

20 June 2018

Report from the Cabinet



Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 11 April and 16 May 2018 to enable Members to ask related questions.

Contents

11 April 2018

- Item 1 Annual Enforcement Programme Children and Young Persons (Protection from Tobacco) Act 1991 and Anti-Social Behaviour Act 2003
- Item 2 Developing a Health and Social Care Plan for County Durham
- Item 3 Annual Review of the Constitution
- Item 4 Guaranteed Interview Scheme for Veterans

16 May 2018

- Item 5 Proposal to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018
- Item 6 Review of Special Guardianship Policy and Procedure – Assessment, Provision and Review of Support Services
- Item 7 Public Health and Children and Young People’s Services Update: Best Start in Life
- Item 8 First World War Centenary Signature Commemorative Programme

**1. Annual Enforcement Programme Children and Young Persons (Protection from Tobacco) Act 1991 and Anti-Social Behaviour Act 2003
Cabinet Portfolio Holder– Councillor Brian Stephens
Contact – Joanne Waller 03000 260924**

We have considered a report of the Corporate Director of Adult and Health Services 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 2017 to March 2018 and sought approval of a new enforcement programme for 2018/19.

The County Council has a statutory duty to consider, at least once a year, the extent to which the Authority should carry out a programme of enforcement under the Children and Young Persons (Protection from Tobacco) Act 1991 and the Anti-Social Behaviour Act 2003. These acts deal with the enforcement of underage sales of tobacco and aerosol paint containers respectively. The County Council has 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 sale of nicotine inhaling products to under 18s.

The Authority has also elected to enforce the age-restricted sales of solvents and glue, knives, access to gaming establishments and access to sunbed premises. A review of activities during 2017/18 was included in the report at Appendix 2.

The report provided details of the enforcement programme for 2018/2019 which includes the following activities:

- (a) An intelligence led approach to under age sales enforcement and tobacco. This will continue to develop the intelligence from the “Keep it Out Campaign” to deliver enforcement action where possible.
- (b) Working in partnership with the Police and other enforcement agencies to identify and disrupt the involvement of organised criminality in the illicit tobacco supply chain.
- (c) Investigation of all consumer and trader complaints.
- (d) Continuation of joint working with the Police Harm Reduction Unit and other agencies to adopt a holistic approach to solving problems associated with the accessibility and misuse of age related products.
- (e) The holding of events to raise public awareness of the harms associated with illicit tobacco, to publicise the work of the service and encourage reporting of this criminal activity.
- (f) Continuation of the ‘Do You Pass’ retailer training as a way of assisting business.
- (g) Continuation of work in partnership with the police, HMRC and other agencies to tackle sales from private premises to children, particularly in relation to alcohol and tobacco.
- (h) Working with the County Durham Tobacco Alliance partners and providing guidance to traders on the legal requirements surrounding E Cigarettes / Vaping equipment and products and access of their customers to advice on smoking cessation support.

- (i) Continuation with a practice of reviewing premises when appropriate.
- (j) Continuation of work to tackle health inequalities and antisocial behaviour associated with the misuse and illegal supply of age-restricted products, in particular alcohol and tobacco.
- (k) Delivering business advice on and carrying out enforcement of new legislation for which the Council may be statutorily responsible, including all new legislation which may emerge in relation to knife sales and corrosive substances.

The Enforcement Programme for 2018/2019 will ensure that the Council continues to address the problem of underage sales and access to age restricted products by those under age as well as the wider health and criminal issues surrounding these products.

Decision

We have noted the work undertaken during 2017/18 and supported the proposed Enforcement Programme for 2018/19.

2. Developing a Health and Social Care Plan for County Durham Cabinet Portfolio Holder– Councillor Lucy Hovvels Contact – Jane Robinson- 03000 267355

We have considered a report of the Corporate Director of Adult and Health Services which provided an update on the current position on the integration of health and social care services in County Durham, and outlined the proposed direction of travel to develop a Health and Social Care Plan for County Durham which includes integration of commissioning functions and governance for the management of the integrated provider model of health and social care in local communities.

The integration of Health and Social Care Services has been a key policy driver for many years within health and social care. The Five-Year Forward View and the Care Act 2014 outlined the need to design and implement services around individuals and their communities, to further enhance pathways and joint service provision across health and social care. In February 2018, the NHS England (NHSE) 18/19 planning guidance was clear in articulating the expectation that Integrated Care Systems would need to develop to enhance the quality of health and social care. The report reviewed the current state of integration plans and provided details of the options for future commissioning models.

To assist in the development of a Health & Social Care Plan for County Durham Price Waterhouse Coopers (PWC) were engaged, given their experience in working on this agenda. PWC held workshops with key officers to share models and thinking around options for the development of a joint strategic commissioning function for County Durham. This included consideration of models adopted elsewhere in the country. Based on this work, an agreement was reached in principle that exploring a Joint Strategic Commissioning Function would make sense for County Durham. This could potentially include the commissioning of community-based services for children and adults across the County. Acute (hospital based) and other health care

commissioning would sit outside of this model, being undertaken by CCGs at a regional/sub-regional level. This was the preferred option because with a potential integrated fund of this significant size, commissioners will be able to shape the provider market in County Durham, whilst recognising that other health care and acute commissioning will best serve the local population if it is undertaken by the CCGs at scale. This can be across a number of CCGs or for other more specialist areas at a North East level.

As a County, Durham has already developed various successful integrated initiatives, which have required joint governance arrangements. For example, joint teams have successfully governed integrated contracts for adult mental health and learning disabilities, commissioning care under a cooperation agreement and S75.

In addition, there is a Memorandum of Understanding (MoU) in place for the Accountable Care Network (ACN), which seeks to align the efforts of all organisations in Durham. A review will take place of the current MOU and a formal partnership agreement will complement it. Agreement has been reached to have a combined and Integrated Care Board (ICB), which will be responsible for driving service development with partners to ensure there is system integration. The ICB will be a key decision making authority for the new strategic model of care. As membership will include leaders from all organisations in the system, the ICB will be in a position to act as a forum where whole-system challenges can be addressed, and solutions identified and initiated. In this way, the board will play a crucial role in the success of the new model of care, enabling swift and decisive leadership across multiple organisations, including both providers and commissioners.

As the new NHS Community Contract will commence in October 2018, it will be necessary to have the new governance arrangements in place by the end of April 2018 to manage and oversee the mobilisation period in advance of October. A number of other groups will meet to oversee elements of business relevant to whole system delivery and these were illustrated in Appendix 2 of the report.

Within this Governance structure, each organisation would retain its own scheme of delegation with the various strands of integrated services e.g. integrated direct service delivery and integrated commissioning reporting to their respective Executive Bodies. However, it is clear that there is ambition across the public sector to take the model further and to devolve decision making to an overarching body that operates on behalf of all partners. This would require separate governance arrangements and a dedicated budget pooled from all partners for the various elements of activity. Whilst this is not the model outlined in the report, it is the aspiration of the partners to explore this option in more detail.

The next steps would include the establishment of a Task and Finish group, reporting to the current Integration Board and Health and Well-Being Board. This group would be responsible for the development of:

- (a) A detailed plan to build and implement a joint strategic commissioning function; from defining the vision, scope and structure through to the development of a commissioning strategy, outcomes framework and financial plan;

- (b) A Governance Plan, detailing how the system will be governed and what bodies need to be adapted or created as part of that;
- (c) The inclusion of Children's health and social care in the developing plans.

Decision

We have:

- (a) Noted the content of the report and the work to date on Integration of Health and Social Care Services;
- (b) Supported the intention to develop a Health and Social Care Plan for County Durham through the development of a Joint Strategic Commissioning Function and Integrated Governance arrangements;
- (c) Agreed to receive further reports on the Joint Strategic Commissioning Function and Governance Plan

3. Annual Review of the Constitution Leader of the Council - Councillor Simon Henig Contact – Helen Lynch 03000 269732

We have considered a report of the Corporate Director of Resources which sought approval for the proposed revisions to the Constitution prior to them being presented to Council.

The Council's Constitution describes the four methods by which the council operates: the Council, the Executive, Overview and Scrutiny, and the Committees. It also provides framework within which each must operate by including:-

- (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, 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.

Decision

We have:

- (a) Approved the delegation of executive powers as set out in the proposed amendments to the officer scheme of delegation as set out in the report.
- (b) Recommended that Council agree the proposed revisions to the Constitution at its annual meeting on 23 May 2018.

**4. Guaranteed Interview Scheme for Veterans
Cabinet Portfolio Holders– Councillors Lucy Hovvels, and Jane Brown
Contact – Suzanne Weston 03000 265448**

We have considered a joint report of the Corporate Director of Resources and the Director of Transformation and Partnerships which requested Cabinet to consider the introduction of a guaranteed interview scheme for veterans, together with a review of the current advertising arrangements for external vacancies to promote better access for veterans.

In June 2012 the Council and the County Durham Partnership signed the Armed Forces Covenant. The Armed Forces Covenant is a nationally recognised initiative and the introduction of a guaranteed interview scheme for veterans would further demonstrate the Council's commitment to the Covenant.

The veterans guaranteed interview scheme is a pledge by businesses to invite those who have served in the armed forces to an interview where they meet the minimum criteria for a job vacancy. It affords veterans the opportunity to demonstrate their abilities beyond the initial application stage where appropriate. The introduction of a guaranteed interview scheme for veterans would further improve the delivery of local covenant pledges and contribute to Durham becoming a more veteran friendly employer.

The scheme would apply criteria as detailed in the report which would create a longer shortlist of candidates than might otherwise arise. No candidate would therefore be displaced from a shortlist by the application of the scheme. The scheme would not represent a guaranteed job for veterans and in all other respects they would be subject to the Council's Recruitment and Selection Policy and Procedure. The application of the policy would still ensure that the best candidate for the job was appointed based on objective criteria. The scheme would have no bearing on redeployment, redundancy selection or internal restructures.

Decision

We have agreed:

- (a) The introduction of a guaranteed interview scheme for veterans in order to demonstrate commitment to becoming a more veteran friendly employer and to support veterans' transition to civilian life;
- (b) To a review of the Council's existing advertising practices with the aim of increasing the accessibility for veterans to the Council's external job adverts.

**5. Proposal to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018
Cabinet Portfolio Holder– Councillor Olwyn Gunn
Contact – Graeme Plews 03000 265 777**

We have considered a report of the Corporate Director of Children and Young People's Services which sought approval to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018, 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 this local area.

In December 2016, Cabinet approved its overarching strategy for school organisation and the pattern and provision of schools across County Durham. In November 2017, Cabinet also approved a strategic review of school provision in County Durham to ensure the financial sustainability of schools. Sherburn Primary School was formed on 1 September 2015 following the amalgamation of Sherburn Village and Sherburn Hill Primary Schools. The primary school runs across the sites of the two former schools. At the time of the amalgamation, the Council and the Governors of Sherburn Primary School had always hoped to maintain the two sites so that there could be education provision in both communities. However, because pupil numbers are significantly lower than expected – 166 instead of 225 – this model was not likely to be sustainable in the long term and it was not in the best interests of pupils and staff at the school to be split across two sites.

The statutory process involves an initial consultation period with relevant stakeholders including parents, Governors, staff and the wider community. On 6 September 2017, using delegated powers, the Corporate Director, Children and Young People's Services approved the start of consultation on the proposal to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018.

A public consultation was undertaken from 15 January 2018 to 23 February 2018. This proposal generated a lot of interest within the local community of Sherburn Hill and neighbouring communities. Details of the consultation were included in the report.

A campaign initiated by the Sherburn Hill Community Action Group and meetings held with the MP for the City of Durham initiated a lot of response. Although there was a large response to the consultation, none of the responses presented a model of education that the council believes would be viable and sustainable for the communities of Sherburn Hill and Sherburn Village for the long term.

After full consideration of all of the responses to the consultation the Corporate Director, Children and Young People's Services on 3 March 2018 used delegated powers to agree to publish proposals to close the Sherburn Hill site of Sherburn Primary School on 31 August 2018.

A statutory notice was therefore published on 8 March 2018. There followed a statutory 4 week representation period during which comments on the proposal could be made.

The responses, including one from the City of Durham MP, were not in support of the proposal to close the Sherburn Hill site of Sherburn Primary School. The respondents were concerned that the closure of the Sherburn Hill site would remove the last community facility from the village. Concerns were also expressed about how children from Sherburn Hill would be able to get to and from the Sherburn Village site.

Officers believe that educationally the proposal to close the Sherburn Hill site of Sherburn Primary School is in the best interests of pupils and their families. Running the school across two separate sites is becoming unviable from both an educational and financial perspective. The reduction in pupil numbers from the predicted 225 to 166 and changes to school funding has put significant pressure on the school budget. This has already resulted in the school having to reduce staff from March 2017. Having all pupils on one site presents wider opportunities to organise classes making maximum use of the staff resources available for the benefit of all pupils. The proposal to close the Sherburn Hill site of Sherburn Primary School will help to enhance educational improvement.

Decision

We have:

- (a) agreed that the Sherburn Hill site of Sherburn Primary School is closed on 31 August 2018.
- (b) agreed to approve the capital investment of £1.1 million from capital contingencies.

6. Review of Special Guardianship Policy and Procedure – Assessment, Provision and Review of Support Services Cabinet Portfolio Holder– Councillor Olwyn Gunn Contact – Glenda Henderson 03000 265726

We have considered a report of the Corporate Director of Children and Young People's Services, which further to the review of the Special Guardianship Policy and Procedures during 2017, sought to provide an overview of the proposed changes and the actions undertaken to ensure the assessed needs of children/young people subject to a Special Guardianship Order are met and there is compliance with the Special Guardianship Regulations 2005. In addition, the report also highlighted the importance of providing a consistent and timely method of reviewing support and ensuring Special Guardians and children/young people, subject to a Special Guardianship Order, have the appropriate access to a wide range of services and support.

In the White Paper, 'adoption: a new approach' issued in December 2000, the Government committed to creating a new private law order called Special Guardianship that would provide legal permanence short of adoption. The White Paper stated that Special Guardianship Order would be accompanied by proper access to a full range of support services including, where appropriate, financial support. This clearly recognised that financial support would not be provided to all Special Guardians.

The total number of children/young people subject to a Special Guardianship Order and receiving financial support has increased year on year and this increase also represents the findings from the Ministry of Justice (2015) who revealed a national increase of 81% in the total number of Special Guardianship Orders made since 2011.

A recent audit of Transitional Financial Support for Special Guardianship Orders (SGO) carried out by the Quality Improvement Team identified a 'limited' level of assurance about practitioners' compliance with the SGO procedure and review process. This highlighted the lack of a consistent approach across teams to review support, provide a timely and effective method of communication with Special Guardians and make full use of the appropriate documents within the policy for recording purposes.

The revised Policy which was attached to the report at Appendix 2 is similar to the style/layout adopted by a number of other local authorities and seeks a consistent approach in providing both practitioners and service users with an open and transparent policy. It sets out a structure with clear guidance, which is compliant with Special Guardianship Regulations 2005 and links to associated documents and policies to be used throughout the Special Guardianship process. The provision of a separate 'Support Services' Policy (attached to the report at Appendix 3) provides further clarity of support available. This support does not necessarily mean financial support and includes mediation services, therapeutic services, respite provision, counselling and advice, etc.

The main change set out in this Policy is the frequency of payment of transitional financial support. At present payments are normally paid in regular weekly payments. In accordance with Regulation 8, for new service users, periodic payments will only be provided to meet a need, which gives rise to recurring expenditure, otherwise financial support will be paid as a 'single' payment or, in agreement with the Special Guardians via instalments. It is envisaged that this will reduce the dependency on a weekly allowance and provide Special Guardians with the opportunity to purchase costly items, which support the child/young person's transition into the family home.

It is also proposed that where Special Guardians have received periodic financial support which is time limited or to be used for a specific purpose in accordance with Regulation 10 (2) and they make representations against the ceasing of this support, consideration should be given to a 'zero-based' assessment (the Special Guardians will still need to provide evidence of financial circumstances) to meet an assessed need. Regulation 6(d) allows the local authority to contribute to the expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations/adaptations to the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after a child. This support can be offered at any time, it is not restricted to where the Special Guardians has made representations about the decision to cease paying financial support.

The new approach will reduce the amount of financial support being paid weekly and the reliance on weekly payments, providing a more targeted approach to financial support, which meets the assessed needs of children/young person.

The report proposed that views of the key stakeholders and the wider public be sought, through consultation on the proposed adoption of the revised Special Guardianship Policy and Support Services Policy and Procedure. Following Cabinet

approval of the draft policies and procedures, it is proposed that a 6 week consultation will begin immediately thereafter. Cabinet is asked to delegate authority to the Corporate Director Children & Young People's Services in consultation with the Cabinet Member for Children & Young People's Services to consider the outcome to the consultation, make any consequent changes to and implement proposals. Any policy changes would be implemented from mid/end July 2018.

Decision

We have agreed:

- (a) That a 6 week consultation be undertaken on:
 - (i) Adopting new Special Guardianship Policy & Procedures which are open and transparent and seek to provide a consistent approach for practitioners in adhering to Special Guardianship Regulations (2005) and access to a vast range of support and services;
 - (ii) Proposal to change frequency of payment of transitional financial support (still based on age-related fostering allowance and payable up to two years) for 'new' service users, who do not require ongoing financial support and provide 'one-off' payments or via instalments, reducing the dependency on weekly financial payments. In addition to provide the flexibility to access 'one-off' payments (not based on age-related fostering allowance) to meet an assessed need (Reg 6(d).
- (b) To delegate authority to the Corporate Director of Children and Young People's Services in consultation with the Cabinet Member for Children and Young People's Services to consider the outcome to the consultation, make any consequent changes to and implement the proposals.

7. Public Health and Children and Young People's Services Update: Best Start in Life Cabinet Portfolio Holders– Councillors Olwyn Gunn, and Lucy Hovvels Contact – Phil Hodgson 03000 268658

We have considered a joint report of the Corporate Director of Children and Young People's Services, and the Director of Public Health. The joint report provided an update on national and local developments with regard to giving every child the best start in life.

Ensuring every child has the best start in life is one of Public Health England's 7 key priorities. Getting a good start in life and throughout childhood, building resilience and getting maximum benefit from education are important markers for good health and wellbeing throughout life. At a regional level, providers and commissioners are now operating as local maternity systems (LMS) with the aim of ensuring that women, babies and families are able to access the services they need and choose.

The North East have agreed seven public health priorities for during the antenatal period which will impact on health outcomes for both mother and baby as part of the best start in life.

- (a) Reducing smoking in pregnancy.
- (b) Increase vaccination uptake in pregnancy (flu and whooping cough).
- (c) Improve perinatal mental health (MH during pregnancy and first year of baby's life).
- (d) Reduce alcohol consumption in pregnancy.
- (e) Increase breastfeeding initiation rates and rates of ongoing breastfeeding at 6-8 weeks.
- (f) Promoting healthy weight and supporting women who are obese pre-conceptually, antenatally and postnatally. This would include promoting a healthy pre-pregnant weight as well as ensuring full implementation of national guidance for women with a BMI of 30 or more at booking and a postnatal referral for structured weight management support referral in those women who have a BMI 30 or above at the 6 – 8 week check.
- (g) Increase making every contact count.

At a County Durham level these seven prevention must do's are being incorporated into the work of the Best Start in Life (BSIL) delivery group which is a sub group of the Children and Families Partnership. A self-assessment process has been undertaken in County Durham through the BSIL multi-agency delivery group. This process generated rich intelligence at a local level on how County Durham is performing on BSIL as a system. To understand County Durham's position against the set LMS / BSIL priorities the report provided a highlight of the main indicators and high level actions which have been progressed.

The next steps for Best Start in Life is to embed the work into the newly formed children's integration steering group and the priorities will feature in any future children's strategy.

Decision

We have agreed to:

- a) note the content of the report
- b) receive further updates in relation to Children and Young People's Services on a quarterly basis

8. First World War Centenary Signature Commemorative Programme
Cabinet Portfolio Holder– Councillor Ossie Johnson
Contact – Anne Davison 03000 268129

We have considered a report of the Corporate Director of Regeneration and Local Services which outlined the proposed programme of events and activities taking place across the County in commemoration of the end point in the First World War. The report highlighted a range of activities organised by both the Council and other partners as well as proposing some additional activities which the Council may wish to commit to.

The report focused upon outlining existing plans and proposing additional signature funding to enhance existing plans to commemorate the centenary of the day the guns fell silent.

Initiatives that are already planned for the 2018 commemorative year include national events with a local focus, events taking place in County Durham being organised and delivered by others, and events to be delivered by the County Council. There is also an opportunity to deliver specially created events and initiatives in addition to those listed above. Together, they combine to mark the end of the centenary period in a creative and imaginative way. The Commemorative Light art installation builds on the success of Lumiere over the past decade. Linking to the new *Place of Light* branding, the commissioned light art/projection piece is proposed to be created and then installed in Millennium Place. This piece could involve both sound and light to establish a piece resonant to the end of the war, togetherness and homecoming at peace.

The aim will be to animate Millennium Place with a commemorative work influenced by the names of the DLI fallen and/or other suitable imagery. The exact nature of the installation will be shaped by the artist commissioned to deliver the project, using the archive of the DLI as inspiration and focus. To commission and create this work will be approximately £30,000. This includes the first venue set up and running costs only. It is envisaged that the installation will be in place for approximately two weeks although this will depend on the nature of the final work.

The reprise of the Durham Hymns was first performed at Durham Cathedral in 2016. The Durham Hymns was commissioned by the Northern Regional Brass Band Trust in partnership with Durham County Council. A century on from the Battle of the Somme, this new suite of hymns commemorated sacrifice, courage and endurance. Created for brass band and choir, with lyrics by Poet Laureate, Carol Ann Duffy, the work was inspired by the true-life experiences of County Durham people researched through the County Archive and DLI collections.

The second signature scheme being proposed is a reprise of the Durham Hymns which has proven to be highly popular with community groups and residents. Since its world premiere in 2016, the Durham Hymns have been “on tour” in communities across the region. It is proposed to stage a reprise at The Gala Theatre in November 2018. This would cost in the region of £12,500. There would be 2 performances on Sunday 11 November, days providing the opportunity for over 1000

people to experience this visual and musical tribute. The total cost of the additional signature events proposed is an estimated £42,000.

In summary, the proposed signature events programme provides opportunities through visual arts and musical engagement to commemorate the heroic actions of local men, women and families, and create a lasting legacy for the County. The programme engages our local heritage partners within the county and ensures a county-wide approach is adopted to this historically significant period.

Decision

We have:

- (a) Noted the existing programme of events
- (b) That the additional Signature Event proposals set-out within the report are supported namely:
 - (i) A WW1 themed light art installation;
 - (ii) Durham Hymns performances
- (c) A contribution of £42,500 to fund the commissioning of the light art and hymns programme be funded from 2018/19 General Contingencies.

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

12 June 2018