schools and providers to ensure improved rates of vaccination amongst adolescents, learning lessons from the COVID-19 vaccination campaign to ensure equity of access and to work with NHSE and local school provider, Harrogate and District Foundation Trust (HDFT), to gain assurance of actions and catch-up programmes in place to address reduced uptake due to disrupted programme delivery.

Collaborative system working

- Development of a sexual health strategy for County Durham;
- Ensuring health protection and public health related; emergency preparedness is assured during organisational change;

- Working with County Durham and Darlington Foundation Trust (CDDFT) and key stakeholders to support high quality infection prevention and control measures.

Decision

We noted:

- (a) the content of the report;
- (b) that the performance in County Durham for all childhood immunisation programmes exceeds both national standards and national averages;
- (c) that the report provides broad assurance that effective processes are in place for each of the key strands of health protection activity;

We requested a further report be presented to a future meeting of Cabinet which provides further assurance in respect to flu and COVID-19 vaccination, the ongoing work with CDDFT in relation to Infection Prevention and Control (IPC).

We also supported the development and delivery of the transition plan to 'Living with Covid' capturing the learning from Covid and the review of health protection governance arrangements aligning the robust Covid assurance arrangements with wider health protection governance.