

DURHAM COUNTY COUNCIL

At a Meeting of **Corporate Overview and Scrutiny Management Board** held in Committee Room 2, County Hall, Durham on **Monday 28 October 2024 at 9.30 am**

Present:

Councillor R Crute (Chair)

Members of the Committee:

Councillors V Andrews, A Batey, J Charlton, S Deinali, J Elmer, L Fenwick (Substitute) (substitute for M Johnson), P Heaviside, L Hovvells, C Lines (Vice-Chair), C Marshall, C Martin, J Miller, E Peeke, A Reed, K Shaw, M Stead, A Sterling and A Surtees

Apologies:

Apologies for absence were received from Councillors B Coult, K Hawley, C Hunt, M Johnson, L Maddison, B Moist, R Yorke and S Zair

1 Apologies for Absence

Apologies for absence were received from Councillors B Coult, C Hunt, M Johnson and S Zair.

2 Substitute Members

Councillor L Fenwick for Cllr M Johnson

3 Minutes

The minutes of the meeting held on 3 September 2024 and of the special meeting held on 3 October 2024 were agreed as a correct record and signed by the Chair.

Referring to page 7 of the 3 September 2024 minutes, Councillor J Miller had not received any update to the transport figures requested. This would be followed up after the meeting.

4 Declarations of Interest

There were no declarations of interest.

5 RIPA Annual Report 2023/24

The Board considered a report of the Director of Legal and Democratic Services which provided information about the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 ('RIPA') during the period of 1 April 2023 to 31 March 2024. The report also presented proposed changes on the Council's Corporate RIPA Guidance as part of the annual review for comment by the Board prior to its consideration by Cabinet (for copy see file of minutes).

The Legal Officer (Governance) reported that four areas were proposed for amendment as part of the annual review of the corporate RIPA guidance. The Corporate Overview and Scrutiny Management Board would continue to provide in-year oversight of the use of RIPA powers and be able to provide comment, however, changes to the Corporate RIPA guidance would be approved by Cabinet. This would ensure that the Council's arrangements fully reflected the requirements of the Code of Practice.

For the period between 1 April 2023 to 31 March 2024, there were two directed surveillance authorisations and three CHIS authorisations. This activity has been reported to this board on a quarterly basis.

An abridged version of the guidance had been drafted which if approved was proposed to be published on the council's website. This would provide the public with an overview of and greater transparency in relation to how the council used RIPA powers.

Resolved:

- a) That the Council's use of RIPA during the period 1 April 2023 to 31 March 2024 be noted;
- b) That it is recommended Cabinet approves the proposed changes to the Council's Corporate RIPA Guidance;
- c) That it is recommended Cabinet approves proposed changes to the Council's abridged RIPA policy document be approved.

6 RIPA Q2 2024/25

The Board considered a report of the Director of Legal and Democratic Services which informed Members of the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) during the period 1 July to 30 September 2024 (for copy see file of Minutes).

The Legal Officer (Governance) reported that during quarter 2 there were three directed surveillance applications and no CHIS applications presented to the Court. The directed surveillance applications were authorised in July 2024 and September 2024 respectively and related to the sale of illicit

tobacco products in retail premises. Two closure notices had been initiated on two of the retail premises and the third was ongoing and would be reported to this board at a future meeting.

Resolved:

- (i) That the quarterly report on the Council's use of RIPA for the period covering quarter 2 2024/25, be received.
- (ii) That the powers were being used consistently with the Council's policy and that the policy remained fit for purpose.

7 Adult and Health Services (AHS) Annual Statutory Representations report 2023/24

The Board considered a report of the Corporate Director of Adult & Health Services which provided an overview of statutory representations relating to adult social care services for the period 1 April 2023 – 31 March 2024 (for copy see file of minutes).

The Service Manager, Operational Support reported on the key issues and said that the key focus was on resolution and engagement with complainants, and having a resolution plan in place. She confirmed a 21% increase in the number of complaints investigated and that the most common reason for making a complaint in 2023/24 had been the Finance – Charging Policy, the same reason as the previous year. The service would focus on learning and actions within their service plan.

Although the number of complaints had increased the Service Manager reported that over half were not upheld. She went on to advise that there had been a slight increase in the number of complaints made to the Local Government and Social Care Ombudsman (LGSCO) however 14 of the 21 cases had closed with no further action or had been declined.

In conclusion the Service Manager said that a high level of service would be maintained that the service would continue to strengthen the areas in finance charging, adding additional tools and communications to support and encourage individuals and their carers to undertake financial assessments at the earliest possible opportunity in the process.

Councillor J Miller was concerned that two recent LGSCO cases had reported that the Council had not disclosed financial information early enough in the process, and the other two cases had concluded after admitting fault during our own investigations.

The Chair added that as this was the highest area of complaints, the same as the previous year, and asked what measures had been put in place.

In response the Service Manager explained that although this was the most common area for complaint, not all had been upheld. She assured members that the service were continuing to build on measures relating to financial assessments and had rolled out an online process that service users and their families could access. A max charging calculator is also being implemented to support people to understand what a service may cost them. Also, regular communications and staff briefings on the information to be provided, to enhance learning and improvements in practice from complaints. All additional actions had been added to the service improvement plan.

Councillor Hovvels was concerned that figures reported were too high and asked what was in place to change that. She understood that costs were often out of our control through private providers but was concerned about vulnerable residents and the families who were faced with bills that they could not afford. She referred to the social workers reviews closed some time ago and asked if this had impacted on some of the figures. The service Manager advised that review performance and any associated actions are tracked closely through the Service Quality Assurance Board.

The Chair added that these were valid concerns as we did not keep records of the Adult Social Care workloads in the same way that the Council had to do for Children's Social Care. As this could have an impact down the line this would need to be monitored and looked at in the future.

The Corporate Performance Manager assured members that performance was improving and that the annual review was closely monitored in relation to social care workloads. He explained that there was no overall measure for Adult Social Care caseloads as the nature of this work was vastly different and included hospital caseloads, longer term caseloads and often in smaller teams.

In response to a question from Councillor V Andrews about residents being referred to other services, the Service Manager reported that the service did work in collaboration with other health services and that the Council did include health partners figures overall where the Council led on these investigations on behalf of the organisations involved, but would re-direct complaints and still monitor those and contribute to investigations in relation to the overall delivery of adult social care.

With regards to social care and ombudsman complaints the Chair asked about what communication took place between the two organisations. In response the Service Manager explained that it is a single joint process with a duty for health and social care to collaborate. . The Leader, Chief Executive and Monitoring Officer receive an annual compliance letter from the LGSCO.

Councillor C Lines referring to the statistics and the increase of complaints, the decrease of compliments and the number of upheld complaints and asked if this reflected the pressure on the service and were the service seeing any trends for next year. The Service Manager informed the board that they did look for any trends and noted that whilst there was an increase in complaints there wasn't a corresponding increase in the number of complaints withheld. Previously the ratio of compliments to complaints had been higher and referred to the graphs shown in appendix 2 of the report. She confirmed that there were no specific trends but that this was closely monitored.

In response to the Chair the Service Manager confirmed that the highest number of complaints and compliments were received for the same areas.

The Chair asked if any timed out complaints were still looked at and the Service Manager advised that although a complaint may be declined formally that the service would still ensure that the users voice was captured and points taken on board.

Resolved

- a) That the contents of the report be noted
- b) That the AHS Annual Statutory Representations Report be received
- c) That the publication of the AHS Annual Statutory Representations Report be agreed

8 North East Combined Authority Update

The Board considered a report of the Head of Legal and Democratic Services which provided an update on the establishment of and governance arrangements for the North East Combined Authority (NECA) (for copy see file of minutes).

The Principal Overview and Scrutiny Officer highlighted the key elements of the devolution deal, the five commitments set out by NECA, the membership of the NECA Cabinet and Scrutiny arrangements including key roles and responsibilities and the effective challenge to decision making.

The Chair said that it was important to work closely with NECA through effective scrutiny arrangement but that it was important to think about what was best for County Durham to try to align work programmes and priorities.

Councillor C Martin said how important it was to have a proper and robust scrutiny process in place during the 4 year term of Kim McGuinness as Mayor of NECA, with proper checks and balances in place. He said that it was important to increase the number of scrutiny meetings held to ensure we

had more prevalence and to heighten the roles of our Chair and Vice Chair. As this role required members to work hard, attend multiple meetings looking at various aspects of improvement he suggested that there should be a special responsibility allowance introduced.

The Chair said that he saw his role on NECA as an extension of his role as Chair of this Management Board and that he would be guided by this board, the thematic committees, and the work programmes. He added that he would always strive to push for what was best for County Durham and how that transpired with NECA. He did not agree with the points about any remuneration as this would be a matter for the Independent Remuneration Panel. He confirmed that there were more meetings taking place than the ones publicised, as he had attended meetings with the Cabinet members, and had feedback from advisory boards. He saw part of his role to hold NECA to account on pledges that had been made in relation to issues such as child poverty, housing, and transport.

Councillor C Marshall felt it was appropriate for the NECA Mayor to be invited to a future full Council meeting. He said that transport was a huge priority but that also the roads and potholes were a concern. Child poverty was also an important priority being led by the Mayor to try and make a real difference to get children out of poverty, and that it was important for our members to shape this work regionally. He had recently asked the Leader, Chief Executive and Cabinet Portfolio Holder for Finance to meet and discuss how we alleviate child poverty and that he had offered to facilitate a meeting with the Minister and NECA Mayor. He had since been informed that this would not happen. He was disappointed as believed that we should all work together on this to help shape policies and should be at the heart of what we did.

The Chair added that working with officers at a higher level would be beneficial and would strengthen NECA.

Resolved

That the report be received and the information contained therein be noted.

Councillor C Martin left the meeting at 10.20 am

9 The County Durham Partnership Update

The Board considered a report of the Chief Executive that provided an update on issues being addressed by the County Durham Partnership (CDP). The report also included updates on other key initiatives being carried out in partnership across the county (for copy see file of Minutes).

The Partnerships Team Manager highlighted that a recent CQC inspection rated adult social care in Durham as 'good', a new visitor attraction 'the Story' had opened in June 2024, the fun and food programme delivered 141 projects engaging with 1330 children and young people, and members of the Economic Partnership Technical Funding Group met with members of the Treasury to discuss the UK Shared Prosperity Fund (UKSPF) and their experience of delivering the programme and the problems caused by not having confirmation of continuation funding post March 2025.

Referring to areas of work that have taken place under the Vision 2035 ambitions, the Partnerships Team Manager highlighted the Economic Strategy, Mental Health Awareness Week, and ensuring environmental are part of the focus of the NECA agenda.

Councillor Elmer commented that the NECA funding could be used to target areas such as environment and climate change as well as other problem areas such as transport, as this also included emissions.

The Chair commented that there was a lot of good work within the report that could lead to developments across the region including the use of the County Durham Pound and how we could use procurement. He said that it was important to feed into NECA for the benefit of County Durham.

Councillor Hovvels said that this report demonstrated how strong partnerships are across the county and the benefit of the voluntary sector as they brought a lot to the table, often helping to prop up the Council and deliver services.

Councillor Deinali referred to a recent visit to New College Durham that reported on the increase in sexual violence and abuse, and asked what happens in terms of provision.

The Partnerships Team Manager explained that the strategy was agreed in May 2024 and that sexual violence was a priority area identified under the Safe Durham Partnership remit. The Domestic Abuse and Sexual Violence Executive Group were leading on this issue, and a plan was being further developed in consultation with all partners to look at how to support people and meet their needs.

Resolved:

That the report be noted.

10 2024/25 Quarter 1 Performance Management Report

The Board considered a report of the Chief Executive which provided an overview of progress towards delivery of the key priorities within the Council

Plan 2023-27 and covered performance in and to the end of quarter one, 2024/25, April to July 2024 (for copy see file of minutes).

The Corporate Performance Manager presented a detailed report and highlighted some key areas including transport, schools, care, council tax billing, new claims and recruitment and retention.

The Chair commented that most thematic committees had received this information with the exception of Economy and Enterprise OSC. He referred to page 188 of the papers relating to housing and homelessness and in particular paragraph 5c for people who present as already homeless. He asked if this increase was due to London boroughs collaborating with private landlords and sending people to live in County Durham following a recent article in the Northern Echo. He was concerned that if this were true there would be vulnerable people that we would not know about. He went on to refer to selective licensing and those who were bypassing the scheme by asking tenants to register. He was concerned that this was impacting on supply and demand. The Corporate Performance Manager would refer these points to the service for a response.

In response to a question from Councillor Peeke about the funding for children in care including asylum seeking children, the Corporate Performance Manager advised that the national programme for taking on further asylum seekers was separate to the children in care already resident for children in County Durham. He confirmed that asylum seeker funding for unaccompanied children was 5-6% was separate and fully covered by central government.

Councillor Charlton asked if there was data as to how many people had been forced to become homeless by private landlords, due to refusing to pay the selective licensing fee and therefore serving a no-fault eviction notice.

The Chair asked that responses to these questions were circulated to the board to understand the legalities and to address concerns about how some private landlords were getting away with it, how to put pressure on those who have not taken up the licence and to look at the cost plan ahead, and also to address concerns about no network being in place for vulnerable children and families.

Councillor Shaw had also read the same article in the Northern Echo and asked what the Council were doing about it as we were faced with our own housing pressures. He referred to the very little information about empty homes within the report and asked if the numbers were increasing or decreasing. Moving on to selective licensing and that only 29,000 out of the 55,000 properties had licences and asked what additional resources were

being invested into this. Councillor Shaw also enquired about why there had been a slight increase of anti-social behaviour in selective licensing areas.

The Corporate Performance Manager explained that the housing standard dashboard showed a target by 2027 of 976 and this would be monitored as the scheme progressed.

The Chair commented that the numbers were consistently low and this would be the public perception.

Referring to household recycling at paragraph 20 of the report, Councillor Elmer expressed concern that the rates were worse than the previous year. The education programme of asking people to recycle more had not been effective. As the Council had committed to a large incinerator for the region he was concerned on the impact on recycling rates and further carbon emissions and suggested that there was review of waste management facilities.

Going back to the points raised about homelessness Councillor Reed was aware of people moving up to the North East without anywhere to stay. She also commented about people changing 2 or 3 bedroom properties into 5 bedrooms, and that applications had recently been received to change retail properties into HMOs which concerned her.

The Chair informed the board that the Economy and Enterprise OSC would discuss HMOs at their meeting on 4 November further to being raised at Council in July 2024. With regards to planning issues he asked that feedback was provided on what the Council was doing, not doing, or should be doing.

Councillor Stead also suggested better training for members on Empty Homes for new and existing members after the elections in May 2025 to gain a better understanding of the process. With regards to selective licensing, he commented that a lot of people felt that this system was unfair as for those who did not have a licence had two years free when other people would be getting ready to renew. He was concerned at the potential lost income for those who had not signed up.

The Chair said that selective licensing was a time limited scheme and that the Secretary of State would need to advise if it would continue and if not effective could draw a line under it. He advised that it was included in the EEOC work programme to provide updates.

Councillor Peeke was concerned that more families that moved into our area would require support and provisions and that we relied heavily on volunteers. The Corporate Performance Manager said that nationally re-

allocation of families between local authorities for people who present as homeless did take place but that it was often difficult to track.

With regards to paragraphs 8 and 14 of the Executive Summary Councillor Elmer commented on the planning appeals overturned and the processing of planning applications and asked about the level of fees that might be awarded against the Council where planning decisions had been overturned on appeal.

Councillor Shaw said that money generated through selective licensing was ringfenced and therefore not money lost when landlords did not apply and he believed it was due to standards not being met as to the reason for some of them not having a licence.

Resolved

That the overall position and direction of travel in relation to quarter four performance, and the actions being taken to address areas of challenge, be noted.

Councillor J Charlton left the meeting at 11.05 am

11 Notice of Key Decisions

The Board considered a report of the Head of Legal and Democratic Services which listed key decisions which were scheduled to be considered by the Executive.

The Principal Overview and Scrutiny Officer highlighted the additions to the plan relating to this board around the MTFP and budget setting and showing the scrutiny involvement with meetings that had taken place and the forthcoming meetings in December 2024, January 2025, and February 2025 before being agreed by full Council.

The Principal Overview and Scrutiny Officer suggested that the Welfare Advice and Guidance Cabinet report could be reported to this board which would give the opportunity for comments.

Finally, with regards to the acquisition of land and buildings in Spennymoor, the Economy and Enterprise OSC had considered Strategic Place Plans as part of its 24/25 Work Programme with the Spennymoor Strategic Place Plan being one of the first pilot plans being considered.

Resolved:

That the content of the report be noted and that the Welfare Advice and Guidance report be brought to COSMB for comment.