

Cabinet Agenda



5.00 pm Tuesday, 6 November 2018
Committee Room No. 2, Town Hall,
Darlington. DL1 5QT

Members and Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting.
2. Declarations of Interest.
3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda
4. To approve the Minutes of the Meeting of this Cabinet held on 9 October 2018. (Pages 1 - 6)
5. Matters Referred to Cabinet –
There are no matters referred back for reconsideration at this meeting
6. Issues Arising from Scrutiny Committee –
There are no issues referred from the Scrutiny Committees to this Meeting, other than where they have been specifically consulted on an issue and their comments are included in the contents of the relevant report on this agenda
7. Key Decisions:-
 - (a) Adult Social Care Charging Policy for Non-Residential Services –
Report of the Director of Children and Adults Services
(Pages 7 - 66)
 - (b) Council Tax Support - Scheme Approval 2019/20 –
Report of the Managing Director
(Pages 67 - 110)
8. Investment Opportunities - Update and Request to Increase the Fund –
Report of the Managing Director
(Pages 111 - 114)

9. Progress Report - Darlington Borough Council Neighbourhood Renewal Strategy Report of the Managing Director
(Pages 115 - 130)
10. Project Position Statement and Capital Programme Monitoring - Quarter Two 2018/19 –
Report of the Managing Director and the Director of Economic Growth and Neighbourhood Services
(Pages 131 - 144)
11. Revenue Budget Monitoring 2018/19 - Quarter Two –
Report of the Managing Director
(Pages 145 - 160)
12. Membership Changes - To consider any Membership Changes to Other Bodies to which Cabinet appoints.
13. SUPPLEMENTARY ITEM(S) –
Which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting.
14. Questions.

EXCLUSION OF THE PUBLIC AND PRESS

15. To consider the exclusion of the Public and Press :- –
RECOMMENDED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A of the Act.

PART III

NOT FOR PUBLICATION

16. Delivery of New Homes at Stag House Farm - Housing Investment Funding –
Report of the Managing Director and the Director of Economic Growth and Neighbourhood Services (Exclusion Resolution No. 3)
(Pages 161 - 168)
17. McMullen Road - Acquisition of Land for Council Housing –
Report of the Director of Economic Growth and Neighbourhood Services
(Exclusion Resolution No. 3)
(Pages 169 - 174)
18. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting.
19. Questions.



Luke Swinhoe
Assistant Director Law and Governance

Monday, 29 October 2018

Town Hall
Darlington.

Membership

Councillors Crumbie, Harker, C L B Hughes, McEwan, S Richmond, A J Scott and Wallis

If you need this information in a different language or format or you have any other queries on this agenda please contact Lynne Wood, Elections Manager, Resources Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays (e-mail Lynne.Wood@darlington.gov.uk or telephone 01325 405803).

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DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE MONDAY 22 OCTOBER 2018

CABINET

9 October 2018

PRESENT – Councillor Harker (in the Chair); Councillors Crumbie
C L B Hughes, S Richmond, A J Scott and Wallis. (6)

APOLOGIES – Councillors McEwan.

INVITEES – Councillors Curry and Mrs Scott. (2)

C56. REPRESENTATIONS – No representations were made by Members or members of the public in attendance at the meeting.

C57. DECLARATIONS OF INTEREST – In respect of Minute C61(1) below, Councillors Crumbie, Harker and C L B Hughes declared pecuniary interests, due to their respective roles on the School Governing Bodies of Reid Street Primary School, Federation of Darlington Nursery Schools, Whinfield Primary School and Carmel College, and left the meeting during consideration of that item only and Councillor A J Scott took the Chair, for that item only. Mrs Scott declared a non-pecuniary interest due to her involvement in the Education Village

In respect of Minute C64 below, Councillor A J Scott declared a pecuniary interest as Councillor A J Scott worked at a business on Alderman Best Way and left the meeting during consideration of that item only. Councillor Mrs Scott declared a non-pecuniary interests as a family member who worked for a business on Alderman Best Way,

C58. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 11 September 2018.

RESOLVED – That the Minutes be confirmed as a correct record.

REASON – They represent an accurate record of the meeting.

C59. MATTERS REFERRED TO CABINET - There were no matters referred back for re-consideration to this meeting.

C60. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C61. KEY DECISIONS - (1) (URGENT ITEM) Special Educational Needs Strategy and Funding - The Cabinet Member with the Adult Social Care Portfolio introduced the report of Director of Children and Adults Services (previously circulated) requesting that consideration be given to consulting on the updated Special Educational Needs and Disabilities (SEND) Strategy 2019/22 (also previously circulated), which summarises the strategic plan for delivering better outcomes for children and young people with special educational needs and outlining the proposed amendments to the application of the High Needs Block, in relation to children and young people with Special Educational Needs and Disabilities (SEND).

The submitted report stated that the strategy proposed a local vision with priorities for the future provision and development of services to support children with SEND; the Government funded schools via the Dedicated Schools Grant (DSG) to enable them to educate all children and young people including those with SEND; the current funding model for children with SEND in Darlington did not follow best practice and lacked transparency and fairness; amendments had been made, with the agreement of schools to enable the 'money to follow the child' but more changes were required to deliver a fair and transparent funding system; expenditure on SEND within the DSG was projected to considerably overspend; and that an approach to funding and service provision were proposed as part of the amended strategy, which would improve the transparency of the system and reduce overall costs.

Discussion ensued on involving health in the Strategy; the importance of identifying children with special educational needs at an early stage; and the number of out of area placements.

RESOLVED - That the revised draft Special Educational Needs and Disability (SEND) Strategy 2019/20, as appended to the submitted report, and proposed amended funding arrangements, as detailed in the submitted report, be agreed for consultation.

REASONS – (a) The strategy provides a framework to drive the work of the SEND partnership in Darlington through to 2022 to deliver the best possible outcomes for children and young people with SEND and their families.

(b) To enable the proposed Special Educational Needs and Disabilities (SEND) Strategy 2019/22 and the proposed amended funding model to be further considered.

(2) (URGENT ITEM) Special Educational Needs and Disability (SEND) - Home To School Transport - The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children and Adults Services (previously circulated) requesting that consideration be given to consulting on the Special Educational Needs and Disability (SEND) Travel Assistance Policy (also previously circulated), for pupils with SEND.

The submitted report stated that the Council had a statutory responsibility to assist eligible children and young people of statutory school age to travel to school; outlined the current arrangements; national context; key principles of the new policy; financial and legal implications; projected savings; and proposed consultees.

Discussion ensued on the number of children with special educational needs in Darlington and on the SEND budget.

RESOLVED - That consultation be undertaken on the Special Educational Needs (SEND) Travel Assistance Policy, as appended to the submitted report.

REASONS – (a) This policy represents a conscious change strategically from a policy based upon provision of transport services to one that provides assistance with transport services. This is centred upon providing assistance where appropriate to help people help themselves; it is about promoting independence.

(b) To enable the proposed Travel Assistance Policy to be further considered prior to decisions being made on the changes being proposed.

(3) Procurement Plan Update - The Leader and Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the updated Annual Procurement Plan (also previously circulated); the outcomes of procurement(s) previously designated as Strategic; decisions taken by the Procurement Board to waive the Contract Procedure Rules and agreed direct contract awards; and to the general update on procurement matters.

RESOLVED – (a) That the assessment of strategic and non-strategic contracts as presented in Appendix 1 to the submitted report, be approved, and it be agreed that:

- (i) further reports/updates on the procurement process for those contracts designated as strategic (including decisions made by the Procurement Board) be brought to Cabinet;
- (ii) the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director as listed in the plan at Appendix 1 of the submitted report; and
- (iii) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1 of the submitted report, be delegated to the Procurement Board to approve and be reported back to Cabinet.

(b) That the contents of the submitted report, in respect of the update of strategic procurements, Procurement Board waiver decisions and the general update, be noted.

REASONS – (a) In respect of strategic/non-strategic contracts, the recommendations are supported by the following reasons: -

- (i) the Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic;
- (ii) contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety; and
- (iii) the contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(b) In respect of Procurement Board waiver decisions, the recommendations are supported by the following reasons: -

- (i) in order to comply with the Contract Procedure Rules; and
- (ii) to provide Cabinet with information about the decisions made by the Procurement Board.

(4) (URGENT ITEM) Christmas Parking Offer - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to proposals for seasonal parking offers in the town centre to support trading.

The submitted report stated that seasonal parking offers encouraged both existing and new customers to shop in Darlington; the proposed offers would run from the Christmas Lights Switch On on 22 November 2018 to 2 January 2019 and would provide free parking in all the Council's off-street short and long stay cars after 3.00 pm; and outlined the financial and practical implications.

Particular reference was made to the importance of attracting more people back into the Town Centre, particularly the elderly.

RESOLVED - That free parking after 3.00 pm in all Council short and long stay off-street car parks, be implemented, from 22 November 2018 until 2 January 2019.

REASONS – (a) To support seasonal trading in Darlington Town Centre.

(b) To attract existing and new customers to the Council's car parks.

C62. REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - The Leader introduced the report of the Managing Director, Director of Children and Adults Services and Director of Economic Growth and Neighbourhood Services (previously circulated) providing Members with an update of the outcome of cases which have been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) since the preparation of the previous report to Cabinet on 5 December 2017.

The submitted report stated that during the second half of 2017/18 the Council received one upheld maladministration injustice decision, which was the same number received for this period in 2016/17; there were no themes running through those complaints upheld by the LGSCO; and that the findings do not indicate there were any problems that the Council needed to address.

RESOLVED - That the contents of the submitted report, be noted.

REASONS – (a) It is important that Members are aware of the outcome of complaints made to the LGSCO and the HO in respect of the Council's activities.

(b) The contents of this report do not suggest that further action, other than detailed in the report, is required.

C63. COMPLAINTS, COMPLIMENTS AND COMMENTS ANNUAL REPORTS 2017/18 - The Leader introduced the Report of the Managing Director, Director of Children and Adults Services and Director of Economic Growth and Neighbourhood Services (previously circulated) providing Cabinet with the 2017/18 Complaints, Compliments And Comments Annual Reports for Adult Social Care, Children's Social Care, Corporate, Housing and Public Health (all also previously circulated).

The submitted report stated that 871 complaints had been received during 2017/18; this was the second highest number of complaints that had been received since 2009/10, when the Council started to keep comprehensive records; and that the complaints had primarily resulted from new ways of work aimed at supporting the delivery of the Council's Medium Term Financial Plan.

RESOLVED – (a) That the contents of the 2017/18 Complaints, Compliments and Comments Annual Reports for Adult Social Care, Children’s Social Care, Corporate, Housing and Public Health, as appended to the submitted report, be noted.

(b) That the further recommendation made in the Children’s Social Care Complaints, Compliments and Comments Annual Report, namely that children’s social care staff should work to improve performance against the Stage 1, 2 and 3 timescales, be endorsed.

REASONS – (a) To make Cabinet aware of the number and nature of the complaints, compliments and comments received by the Council and the organisational learning that has taken place as a result.

(b) To enable the Council to further improve its services as a result of the complaints, compliments and comments received and improve satisfaction with complaints handling.

C64. PROPOSED WAITING RESTRICTIONS ON ALDERMAN BEST WAY – OBJECTIONS - The Cabinet Member with the Leisure and Local Environment Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) advising Members of two objections received to a proposal to implement no waiting restrictions on Alderman Best Way at Morton Palms and seeking a decision on whether to proceed with the proposal.

The submitted report outlined the background to the proposals; financial and legal implications; and outcome of consultation.

RESOLVED – (a) That the objections received, as highlighted in the submitted report, be set aside.

(b) That officers be authorised to proceed with the proposal as advertised.

REASON - To improve the flow of traffic and reduce the potential for road traffic accidents.

C65. MEMBERSHIP CHANGES – There were no membership changes reported at the meeting.

**DECISIONS DATED –
FRIDAY 12 OCTOBER 2018**

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**CABINET
6 NOVEMBER 2018**

ITEM NO.

ADULT SOCIAL CARE CHARGING POLICY FOR NON-RESIDENTIAL SERVICES

**Responsible Cabinet Member - Councillor Sue Richmond
Adult Social Care Portfolio**

**Responsible Director - Suzanne Joyner
Director of Children and Adults Services**

SUMMARY REPORT

Purpose of the Report

1. To inform members of the outcome of a consultation regarding the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy. Aspects of the policy have been consulted upon with service users and members of the public over a period of 4 weeks.
2. The following documents are attached to support members to consider whether income from benefits should be taken into account when carrying out a financial assessment and for the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy to reflect the decision of members accordingly.
 - (a) Consultation Paper (**Appendix A**)
 - (b) Equality Impact Assessment (**Appendix B**)
 - (c) Examples of consultation responses (**Appendix C**)
 - (d) Proposed Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy (**Appendix D**)
3. Members are reminded of the Public Sector Equality duty contained within s. 149 of the Equality Act 2010 and should read the Equality Impact Assessment before reaching decisions.

Summary

4. Following a complaint made to the Local Government and Social Care Ombudsman (LGSO) the Council has completed a new public consultation on its charging policy relating to Non-Residential Services in respect of the treatment of income from benefits.

5. In order to ensure that decision making is made correctly and is enforceable the error made is to be rectified. The Council seeks to bring to Members attention that the treatment of income from benefits is discretionary and therefore not an income which is to automatically be taken into consideration during a financial assessment. The Council seeks for Members approval to treat income from benefits as part of any financial assessment under the Policy.
6. It is a requirement of the LGSO judgement that Cabinet are aware that there is a choice on how the Council considers the treatment of income from benefits in The Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy.
7. Following the consultation process it is proposed that the Council will treat income from all eligible benefits in the financial assessment as per the Care and Support (Charging and Assessment of Resources) for Non-Residential Service Policy.

Recommendation

8. It is recommended that all eligible benefits that the Council has the discretion to include in The Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy as part of a financial assessment for those individuals being assessed for non-residential services under the Care Act 2014, its guidance and associated regulations shall be included within such assessments.

Reasons

9. The Care Act 2014 indicates that members have a choice of which benefits to take into consideration when assessing someone's ability to contribute towards their care and support needs. The Council seeks for members to exercise their discretion and to take benefits into account during a financial assessment. Such a policy would ensure that assessments are fair and consistently applied to all. The previous policy in relation to non-residential care services, namely the Fairer Contributions Policy, took into account income from benefits and this adoption of the proposed policy would see a continuation of that methodology. The financial impact on the Council in not adopting the proposed policy would be significant and could impact on the services provided by the Council as a whole. The consultation responses provided are specific to individual needs and circumstances and should members agree with the recommendation then the application of the proposed policy can be addressed on a case by case basis addressing those issues or concerns directly.

Suzanne Joyner
Director of Children and Adults Services

Background Papers

No background papers were used in the preparation of this report

Philip Haselhurst Extension: 6737
Heather McQuade: 5407

S17 Crime and Disorder	There are no crime and disorder implications in this report
Health and Well Being	This decision is likely to impact on the health and wellbeing of Darlington residents.
Carbon Impact	There are no carbon impact implications in this report
Diversity	The impact of this decision on Diversity has been considered and is laid out in the main body of the report
Wards Affected	All wards will be impacted upon in this report.
Groups Affected	Individuals being considered for Adult social care support will be impacted by the proposal laid out in this report
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework, unless members do not agree with these recommendations.
Key Decision	This is a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	This decision will not contribute to the aim of One Darlington: Perfectly Placed
Efficiency	This decision will not impact on the efficiency of the Council.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Information and Analysis

10. Following a complaint made to the Local Government and Social Care Ombudsman (LGSO) the Council has completed a public consultation on a specific aspect of its charging policy relating to Non-Residential Services in respect of the treatment of income from eligible benefits.
11. Under the Care Act 2014, its guidance and associated Regulations, the Council has discretion about the treatment of income from eligible benefits for people who receive care and support in a non-residential setting (apart from prescribed benefits which the law says must be disregarded).
12. The Care Act 2014 originally stated that when taking into consideration income from benefits the Council must include income from benefits from the list below shown in paragraph 14. This was the position that was put before Cabinet in November 2016.
13. In 2016, prior to the Cabinet meeting, an amendment to the Care Act 2014 was made which allowed Council's to apply some discretion as to which eligible benefits are taken into account when completing a financial assessment. Officers were not aware of this amendment until it was highlighted by the LGSO.
14. The Council's report to Cabinet of 8 November 2016 said "Any income from the following benefits will be taken into account when considering what a person can afford to pay towards their care from their income":
 - (a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
 - (b) Bereavement Allowance
 - (c) Carers Allowance
 - (d) The Care component of Disability Living Allowance
 - (e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
 - (f) Income Support
 - (g) Industrial Injuries Disablement Benefit or equivalent benefits
 - (h) Jobseeker's Allowance
 - (i) Maternity Allowance
 - (j) Pension Credit
 - (k) The Daily Living component of Personal Independence Payment
 - (l) State Pension
 - (m) Universal Credit (excluding any child, childcare and/or housing element)
 - (n) Working Tax Credit.
15. The report that went to Cabinet in November 2016 did not reflect the amendment to the Care Act referenced in paragraph 12 of this report. As a consequence, Cabinet were unaware that they could apply discretion in relation to these benefits being taken into account. To rectify this a further period of public consultation has taken

place to gain the views of the public relating to whether the Council should take income from these benefits into account as part of a financial assessment.

16. Following consultation, it is proposed that the Council's Policy includes income from all eligible benefits being considered when completing the financial assessment [as per Appendix D].
17. It is proposed that we will also add another bullet point to this list, namely [as per Appendix D];
 - (a) Any other benefits which are not listed above and that are not classed as prescribed benefits which the law says must be disregarded.

Financial Implications

18. If Cabinet choose not to accept the proposal there will be a reduction of income from individual's assessed contributions toward their non-residential assessed care and support needs of circa £2m per year.

Legal Implications

19. The Care Act 2014 sets out national Social Care guidelines relating to the Charging Policy which is to be applied to individuals who have a care and support needs assessment completed by the Local Authority. The Council have a choice whether to include identified benefits when determining an individual's financial contribution towards the cost of the care an individual receives.

Consultation

20. The Council carried out a consultation that lasted 4 weeks and took place during the period 3 September 2018 to 1 October 2018. A letter and briefing paper was sent to all individual's receiving Adult Social Care support and information was shared across the wider community. A full equality impact assessment has been completed.
21. There were 610 individuals informed of the consultation directly by letter. This included all individuals who currently receive non-residential services. The letters included details of the proposal, and details of how individuals could engage in the consultation process and provide their views and feedback. This included an invitation to attend the public events to gain more information and to discuss and feedback comments. A questionnaire and a return envelope was forwarded with the letters to ensure all potential impacts resulting from the proposal were captured.
22. A consultation event took place at the Dolphin Centre on 21 September 2018. This was advertised via the Council's website and local Voluntary and Community Sector organisation. This event was also open to the wider public to attend. A further three engagement events were held covering extra care housing schemes and Rockcliffe Court.

23. Other methods of informing individuals of the consultation in the community were used. Posters were placed in community establishments including, the Library, extra care housing schemes and voluntary sector organisations.
24. The consultation was further publicised widely using the Council's website and individuals were encouraged to feedback directly online via the Survey Monkey website.
25. A copy of all the letters and consultation paper sent to the service users regarding the consultation can be found in Appendix A which is attached to this report.
26. The consultation has made it clear that people, in receipt of services who have already been financially assessed under the policy, will not see an increase in their financial contribution as their assessment includes all benefits being taken into account at this time.

Outcome of Consultation

27. A total of 78 feedback forms were received from Adult Social Care users, carers and the wider public. This was either via the online survey or returning a paper copy of the survey directly to Adult Social Care. 30 people attended the consultation event held at the Dolphin Centre and three individuals attended other consultation events held within Extra Care Housing and Rockliffe Court. A further six people contacted adult social care directly and discussed their circumstances relating to the proposed eligibility changes on the telephone.
28. 41% of responses received indicated that they felt the proposed change would impact on them a lot, 12% indicated that the proposed change would impact a bit, 13% indicating that the proposed change would not impact on them at all or very little, 33% of respondents were not sure or did not provide a response that the proposed change would impact on them. 1% of responses received indicated that they felt that the proposed change was positive.
29. 37 people made comments which indicated that there would be a negative impact on their financial position. The majority of the issues raised relating to the financial assessment were identified as being outside the scope of the consultation.
30. Examples, of feedback received during the consultation is attached as Appendix C.

Other Issues

31. In relation to the specific letter and comments from DAD regarding the Council applying its discretion, it is correct to say that the decision being sought from members is whether income from benefits should be taken into account and determining the Council's policy on that issue. This issue is where members have the discretion to take something into account or not. The further comment regarding applying discretion to individuals is a matter for the Council on how it applies its policy. The Council confirms that where individuals can show exceptional circumstances and wish for the Council to depart from the proposed policy the

Council will consider whether to apply its discretion. The Council would recommend that the letter from DAD is read in its entirety.

32. Mitigation:

- (a) Following consultation it is proposed that the income from benefits is taken into account. All benefits were taken into account under the previous Fairer Contributions Policy. The current policy which was incorrectly approved also took into account the income from benefits. As a result of the previous policies applied assessments of individual contributions will not change and they will not be impacted further by approving the proposed policy.
- (b) Individuals will continue to have an annual financial reassessment unless there is a change of circumstances which warrant an earlier reassessment to be undertaken.

Equalities considerations

33. An Equalities Impact Assessment has been undertaken by officers, and is attached at Appendix B, to understand the likely impacts of the proposals on individuals according to their protected characteristics.

34. When making its decision, Members will be aware of the requirement to have 'due regard' to the Public Sector Equality Duty under section 149 of Equality Act 2010. This duty requires the Council, when exercising its functions to have 'due regard' to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act.
- (b) Advance quality of opportunity between those who share a 'protected characteristics' and those who do not share the protected characteristic.
- (c) Foster good relations between persons who share a relevant protected characteristics and persons who do not share it (this involves having due regard in particular, to the need to (a) tackle prejudice, and (b) promote undertaking).

35. Section 149 (3) of the Act states in general terms that having 'due regard' to advancing equality of opportunity involves having due regard to:

- (a) The need to remove or minimise disadvantages.
- (b) Taking steps to meet the needs of people from protected groups.
- (c) Encouraging people from protected groups to participate in public life or other activities where their participation is disproportionately low.

36. Members are required to read a copy of the Equality Impact Assessment carried out by Officers which can be found at Appendix B.

37. The Equality Impact Assessment found that the following protected characteristic groups were likely to be either disproportionately impacted by the proposals, or

experience a higher level of impact:

- (a) Older People: Whilst the proposals affect all social care users over the age of 18, a third of ASC non-residential Adult Social Care service users in Darlington are aged over 75, and over half are aged over 60, illustrating that older people are more likely to be accessing social care services. The impact will be a continued reduction in an individual's financial capability owing to benefits they receive being taken in to account potentially causing significant impact on their wellbeing. The impact will be directly relating to individuals who are deemed to have a low level of need.
 - (b) Physical and Mental Disability: Individuals will be impacted by benefits they receive being taken into consideration during their financial assessment for adult social care. Where benefits are taken into consideration this will potentially reduce the individual's income. This could potentially lead to increased isolation and depression.
 - (c) Learning Disability: The impact relating to the proposed change in Adult Social Care Charging Policy for Non Residential Services on these service users will be similar for individuals with other disabilities.
38. Women are more likely to be accessing Social Care services and be affected by any change to the Adult Social Care Charging Policy for Non Residential Services. This information was identified by analysing the Councils data on Adult Social Care users and financial assessment information. They are also more likely to be carers. Information was gained from Carers national statistics where it is evidenced that there are 58% of women are carers compared to 42% male. The impact will be that for individuals where benefits are taken into account there will be an impact on their This could potentially lead to increased isolation and depression should individuals chose not to commission Adult Social Care Support.

Consultation Document

CONSULTATION INFORMATION PAPER

Consultation on Darlington Borough Council's charging policy for non-residential Adult Social Care Services in accordance with the Care Act 2014

Following a complaint made to the Local Government and Social Care Ombudsman the Council has agreed to carry out a new public consultation on its charging policy relating to Non-Residential Services in respect of the treatment of income from benefits.

Under the Care Act 2014, its guidance and associated Regulations, the Council has discretion about the treatment of income from benefits for people who receive care and support in a non-residential setting (apart from prescribed benefits which the law says must be disregarded).

Paragraph 14 of Annex C in the Care and Support Statutory Guidance states:-

*“Local authorities **may** take most of the benefits people receive into account. Those they must disregard are listed below. However, they need to ensure that in addition to the minimum guaranteed income or personal expenses allowance – details of which are set out below – people retain enough of their benefits to pay for things to meet those needs not being met by the local authority.”*

The Council's report to Cabinet of 8 November 2016 said:

*Annex C of the Guidance states that “any income from the ... PIP (daily living component) **must** be taken into account when considering what a person can afford to pay from their income towards the cost of their care.”*

Members approved the recommendation of officers and the Charging for Non-Residential Adult Social Care Services policy was implemented thereafter. Members were not aware that they had a discretion as to the treatment of income from benefits.

Our current Care and Support (Charging and Assessment of Resources) for Non-residential Service Policy says, ‘Any income from the following benefits **will** be taken into account when considering what a person can afford to pay towards their care from their income:

- (a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
- (b) Bereavement Allowance

- (c) Carers Allowance
- (d) Disability Living Allowance (Care component)
- (e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
- (f) Income Support
- (g) Industrial Injuries Disablement Benefit or equivalent benefits
- (h) Jobseeker's Allowance
- (i) Maternity Allowance
- (j) Pension Credit
- (k) Personal Independence Payment (Daily Living component)
- (l) State Pension
- (m) Universal Credit

We are not proposing to change this. It is our proposal that the Council's Policy continues to be that the default position would be that all of the benefits that the Council has the discretion to include in the financial assessment **will** be included.

In light of this, it is proposed that we will also add another bullet point to this list, namely:

- (n) Any other benefits which are not listed above and that are not classed as prescribed benefits which the law says must be disregarded

As a result of the error made to Cabinet in November 2016, whereby they were incorrectly informed that they had no discretion in relation to these benefits being taken into account, the Council is going back out to consultation on whether the Council should take income from benefits into account as part of a financial assessment. Those benefits which the Council would seek to treat as income as part of a financial assessment are set out above. We seek your views as to whether these benefits should or should not be included as income when assessing what a person can afford to pay towards their care.

Please be assured that this consultation will not result in an increase in your assessed contribution towards your care and support needs.

Initial equality impact assessment screening form

This form is an equality screening process to determine the relevance of equality to an activity, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate:	People
Service Area:	Adult Social Care
Activity being screened:	The Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy
Officer(s) carrying out the screening:	Philip Haselhurst and Heather McQuade
What are you proposing to do?	<p>We are proposing to keep the current Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy with regards to how the council treats income from eligible benefits during financial assessments the same following a recent LGSO complaint. {Can we add in here a brief overview of how the current policy therefore does treat income from the relevant benefits, i.e. we take them into account}</p> <p>This is in order to rectify the misleading information presented to cabinet in November 2016, whereby cabinet were informed that there was no discretion for councils in how they treat income from eligible benefits during financial assessments, whereas amendments to the Care Act 2014 did give councils discretion.</p> <p>We are also proposing to make a small addition to the relevant section of the existing policy to include any additional benefits, not already listed within the policy, and which are not classed as prescribed benefits which the laws says must be disregarded.</p>

Why are you proposing this? What are the desired outcomes?	<p>The proposal will bring Darlington Borough Council in line with the Care Act 2014.</p> <p>It is desired that all residents of Darlington Borough have an opportunity to indicate their views on the proposal to retain the existing charging policy and include the additional wording outlined above. It is also desired that Cabinet have full information on the reasons for and implications of the proposal when making their decision on whether to accept the proposal.</p>
Does the activity involve a significant commitment or removal of resources? Please give details	<p>The proposal is to keep the existing policy largely the same, therefore no resource is required to amend or update the policy (subject to the findings of public consultation).</p>

Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or any other socially excluded groups?

As part of this assessment, please consider the following questions:

- **To what extent is this service used by particular groups of people with protected characteristics?**
- **Does the activity relate to functions that previous consultation has identified as important?**
- **Do different groups have different needs or experiences in the area the activity relates to?**

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate.

Protected characteristic	Yes	No	Don't know/ Info not available
Age	X		
Disability	X		
Sex (gender)		X	
Race		X	
Sexual Orientation		X	
Religion or belief		X	
Gender reassignment		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
Other			
Carer (unpaid family or friend)	X		
Low Income	X		

Rural Location		X	
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.		The activity relates to service users of Adult Social Care, and therefore will impact on individuals with a disability, specifically all individuals who receive Adult Social Care and are financially assessed to contribute towards their care and support needs. As adult social care service users tend to be disproportionately older, and the proposals relate to individuals in receipt of certain benefits, the proposal has been identified as likely to have a particular impact on older people and those on low incomes.	
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.		The activity is not anticipated to have a significant effect on how other organisations operate.	
Decision (Please tick one option)	EIA not relevant or proportionate:	Continue to full EIA:	X
Reason for Decision		The proposed change in The Care and Support (Charging and Assessment for Resources) for Non-residential Services Policy is potentially likely to impact on individuals with certain protected or socioeconomic characteristics.	
Signed (Assistant Director)			
Date			



Equality Impact Assessment Record Form

This form is to be used for recording the Equality Impact Assessment (EIA) of Council activities. It should be used in conjunction with the guidance on carrying out EIA in **Annex 2** of the Equality Scheme. The activities that may be subject to EIA are set out in the guidance.

EIA is particularly important in supporting the Council to make fair decisions. The Public Sector Equality Duty requires the Council to have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

Using this form will help Council officers to carry out EIA in an effective and transparent way and provide decision-makers with full information on the potential impact of their decisions. EIAs are public documents, accompany reports going to Councillors for decisions and are published with committee papers on our website and are available in hard copy at the relevant meeting.

Title of activity:	Revision of The Care and Support (Charging and Assessment of Resources) for Non-Residential services Policy
Name of Directorate and Service Area:	People – Adult Social Care
Lead Officer and contact details	Philip Haselhurst Tel: 01325 406737
Assistant Director accountable for this EIA	James Stroyan
Who else will be involved in carrying out the EIA:	Philip Haselhurst (Service Manager – ASC) Heather McQuade (Finance Manager)
When did the EIA process start?	3 September 2018

Section 2 – The Activity and Supporting Information

Details of the activity (describe briefly - including the main purpose and aims) (e.g. are you starting a new service, changing how you do something, stopping doing something?)

1. Following a complaint made to the Local Government and Social Care Ombudsman (LGSO) the Council has completed a new public consultation on its charging policy relating to Non-Residential Services in respect of the treatment of income from eligible benefits.
2. Under the Care Act 2014, its guidance and associated Regulations, the Council has discretion about the treatment of income from eligible benefits for people who receive care and support in a non-residential setting (apart from prescribed benefits which the law says must be disregarded).
3. The Care Act 2014 originally stated that when taking into consideration income from benefits the Council must include income from benefits from the list below shown at paragraph 5. This was the position that was put before Cabinet in November 2016.
4. In 2016 an amendment to the Care Act 2014 was made which allowed Council's to consider which eligible benefits are taken into consideration when completing a financial assessment.
5. The Council's report to Cabinet of 8 November 2016 said "Any income from the following benefits will be taken into account when considering what a person can afford to pay towards their care from their income":
 - (a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
 - (b) Bereavement Allowance
 - (c) Carers Allowance
 - (d) The Care component of Disability Living Allowance
 - (e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
 - (f) Income Support
 - (g) Industrial Injuries Disablement Benefit or equivalent benefits
 - (h) Jobseeker's Allowance
 - (i) Maternity Allowance
 - (j) Pension Credit
 - (k) The Daily Living component of Personal Independence Payment
 - (l) State Pension
 - (m) Universal Credit (excluding any child, childcare and/or housing element)
 - (n) Working Tax Credit.
6. The report that went to Cabinet in November 2016 was factually incorrect and Cabinet were wrongly informed that they had no discretion in relation to these benefits being taken into account. Adult Social Care has now consulted on whether the Council should take income from these benefits into account as part of a financial assessment.

7. It is our proposal that the Council's Policy continues to require all eligible benefits continue to be considered when completing the financial assessment.

8. It is also proposed that we will add another bullet point to this list, namely:

- (o) any other benefits which are not listed above and that are not classed as prescribed benefits which the law says must be disregarded.

Why is this being proposed? What are the aims? What does the Council hope to achieve by it? (e.g. to save money, meet increased demand, do things more efficiently)

This proposal will bring Darlington Borough Council into line with the Care Act 2014 and provide Cabinet with necessary information to consider the treatment of income from eligible benefits for people who receive care and support in a non-residential setting (apart from prescribed benefits which the law says must be disregarded).

What will change? What will be different for service users/ customers and/ or staff?

Subject to Cabinet's agreement, the way that the council treats eligible benefits during financial assessments will remain the same and service users / customers and staff will not experience any differences during this process. The proposal to an additional bullet point will also not lead to any discernible changes, being fully in line with the current policy and practice: it is our proposal that the Council's Policy continues to be that the default position would be that all of the benefits that the Council has the discretion to include in the financial assessment **will** be included.

What data, research and other evidence or information is available which is relevant to the EIA?

The Care Act 2014 (which was introduced in April 2015), its guidance and associated regulations, which set out new charging guidelines for adult social care services, specifically:

Paragraph 14 of Annex C in the Care and Support Statutory Guidance, which states:-

*"Local authorities **may** take most of the benefits people receive into account. Those they must disregard are listed below. However, they need to ensure that in addition to the minimum guaranteed income or personal expenses allowance – details of which are set out below – people retain enough of their benefits to pay for things to meet those needs not being met by the local authority."*

In addition, the Council's report to Cabinet of 8 November 2016, specifically:

*"Annex C of the Guidance states that "any income from **must** be taken into account when considering what a person can afford to pay from their income towards the cost of their care."*

Finally, the council's current Care and Support (Charging and Assessment of Resources) for Non-residential Service Policy, specifically:

*“Any income from the following benefits **will** be taken into account when considering what a person can afford to pay towards their care from their income:*

- (a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance*
- (b) Bereavement Allowance*
- (c) Carer’s Allowance*
- (d) Disability Living Allowance (Care component)*
- (e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit*
- (f) Income Support*
- (g) Industrial Injuries Disablement Benefit or equivalent benefits*
- (h) Jobseeker’s Allowance*
- (i) Maternity Allowance*
- (j) Pension Credit*
- (k) Personal Independence Payment (Daily Living component)*
- (l) State Pension*
- (m) Universal Credit*
- (n) Working Tax Credit”*

Engagement and consultation (What engagement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Organisation, Group or Individuals	Date of event / activity	Type of activity
Individuals	03/09/18	Consultation commencement.
Individuals	30/08/18	Letters sent to all individuals identified as currently receiving domiciliary care support from Darlington Borough Council. 78 responses received.
DAD and Healthwatch	29/08/18	E-Mails sent advising of the proposals. Includes a copy of letter, Consultation paper and poster advising of consultation events. E-mail to Healthwatch advising them of the consultation and requesting that the information be supplied be made available to their networks. Information to be included in the e-bulletin.
Darlington Library and Dolphin Centre	29/08/18	E-Mail sent advising of the proposals. Includes a copy of letter, Consultation paper including links to online questionnaire and poster advising of consultation events. Information to be made available to the venue.
Darlington Website	03/09/18	All documents made available for public view on the Darlington website.
GP surgeries	30/08/18	GP surgeries e-mail via Healthwatch to request that they display poster and copies of the consultation paper.
Consultation Event (Dolphin Centre)	21/09/18	Open consultation event at the Dolphin Centre. Afternoon event. 25 attendees
Consultation Event (Extra Care)	21/09/18	Open consultation event at Rosemary Court (Extra care housing). 2 attendees.

Consultation Event (Extra Care)	20/09/18	Open consultation event at Oban Court (Extra Care Housing). 3 attendees.
Consultation Event (Extra Care)	21/09/18	Open consultation event at Rockliffe Court supported housing. 2 attendees.

What impact will this activity have on the Council's budget? (e.g. cost neutral, increased costs or reduced costs? If so, by how much? Explain briefly why this is the case)

We currently receive circa £2m income from assessed contributions from The Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy. Agreeing the proposal will therefore ensure the council continues to receive this income.

If Cabinet choose not to accept the recommendation this would have a negative impact on the Medium Term Financial Plan.

Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Age			X	<p>As of 2016, a third of non-residential adult social care (ASC) service users in Darlington are aged over 75, and over half are aged over 60. As the proposed change will exclusively impact on ASC service users and carers, there is likely to be a disproportionate impact on older people.</p> <p>Whilst older people are more likely to be property owners and have been relatively well protected from welfare reforms to date, older people in rented accommodation are often more likely to be reliant upon state benefits that other groups (their</p>

				pension) and less able to work to supplement their income, therefore any reduction in income will have a higher impact on average as they have less disposable income to begin with.
Disability (Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)			X	<p>The nature of this client group means that the vast majority of those impacted will have a disability, and the remainder will care for someone with a disability, therefore there will be a disproportionate impact on this group.</p> <p>People with disabilities are more likely to be on a low income and reliant on welfare, therefore any reduction in income is likely to have a higher impact than those without disabilities because they have less disposable income to start with. This could mean non-residential service users are less able to go out or participate in social activities which will risk either them not accessing support that they need or becoming more isolated. The reduction in income from the same proposals may also put extra strain on carers as affected individuals may also be unable to pay for opportunities for short term respite which could impact on the health and wellbeing of both service users and carers, and carers therefore may also become more isolated and depressed as a result.</p>
Sex (Gender)			X	55% of Darlington non-residential ASC service users are female. Moreover, nationally 58% of carers are female therefore there is likely to be a slightly disproportionate impact on females (51% of Darlington's population are female).
Race		X		Less than 1.8% of ASC service users report themselves as being from a

				minority ethnic background, therefore there is a low anticipated impact upon race from this proposal.
Gender Reassignment	N/A			There is no anticipated impact upon gender reassignment as a protected characteristic group with regard to the new charging policies for ASC.
Sexual Orientation	N/A			There is no anticipated impact upon sexual orientation as a protected characteristic group with regard to the new charging policies for ASC.
Religion or belief	N/A			There is no breakdown of ASC service users by religion, however it is not anticipated that this protected characteristic group are likely to be disproportionately impacted upon by these proposals.
Pregnancy or maternity	N/A			There is no anticipated impact upon pregnancy or maternity as a protected characteristic group with regard to the new charging policies for ASC.
Marriage or civil partnership	N/A			There is no anticipated impact upon marriage or civil partnership as a protected characteristic group with regard to the new charging policies for ASC.
How will the activity affect people who:	No impact	Positive Impact	Negative Impact	Why will it have this effect? (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Live in a rural location?	X			There will be no significant difference to current arrangements.

<p>Are carers?</p>			<p>X</p>	<p>There may be a negative impact for individuals receiving direct care who also have a carer supporting them, as they may have less disposable income than if eligible benefits were not taken into account in financial assessments. In addition, carers may be negatively affected if the proposal results in less disposable income for those they care for which then means they are less able to afford breaks and/or leisure activities that their carer would have benefitted from.</p>
<p>Are on a low income?</p>			<p>X</p>	<p>As the proposal relates to the treatment of eligible benefits during financial assessments, and benefit claimants are disproportionately likely to be on low incomes, the proposal to continue to treat all eligible benefits as income is likely to disproportionately affect individuals with low incomes and result in them having less disposable income.</p>

Section 4: Cumulative Impacts

Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc)

Are there any other activities of which you are aware which might also impact on the same protected characteristics?

The original EIA identified a number of activities resulting from the 2016 MTFP which were likely to impact on one or more of the characteristics identified above. These are listed again below for Members' information. Officers are not aware of any more recent activities which are thought to be likely to contribute to a cumulative impact.

<p>Changes to Concessionary fares and Changes to Blue Badge Parking as part of the MTFP</p>	<p>As part of the 2016 MTFP, it was proposed to remove the discretionary elements of concessionary fares, including companion passes. It was also proposed to introduce charging in off-street car parks for blue badge holders. These proposals have now been implemented and therefore may well also impact upon adults affected by the charging policy proposals.</p>
<p>Changes to the Social Fund Budget (funding cuts to social fund including crisis and community support).</p>	<p>As part of the 2016 MTFP, the amount of funding allocated for the Social Fund was reduced by over a half. This change may have a negative impact on disabled adults and carers affected by the charging policy changes as the amount of financial support available, particularly for community care goods, is lower.</p>
<p>Cease funding to DAD Information Post.</p>	<p>As part of the 2016 MTFP, funding for an information coordinator provided through DAD was cut. This may impact on individuals affected by the proposed changes to ASC charging policies as they will potentially be less able to access good quality information and advice to support them with financial assessments.</p>

Section 5: Analysis

a) How will the activity help to eliminate discrimination, harassment and victimisation?

Nothing in the proposal has been identified as likely to cause conflict between different groups by protected characteristic, however, this proposal will not help eliminate discrimination, harassment or victimisation.

b) How will the activity help to advance equality of opportunity?

The proposals will not help to advance equality of opportunity because the likely outcome is less disposable income for individuals, many of whom will have disabilities, compared to if all eligible benefits were not taken into account during financial assessments.

c) How will the activity help to foster good relations?

Nothing in the proposal has been identified as likely to cause conflict between different groups by protected characteristic.

During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

Mitigation offered by Darlington Borough Council includes:

- a) There are no changes to individuals financial contributions toward their care and support needs
- b) Individuals will continue to have an annual financial reassessment

Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed	Name:	Philip Haselhurst and Heather McQuade
	Date:	3 October 2018
	Job Title:	Service Manager – Adult Social Care Finance Manager
Assistant Director:		
Signed	Name:	James Stroyan
	Date:	3 October 2018
	Service:	Assistant Director Adult Services

Section 7 – Reporting of Findings and Recommendations to Decision Makers

<p>Next Steps to address the anticipated impact (Select one of the following options and explain why this has been chosen – remember we have a duty to make reasonable adjustments so that disabled people can access services and work for us)</p>
<p>a) No negative impact on people because of their Protected Characteristics and therefore no major change is needed to the activity (There is no potential for discrimination or adverse impact identified)</p>
<p>b) <u>Negative impact identified – recommend continuing with the activity</u></p>
<p>c) Negative impact identified - adjust the activity in light of the identified impact to avoid, minimise or mitigate the impact (The EIA identifies potential problems or missed opportunities. The Council will change the proposal to reduce or remove these adverse impacts, or it will achieve the aim in another way which will not make things worse for people)</p>
<p>d) Actual or potential unlawful discrimination – stop and remove the activity (The EIA identifies actual or potential unlawful discrimination. It should be stopped.)</p>
<p>Explanation of why the option above has been chosen (Including any advice given by legal services)</p>

All individuals have been treated equally. The proposed change is a minimal change. There is no proposed change to the current Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy, however, there is a negative impact.

If the activity is to be implemented how will you find out how it is affecting people once it is in place? (How will you monitor and review the changes?)

- (1) All new individuals will be assessed using the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy.
- (2) All individuals currently receiving care and support from Adult Social Care will have a financial assessment review on an annual basis.
- (3) An annual review of the Charging Policy will occur.

Section 8 – Action Plan and Performance Management

List any actions you need to take which have been identified in this EIA, including post implementation reviews to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
Less disposable income	Ensure any affected individuals who display signs of financial hardship to financial advice and support providers e.g. CAB / Age UK /Step Change.	Financial assessment team	01/12/18

Performance Management	
Date of the next review of the EIA	
How often will the EIA action plan be reviewed?	
Who will carry out this review?	

Some examples of feedback received during the consultation include:

1. My daughter's benefits are her contribution to the family budget. Both myself and my wife earn significantly less now than we used to before our daughter was born. This is because we have a care responsibility and that is carried out by ourselves, no one else. We, as a family, used to go on holiday annually but this year that holiday has been put off indefinitely. We have also had to curb back on family days out. These ongoing contributions are putting a strain on an already stretched budget.
2. Taking my care component of my DLA will not allow me to spend it on other needs, such as aids/treatments that I pay privately for to aid my health.
3. I would lose out with social activities, if I had to pay too much.
4. Currently I have no money left after contribution assessment to save up for holidays, savings, big purchase etc. or anything extra. Have to rely on family. Every time there is a benefit rise the council claim it all back so in real terms my income does not increase at all. Since I changed to PIP I now find I am paying back to the council £194 per 4 weeks instead of less than £90 previously this is not fair. The value of my income is being eroded. I am penalised for living with my parents who are supporting me with additional money as providing all my transport outside of college hours to which I cannot make any contribution.
5. Darlington Association of Disability provided a response to the consultation:

I am writing with regard to the current consultation for the proposals to change Darlington Borough Council Adult Social Care Charging Policies.

DAD had serious concerns about these proposals when they were first introduced and continue to do so. In particular DAD strongly feel a new Equality Impact Assessment (EIA) is required which crucially identifies who is impacted, what their involvement was to identify the impacts and includes clear details of what mitigations and safety net will be put in place for people who are unable to pay and whose wellbeing would be at risk without the care and support they are receiving.

I am sure you are well aware the duty to have due regard to the needs of disabled people is a duty on all members and officers of all public bodies, when making decisions in their day to day activities, not just large policies. If asked to demonstrate how the duty was met when making a decision it must be revealed by means of an EIA.

Information coming from an EIA should be used in the making of the decision and whether any potential negative impacts were identified including any potential mitigation.

The results of this consultation alone will not be sufficient for members to fulfil their duty under the Equality Act.

DBC Equality Policy highlights that training on the duty has been identified as needed but that lack of training or knowledge does not justify not fulfilling the duty.

We would ask that a copy of the Equality Impact Assessment be sent to DAD Chief Executive, Lauren Robinson.

As it is now clear that members have discretion and can choose which benefits are included as part of the financial assessment process for non-residential care, we would ask that you take into account the following information including the information and intelligence that we have received from disabled people and carers whilst the change in policy has been implemented and the concerns we have based on this information.

The policy implementation has already meant that some disabled people have had a substantial increases to social care charges and this has had a very negative impact on them. This impact is over and above that identified in the budget cuts in the Medium Term Financial Plan. Disabled people have already been unfairly and unequally impacted by cuts to services in the Medium Term Financial Plan. DAD identified within the Medium Term Financial plan consultation that the proposals could mean an increase in costs of up to £27 per week. It is clear to see that the budget cuts already implemented have had a disproportionate impact on disabled people.

DAD feel it is crucial for cabinet members to be aware that the changes to the Non Residential Charging Policy are **discretionary** and are not required by law or changes to law. The implementation of the charges, as they stand, have already led to further multiple and accumulative impacts.

The Care Act says that the amount a person is asked to pay must be **reasonably affordable**. These changes already implemented, without any safety net, mean for many this is not the case. The change in policy has led to an increase in charges and as such must be considered alongside the other impacts that disabled people have already faced as result of austerity measures nationally and budget cuts locally e.g. reductions in benefits, introduction of Universal Credit, cuts in care packages, reductions in Housing support etc.

The impact of this policy change is already having a greater impact on people living in single households who have no one to share rising household costs.

The changes mean **all** disability benefits are taken into account, ultimately leaving people in poverty with no ability to have savings for essentials such as white goods, decorating, new beds or furniture or necessary items in relation to their impairment.

Many people have already been reassessed and are suffering the consequences, or in some cases have had essential services cancelled altogether. Some have not received a full financial assessment and were given a light touch assessment which was not Care Act compliant. This means many people were not given the opportunity to discuss disability related expenditure or whether the assessment is reasonably affordable. Where people have had reduced or cancelled services this has left people lonely and isolated.

People are also facing extreme levels of stress, affecting their mental health and wellbeing. As an example we are trying to support a young single man who has made great strides into independent living by managing in his own flat with some support. He has received a bill for over £4000.00 in backdated charges from the Local Authority with no way of possibly being able to pay. Already he has withdrawn from some of the activities to support him due to the stress this has placed upon him.

This is one of many cases where DAD is trying to support people, there will be many we do not know about who are trying to cope alone. Many people find the system confusing and impossible to navigate, and are particularly vulnerable to negative impacts. This group of people need additional safeguards and support to ensure their disability related expenditure is fully considered.

DAD are aware of people who have requested or complained that their financial assessment to be reconsidered as they cannot afford to pay, only to be informed that the council by law have to charge this. The ombudsmen ruling shows that this is not the case and the Council have discretion to ensure the amount charged is reasonable given the person's individual circumstances.

DAD would request that members ask for these people to be contacted and for the council to apply their discretion reasonably.

Darlington Borough Council
Services for People: Adult Social Care

The Care and Support (Charging and Assessment of Resources) For Non-Residential Services Policy

Author		Ref No		
Approval Dates:		Rev No	1	
Head of Adult Social Care		Issue Date	October	2018
		Review Date		

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Policy Statement

1. This policy has been written in accordance with the Care Act 2014 [hereinafter referred to as the Act] and the Care and Support Statutory Guidance issued under the Care Act 2014 by the Department of Health. The Act provides a single legal framework for charging for care and support under sections 14 and 17. The Act is supported by the Care and Support (Charging and Assessment of Resources) Regulations 2014 which Local Authorities must follow when charging individuals for their care and support needs.
2. Should readers of this policy require clarification on any of the following, the Care and Support Statutory Guidance issued under the Care Act is accessible via the following link:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf
3. The Council will charge a person when it is arranging to meet a person's care and support needs, except where the Council is required to arrange care and support free of charge. The amount a person is charged will be determined by way of a financial assessment which will determine whether they are required to pay in full, a contribution or will receive care and/or support services free of charge.
4. The new framework is intended to make charging fairer and clearer. The overarching principle is that people should only be required to pay what they can afford. People will be entitled to financial support based on a means-test and some will be entitled to free care.
5. The framework is based on the following principles, as set out in the Care and Support Statutory Guidance issued under the Act [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf], that the approach to charging for care and support needs should:
 - (a) Ensure that people are not charged more than it is reasonably practicable for them to pay;
 - (b) Be comprehensive, to reduce variation in the way people are assessed and charged;
 - (c) Be clear and transparent, so people know what they will be charged;

- (d) Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control ;
 - (e) Support carers to look after their own health and wellbeing and to care effectively and safely;
 - (f) Be person-focused, reflecting the variety of care and caring journeys and the variety of
 - (g) Options available to meet their needs;
 - (h) Apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings.
 - (i) Encourage and enable those who wish to stay in or take up employment, education or training, or plan for the future costs of meeting their needs to do so; and
 - (j) Be sustainable for local authorities in the long-term.
6. The Council will also ensure there is sufficient information and advice available in a suitable format for the person's needs, in line with the Equality Act 2010 (in particular for those with a sensory impairment, with learning disabilities or for whom English is not their first language), to ensure that they or their representative are able to understand any contributions they are asked to make. The Council will also make the person or their representative aware of the availability of independent financial information and advice.

Support Needs

7. The Council has a duty to arrange care and support for those with eligible needs, and a power to meet both eligible and non-eligible needs. The Council also has the discretion to choose whether or not to charge under section 14 of the Act following a person's needs assessment.
8. Where an individual is to be charged, the Council will follow the Care and Support (Charging and Assessment of Resources) Regulations 2014 and have regard to the guidance. The detail of how to charge is different depending on whether someone is receiving care in a care home, or their own home, or another setting. This policy sets out the Council's charging policy for individuals with non-residential care needs. There is a separate charging policy for individuals with residential care needs.

9. In Darlington, the types of non-residential support individuals may be required to contribute towards include the following, although this is not an exhaustive list:
- (k) Personal Care
 - (l) Domestic Care
 - (m) Sitting Services
 - (n) Direct Payments and support to manage a direct payment
 - (o) Sleepovers
 - (p) Day Care
 - (q) Transport as provided in conjunction with the provision of community care services
 - (r) Social Activities e.g. visiting a museum, bowling etc.
 - (s) Assistive Technology i.e. Telecare.
 - (t) Items purchased through a Personal Budget
 - (u) Adaptations and Equipment costing more than £1,000
10. Where an individual requires more than one carer to support them with any of the above, their contribution will be based on the cost of both carers.

11. Whether the service is commissioned by the Council or given as a Direct Payment the total cost of the package will be calculated and the individual will be financially assessed to determine the maximum contribution they need to pay towards the total cost of their package.
12. There are services which are not included within the Policy but are charged at a flat rate, and not part of the financial assessment, these include:
 - (a) Pre-prepared meals;
 - (b) Meals at Day Care (it is the expectation that where an individual is in a 24 hour residential or nursing placement, the provider would pay the charge of the meal or provide a suitable alternative);
 - (c) Ineligible transport costs as defined in the Council's Transport Policy.

Please note this is not an exhaustive list and other services may be included.

13. The following types of care and support will be arranged free of charge by the Council:
 - (a) Intermediate care, including reablement, which will be provided free of charge for up to six weeks.
 - (b) Care and support provided to people with Creutzfeldt-Jacob Disease.
 - (c) After-care services/support provided under section 117 of the Mental Health Act 1983.
 - (d) Any service or part of service which the NHS is under a duty to provide. This includes Continuing Healthcare and the NHS contribution to Registered Nursing Care.
 - (e) More broadly, any services which the Council is under a duty to provide through other legislation may not be charged for under the Act.
 - (f) Assessment of needs and care planning may also not be charged for, since these processes do not constitute "meeting needs".
 - (g) Rehabilitation, training, employment or drop in services
 - (h) Information and Advice (including Direct Payment Advice)

- (i) Assessments, including assessment of care needs

Short Break Stays

- 14. Any assessed need for short break stays in a residential care home will be financially assessed in accordance with the Council's Care and Support (Charging and Assessment of Resources) for [Residential Services Policy](#). Under Direct Payment legislation direct payments cannot be made for purchasing more than four continuous weeks of residential care per year.

The Financial Assessment

- 15. To ensure that everyone is treated fairly all individuals with non-residential care needs will undergo a financial assessment in order to calculate their ability to contribute towards the cost of these services and to enable individuals to maximize any benefits to which they may be entitled.
- 16. The financial assessment can be conducted using a number of different methods, including in- person - via a visit or a pre-arranged appointment at the customer services centre - or over the telephone.
- 17. The Council may choose to treat an individual as if a financial assessment has already been carried out. This is known as a "light-touch" financial assessment and the main circumstances in which the Council may consider carrying out a light-touch financial assessment are:
 - (a) Where an individual has significant financial resources, and does not wish to undergo a full financial assessment for personal reasons, but wishes to access Council support in meeting their needs. In these situations the Council may accept other evidence in lieu of carrying out the financial assessment and consider the individual to have financial resources above the upper limit.
 - (b) Where the Council charges a small or nominal amount for a service which an individual is clearly able to meet without falling below the minimum income threshold, and where carrying out a financial assessment would be disproportionate.
 - (c) When an individual is in receipt of benefits which demonstrate that they would not be able to contribute towards their care and support costs.
- 18. Where a 'light-touch' assessment has been carried out the individual will be notified of

this and also of their right to request a full financial assessment should they wish.

19. At the time of a care and support needs assessment, the Council will establish whether the individual in question has the capacity to take part in the financial assessment. If the person lacks capacity, the Council must find out if the person has any of the following as the appropriate person will need to be involved:
 - (a) Enduring Power of Attorney (EPA);
 - (b) Lasting Power of Attorney (LPA) for Property and Affairs;
 - (c) Property and Affairs Deputyship under the Court of Protection; or
 - (d) Any other person dealing with that person's affairs (e.g. someone who has been given appointee-ship by the Department for Work and Pensions (DWP) for the purpose of benefits payments).

20. Individuals who lack capacity to give consent to a financial assessment and who do not have any of the above people with authority to be involved in their affairs, may require the appointment of a Property and Affairs Deputyship. Family members can apply for this to the Court of Protection or the Council can apply if there are no family involved in the care of the person. While this takes some weeks, it then enables the person appointed to access information about bank accounts and financial affairs. A person with dementia for example should not be 'forced' to undertake a financial assessment, to sign documents they can no longer understand and should not be punished for any incomplete information that is elicited from them. Instead, the Council will work with the EPA, LPA or the Deputies.

21. If there is a delay in the completion of the financial assessment, due to an application being made to the Court of Protection for deputyship, then the payment schedule of the assessed charge from the point of services being provided will be considered on a case by case basis.

22. A financial assessment consists of a Visiting Financial Assessment Officer:
 - (a) Calculating an individual's total income and capital;
 - (b) Calculating disregards and allowances;
 - (c) Completing a Disability Related Expenditure Assessment;
 - (d) Undertaking a comprehensive welfare rights check;

- (e) Supporting the individual to identify their best options for paying any charges, this may include offering the person a deferred payment agreement.
23. If an individual chooses not to supply all of the information requested on the Financial Assessment form they will be asked to complete a Non-Disclosure of Financial Information Declaration and will be charged the full actual cost of the services. Should an individual not agree to the charges then a full financial assessment will be necessary.
24. An administration fee will be charged to cover the costs to arrange the care and support needs for those with capital in excess of the upper capital limit or those who have chosen not to disclose their financial information. Individuals will be provided with information on the right to request Council support to meet their needs – and how they will be charged – and the advice and support that is available to help people make arrangements to meet their own needs.
25. Following the financial assessment, where applicable, an estimated charge for care and support services will be given to the individual, along with an explanation of how the assessment has been carried out, what the charge will be and how often it will be made.
26. Where an assessed need has been identified services will commence regardless of whether a financial assessment has been completed. Once an assessment has taken place any assessed charges will be backdated to the commencement of the service. There is no charge for the financial assessment, needs assessment or the preparation of a care and support plan.
27. The Council will endeavour to carry out a financial assessment within 8 weeks of the commencement of services to ensure that the individual does not accumulate significant debts before backdated fees are sought.

Treatment of Income

28. Income is assessed net of any tax and National Insurance contributions and net of any housing costs such as rent or mortgage and Council Tax.
29. Only the income of the individual being charged will be taken into account. Where this person receives income as part of a couple, the starting presumption is that they have an equal share of the income. In these circumstances, the Council will consider the implications for the individual's partner when making decisions about charging.

30. Because a person who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities and buildings insurance, the Council will ensure, when deciding what to charge, that the individual will be left with the minimum income guarantee (MIG), equivalent to Income Support plus a buffer of 25%, net of any housing costs net of any benefits to support these costs. In addition, where a person receives benefits to meet their disability needs that do not meet the eligibility criteria for care and support from the Council, the charging arrangements will ensure that they keep enough money to meet these disability-related costs.
31. The financial limit, known as the “upper capital limit”, is set nationally and exists for the purposes of the financial assessment. This sets out at what point a person is entitled to access Council support to meet their eligible needs – below this level, a person can seek means- tested support from the Council. Capital below the “lower capital limit” is disregarded in the financial assessment, and where an individual’s resources are below the lower capital limit they will not need to contribute to the cost of care and support from their capital.

Benefits

32. Any income from the following benefits may be taken into account when considering what a person can afford to pay towards their care from their income:
 - (a) Attendance Allowance, including Constant Attendance Allowance and Exceptionally Severe Disablement Allowance
 - (b) Bereavement Allowance
 - (c) Carer’s Allowance
 - (d) The Care component of Disability Living Allowance
 - (e) Employment and Support Allowance or the benefits this replaces such as Severe Disablement Allowance and Incapacity Benefit
 - (f) Income Support
 - (g) Industrial Injuries Disablement Benefit or equivalent benefits
 - (h) Jobseeker’s Allowance
 - (i) Maternity Allowance
 - (j) Pension Credit

- (k) The Daily Living component of Personal Independence Payment
- (l) State Pension
- (m) Universal Credit (excluding any child, childcare and/or housing element)
- (n) Working Tax Credit.
- (o) Any other benefits which are not listed above and that are not classed as prescribed benefits which the law says must be disregarded.

33. Where any Social Security benefit payment has been reduced (other than a reduction because of voluntary unemployment), for example because of an earlier overpayment, the amount taken into account will be the gross amount of the benefit before reduction.
34. Attendance Allowance and Disability Living Allowance Care Component are paid at the higher rate if a person has day and night needs. If a person is not receiving night time care arranged by the Council then the Council cannot consider sums paid for night care as income. If night time care is arranged by the Council, the full benefit will be treated as income.
35. Any individuals currently receiving chargeable services transferring from higher rate Disability Living Allowance care component to Personal Independence Payment, (PIP), enhanced daily living component and who do not have night time care arranged by the Council will no longer receive the disregard for sums paid for night care, this is because PIP does not recognise the difference between day time and night time needs.
36. Individuals living in an extra care scheme have an emergency overnight call facility, if these individuals are in receipt of the higher rate Disability Living Allowance/Attendance Allowance care component the full benefit will be treated as income.

37. Any income from the following sources will be fully disregarded:

- (a) Direct Payments;
- (b) Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme;
- (c) War Pension Scheme payments made to veterans with the exception of Constant Attendance Allowance payments;
- (d) The mobility component of Disability Living Allowance;
- (e) The mobility component of Personal Independence Payments.

Earnings

38. Employed and self-employed earnings are fully disregarded as per regulation 13 of the Care and Support Statutory Guidance issued under the Act 2014.

39. A full list of what is defined as earnings in the financial assessment can be found in “Appendix C: Treatment of Income” in the Care and Support Statutory Guidance issued under the Act.

Annuity and pension income

40. An annuity is a type of pension product that provides a regular income for a number of years in return for an investment. Such products are usually purchased at retirement in order to provide a regular income. While the capital is disregarded, any income from an annuity must be taken fully into account except where it is:

- (a) Purchased with a loan secured on the individual’s main or only home; or
- (b) A gallantry award such as the Victoria Cross Annuity or George Cross Annuity.

41. Occupational pensions are fully taken into account in the financial assessment unless an individual is paying half of their occupational pension, personal pension or retirement annuity to their spouse or civil partner in which case the Council will disregard 50% of its value if at least one of the annuitants is still occupying the property as their main or only home.

42. This is not an exhaustive list of income and further information can be found in the Care and Support Statutory Guidance issued under the Act.
43. Rental income will be taken into account, except where this income is treated as earned income.

Income disregarded

44. Certain income will be either fully or partially disregarded in the financial assessment. For a full list please refer to the Care and Support Statutory Guidance issued under the Act.
45. Any income from the following sources will be fully disregarded, however this list is not exhaustive:
 - (a) Child Support Maintenance Payments and Child Benefit
 - (b) Child Tax Credit
 - (c) Council Tax Reduction Schemes where this involves a payment to the person
 - (d) Disability Living Allowance (Mobility Component) and Mobility Supplement
 - (e) Income in kind
 - (f) Personal Independence Payment (Mobility Component) and Mobility Supplement
 - (g) Savings credit disregard
 - (h) Regulated Social Fund payments (including winter fuel payments)
 - (i) Any grants or loans paid for the purposes of education; and Payments made in relation to training for employment.
 - (j) Guaranteed Income Payments made to Veterans under the Armed Forces Compensation Scheme

46. The following income is partially disregarded:

- (a) The first £10 per week of War Widows and War Widowers pension, survivors Guaranteed Income Payments from the Armed Forces Compensation Scheme, Civilian War Injury pension, any War Disablement pension paid to non-veterans and payments to victims of National Socialist persecution (paid under German or Austrian law).
- (b) A savings disregard based on qualifying conditions.

Notional income

47. In some circumstances a person may be treated as having income that they do not actually have. This is known as notional income. This might include for example income that would be available on application but has not been applied for, income that is due but has not been received or income that the person has deliberately deprived themselves of for the purpose of reducing the amount they are liable to pay for their care. In all cases the Council must satisfy itself that the income would or should have been available to the person.
48. Where notional income is included in a financial assessment, it will be treated the same way as actual income and will be calculated from the date it could be expected to be acquired is an application had been made.
49. The following sources of income will not be treated as notional income:
- (a) Income payable under a discretionary trust;
 - (b) Income payable under a trust derived from a payment made as a result of a personal injury where the income would be available but has not yet been applied for;
 - (c) Income from capital resulting from an award of damages for personal injury that is administered by a court;
 - (d) Occupational pension which is not being paid because:
 - i. The trustees or managers of the scheme have suspended or ceased payments due to an insufficiency of resources; or
 - ii. The trustees or managers of the scheme have insufficient resources available to them to meet the schemes liabilities in full.
 - (e) Working Tax Credit.
50. This is not an exhaustive list of income and further information can be found in Care and Support Statutory Guidance issued under the Act.

Treatment of Capital

51. In assessing what a person can afford to contribute the Council must apply the upper and lower capital limits as set by the Department of Health every year.
52. A person with assets above the upper capital limit will be deemed to be able to afford the full cost of their care. Any assets below the lower capital limit will be

disregarded.

53. Where a person has assets between the lower and upper capital limits a tariff income will apply. This assumes that for every £250 of capital, or part thereof, a person is able to afford to contribute £1 per week towards the cost of their eligible care needs.

54. The following list gives examples of capital. This list is intended as a guide and is not exhaustive.

(a) Buildings

(b) Land

(c) National Savings Certificates and Ulster Savings Certificates

(d) Premium Bonds

(e) Stocks and shares

(f) Capital held by the Court of Protection or a Deputy appointed by that Court

(g) Any savings held in:

i. Building society accounts.

ii. Bank current accounts, deposit accounts or special investment accounts. This includes savings held in the National Savings Bank, Girobank and Trustee Savings Bank.

iii. SAYE schemes.

iv. Unit Trusts.

v. Co-operatives share accounts.

(h) Cash

(i) Trust funds

55. Where ownership of capital is disputed, the Council will seek written evidence to prove where ownership lies. If a person states they are holding capital for somebody

else, the Council will require evidence of this arrangement, the origin of the capital and intentions for its future use and return to its rightful owner.

56. Where a person has joint beneficial ownership of capital, except where there is evidence that the person own an unequal share, the total value should be divided equally between the joint owners and the person should be treated as owning an equal share. Once the person is in sole possession of their actual share, they can be treated as owning that actual amount.
57. Capital which is not immediately realisable due to notice periods, for example Premium Bonds, should be taken into account at face value at the time of assessment and may need to be confirmed and adjusted when the capital is realised.

Notional Capital

58. In some circumstances a person may be treated as possessing a capital asset even where they do not actually possess it. This is called notional capital.
59. Notional capital may be capital which:
 - (a) would be available to the person if they applied for it;
 - (b) is paid to a third party in respect of the person; and
 - (c) the person has deprived themselves of in order to reduce the amount of charge they have to pay for their care and support needs.

Capital Disregarded

60. Certain types of capital may be disregarded in the financial assessment. For a full list refer to the Care and Support Statutory Guidance issued under the Act.

Property Disregards

61. If an individual moves from their main home into any other property on a permanent basis (i.e. rented property, extra care or supported living scheme) this new establishment will be deemed as being their main home for financial assessment purposes. Any property that they own or have an interest in may be taken into account as a capital asset in the financial assessment.
62. The person's main or only home, will be disregarded in the following circumstances:
- (a) Where the person is receiving care in a setting that is not a care home;
 - (b) If the person's stay in a care home is temporary and they:
 - i. Intend to return to that property as their main or only home and it remains available to them; or
 - ii. Have taken reasonable steps to dispose of the property in order to acquire one that is more suitable.
 - (c) Where the person no longer occupies the property but it is occupied in part or whole as their main or only home by any of the people listed below, the mandatory disregard only applies where the property has been continuously occupied since before the person went into a care home
 - iii. The person's partner, former partner or civil partner, except where they are estranged
 - iv. A lone parent who is the person's estranged or divorced partner
 - v. A relative of the person or member of the person's family who is
 - 1. Aged 60 or over, or
 - 2. Is a child of the resident aged under 18, or
 - 3. Is incapacitated.

63. Precise definitions for the terms used above can be found in the Care and Support Statutory Guidance issued under the Act.
64. If an individual moves from their main home into supported living or extra care housing the value of their property may be taken into account in the financial assessment. If this is the case then they may be eligible to enter into a deferred payment agreement.
65. By entering into a deferred payment agreement, an individual can 'defer' or delay paying some of the costs of their care and support until a later date. Deferring payment can help the individual to delay the need to sell their home, and provides peace of mind during a time that can be challenging (or even a crisis point) for them and their loved ones as they make the transition into care

Allowances/Disregard Housing Costs

66. Disregards are made for certain housing-related costs, as follows:
 - (a) Mortgage payments - Mortgage payable net of any housing benefit is disregarded. This is disregarded by the number of people named on the deeds and whether there is a specified percentage share.
 - (b) Rent Payments - Rent payable net of housing benefit can be disregarded as long as the individual's name is on the tenancy and they are deemed eligible under the housing benefit rules. If housing benefit is reduced for under occupation then the difference that an individual is required to pay will also be disregarded. If the assessment is for one member of a couple then a maximum of 50% disregard is given for rent. No disregard will be given for water/sewerage rates included in the rent amount.
 - (c) Council Tax – If they are the owner occupier or tenant of the property
 - (d) Water rates – No disregard will be given for water/sewerage rates, unless above the average levels for the area and housing type.
 - (e) Utility bills – No disregard will be given as this is included in the Minimum Income Guarantee, however, if any additional expenditure is incurred for gas/electricity due to an individual's illness, health condition or disability these may be considered as part of a Disability Related Expense, (please see section below).
 - (f) Building Insurance – No disregard will be given as this is included in the Minimum Income Guarantee, unless the individual has entered into a deferred payment agreement.

Other allowances

67. Other disregards available include:

- (a) A disregard will be made for non-dependants, but only if a non-dependant deduction has been made by Housing Benefits.
- (b) Disability-Related Expenditure
- (c) Pre-paid funeral policy

The Deferred Payment Scheme

68. If an individual moves from their main residency into supported living or extra care housing they may be eligible to enter into a deferred payment agreement.

69. The deferred payment scheme is designed to help individuals who have been assessed as having to pay the full cost of their care, but who cannot afford to pay the full weekly charge because most of their capital is tied up in their home. Deferred payment agreements will be offered to anyone who meets the qualifying criteria and are able to provide adequate security as outlined in Darlington Borough Council's [Deferred Payment Policy](#).

70. Individuals will pay a weekly contribution towards their care that they have been assessed as being able to pay from their income and other savings. The Council pays the part of the weekly charge that they cannot afford until the value of their home is realised.

71. The Council will charge an administration fee for setting up a deferred payment agreement including legal and ongoing running costs.

72. The Council will charge interest on the deferred amount using the nationally-set maximum interest rate.

Arrangement Fees

73. If a person with eligible needs and assets above the upper capital limit asks the Council to arrange their care and support on their behalf, the Council has a duty to meet these eligible needs but will charge an arrangement fee.
74. The arrangement fee will only cover the costs the Council incurs in negotiating and/or managing the contract with a provider and any administration costs. This fee is currently £100 but will be subject to review on an annual basis.
75. When an individual assessed as being responsible for paying for their care and support requests the Council meets their needs, the Council will ensure the individual has sufficient assets for the arrangements that it puts in place to remain both affordable and sustainable.
76. The Council will secure the individual's, and any third parties that have agreed to contribute towards these costs, agreement in writing to pay the costs they are responsible for in meeting their needs, including payments to providers.

Disability-Related Expenditure (DRE)

77. Where an individual is receiving disability-related benefits, the Council will make an assessment and allow the person to keep enough benefit to pay for necessary disability-related expenditure to meet any needs which are not being met by the Council
78. Allowable Disability Related Expenditure will be for expenditure deemed necessary as a result of disability or condition or for health and safety reasons. The Social Worker or other professional may be required to assess the need for disability related expenditure
79. In assessing disability-related expenditure, the Council will take account of any reasonable additional costs directly related to a person's disability, including but not limited to :
 - (a) Payment for any community alarm system.
 - (b) Costs of any privately arranged care services required, including respite care.
 - (c) Costs of any specialist items needed to meet the person's disability needs, for example:

- i. Day or night care which is not being arranged by the Council;
- ii. Specialist washing powders or laundry;
- iii. Additional costs of special dietary needs due to illness or disability (the person may be asked for permission to approach their GP in cases of doubt);
- iv. special clothing or footwear, for example, where this needs to be specially made; or additional wear and tear to clothing and footwear caused by disability;
- v. additional costs of bedding, for example, because of incontinence;
- vi. any heating costs, or metered costs of water, above the average levels for the area and housing type, occasioned by age, medical condition or disability;
- vii. reasonable costs of basic garden maintenance, cleaning, or domestic help, if necessitated by the individual's disability and not met by social services;
- viii. purchase, maintenance, and repair of disability-related equipment, including equipment or transport needed to enter or remain in work; this may include IT costs, where necessitated by the disability;
- ix. reasonable hire costs of equipment may be included, if due to waiting for supply of equipment from the Council;
- x. personal assistance costs, including any household or other necessary costs arising for the person;
- xi. internet access for example for blind and partially sighted people
- xii. other transport costs necessitated by illness or disability, including costs of transport to day centres, over and above the mobility component of DLA or PIP, if in payment and available for these costs. In some cases, it may be reasonable for the Council not to take account of claimed transport costs – if, for example, a suitable, cheaper form of transport, e.g. council- provided transport to day centres is

available, but has not been used;

- xiii. in other cases, it may be reasonable for the Council not to allow for items where a reasonable alternative is available at lesser cost. For example, the Council might adopt a policy not to allow for the private purchase cost of continence pads, where these are available from the NHS

- 80. All individuals, whether in receipt of disability-related benefits or not, will be asked if they have any disability-related expenditure and the cost of this will be assessed and given as a disregard/allowance in line with Council policy. A checklist will be made available which will support individuals to identify disability-related expenditure
- 81. Where a disregard is relevant, evidence of actual expenditure will be requested. If receipts have not been kept the Council can request that this is done for future expenditure. It is legitimate that the Council can verify that items that have been claimed for have been purchased.
- 82. Generally, disregards should be given based on past expenditure; however in some cases estimates of annual expenditure based on available evidence can be made.
- 83. Allowances for disability-related expenditure can be set for a fixed period but the individual can request a review at any time if their disability-related expenditure changes. This will require supplementary evidence.
- 84. If the individual fails to keep future receipts and there is doubt as to whether the expenditure was actually incurred it is reasonable for the Council not to include this in the assessment.
- 85. If more than one person with eligible needs live in the same household, then additional costs relating to a disability or condition may be shared between the occupants whose needs contribute to the additional costs. The costs of providing domestic assistance or gardening, if allowed may be attributed to all of the adult occupants of the service user's home.
- 86. The disability-related expenditure assessment will be reviewed on an annual basis as part of the financial reassessment.

Debts

87. Disregards would not normally be given for debt, however, if there are pre-existing debt prior to any assessed care and support services beginning then these debts may be taken into consideration in the financial assessment.
88. Any new debts incurred after the start of the assessed care and support services may be considered in exceptional circumstances, i.e. if they are relation to their illness, health condition or disability

The Welfare Rights Check

89. As part of the Financial Assessment the Visiting Financial Assessment Officer should ensure that appropriate benefits advice is given to all individuals. This should include advice about benefit eligibility; help with the completion of benefit claims and the follow up of claims with the benefit provider where the Individual wishes this. As most decisions about benefit entitlement carry the right of appeal, then the Visiting Financial Assessment Officer may also suggest that expert advice be sought as early as possible to avoid loss of benefit and lengthy appeal processes.
90. Advice will not be limited to benefits directly affecting charges. It will include Housing Benefit, Council Tax Benefit, and Council Tax Discounts and reductions as well as the core benefits of Income Support and Pension Credits, disability benefits (AA/DLA) and Tax Credits.
91. The individual will also be notified whether charges are likely to increase if a benefit application is successful.
92. Some individuals may prefer to obtain independent Welfare Rights advice from agencies such as Age Concern, Citizens Advice Bureau and should be offered this choice. Where the Individual has given permission, information regarding the financial assessment will be exchanged with the relevant agency.
93. Individuals can choose not to take the advice offered by the Visiting Financial Assessment Officer. Where the individual fails to make a claim for a benefit that they will be entitled to, this may result in this amount being treated as notional i.e. as if it is still there.

Review of Assessed Charges

94. An income and expenditure uplift will be applied in line with benefit increases annually.
95. The Council will undertake regular reviews of financial assessments. This will usually be on an annual basis.
96. A financial reassessment will be completed as a result of any changes in financial circumstances. This includes being awarded new benefits and the payments of new income.

Change in Financial Circumstances

97. It is the responsibility of the individual or their representative to inform the Council of any relevant change of financial circumstances, as failure to do so may lead to backdated charges. Examples of changes in circumstances include reductions and increases in income or capital.
98. An individual or their authorised representative can request a review of their financial assessment at any time and this should be undertaken to consider any changes in their resources. If it comes to the attention of the Council that an individual's circumstances may have changed then a referral should be made to the financial assessment team for the financial assessment to be reviewed accordingly. When undertaking a review of the financial assessment, individuals will be expected to provide the requested updated information to the Council within 15 working days. If the individual refuses to provide updated information then they will be deemed to afford the full actual cost of the services they receive.
99. The individual will be notified in writing of any alteration to their weekly contribution, as a result of any changes. Any change to the individual's weekly contribution may be from the date of such change.

Paying for Care and Support

100. All individuals will be invoiced on a 4 weekly basis, in arrears for their assessed charge.
101. Direct Payments may be paid net of the client contribution; this will be assessed on an individual basis and notified in advance.
102. Details on how to pay assessed contributions will be provided on invoices.

Non-attendance at Services Commissioned by Adult Social Care

103. Where an individual does not require their non-residential social care for whatever reason [such as a period of ill health, going on holiday], then providing they give at least 48 hours' notice they will not be charged for those services. Notice should be given in writing wherever possible however it may be acceptable for verbal notification to be received in particularly in the case of ill health which has occurred suddenly. Where notice has not been given, charges may only be waived at the discretion of the appropriate Operations Manager, e.g. emergency admission to hospital. The Council will notify the service provider of such planned non- attendance at services to ensure no charge is made.

Appeals

104. If the client disagrees with the assessment a different Visiting Financial Assessment Officer will verify the assessment. This will be completed within 20 working days and a written reply made setting out the reasons for maintaining or amending the present charge.

105. If the individual or their authorised representative still disputes the charge, then a further review will be completed by the Visiting Financial Assessment Officers' line manager. Again, a written reply will be sent out within 10 working days confirming the reasons for maintaining or amending the current charge.

106. If the individual still remains dissatisfied regarding the outcome of their appeal then the Director of Services for People or a nominated officer will hear appeals against decisions made by the Financial Assessment Section.

107. At any time during this process the individual or their representative can make a complaint under the Council's Complaints Procedure. Details regarding the Council's complaints procedure are detailed at the end of this policy.

Waiving the Charges

108. In exceptional cases, the charges for care and support may be waived. Cases will be considered on an individual basis taking into account the effect upon the individual.

109. In such cases, the Assessing officer and their Team Manager will submit a report outlining the client's circumstances and the reasons why they believe that the charges should be waived to the Assistant Director Adult Social Care for approval. Approval

may be given retrospectively and the individual would be reimbursed for contributions paid back to the date that approval was effective. It can also be given for a specified period of time to give the individual the opportunity to reassess their own position on paying for their care.

110. The Council has a responsibility to provide care and support to people assessed as needing it through a Care and Support Needs Assessment regardless of the individual's ability or willingness to pay. Services that are essential to support someone safely in the community should not be withdrawn because the person refuses to pay. Where the person withdraws themselves from services, further enquiries and alternative advice and assistance will be offered.

Debt Management

111. Where an individual has accrued a debt, the Council may use its powers under the Act to recover that debt. In deciding how to proceed, the Council will consider the circumstances of the case before deciding a course of action.
112. Ultimately, the Council may institute County Court proceedings to recover the debt due to the Council. However, the Council will only use this power once other reasonable alternatives for recovery have been exhausted.

Complaints

113. Darlington Adult Social Care welcomes and responds positively to all comments, compliments and complaints as a means of demonstrating its commitment to working in partnership with individuals and carers and improving services.
114. The Adult Social Care Complaints Procedure comprises of one stage after which the complainant should be advised to discuss the matter with the Complaints Manager or refer the matter to the Local Government Ombudsman.
115. Although complainants can refer their complaint from the outset to the Local Government Ombudsman, they will not normally investigate the matter until the Council has conducted its own investigation and made a response.
116. More information is available from:

Complaints and Information Governance
Team Darlington Town Hall
Darlington DL1 5QT

Tel: 01325 388043

www.darlington.gov.uk/complaints

E-mail: complaints@darlington.gov.uk

117. Complaints concerning the conduct of Officers of the Council will be dealt with under the Council's employment policy and procedures.

EXAMPLES OF DISABILITY RELATED EXPENDITURE 2015-2016

This is a non-exhaustive list however all DRE will be looked at on a case by case basis.

Disability Related Expense	Evidence Required
Alarm Line (Community Alarm System)	Check Lifeline services/bills from provider/Direct Debit on bank statements
Foot care Not normally allowed unless special circumstances as should be provided under NHS	Bill/receipt /bank statement Confirmation of need from assessing officer or doctor/health professional
Domestic help – Private (eg housework and shopping), Where service user is unable to do this as a result of disability and there is no-one else in the household who could reasonably be expected to assist)	Bill/receipt/bank statement/contract/ letter Confirmation of need from assessing officer
Clothing and footwear May include specialised clothing or footwear, or frequent replacement, eg for people with physical disabilities, mental health problems or learning disabilities	Bills/receipts/bank statement
Bedding and Towelling May include sheets, quilts towels etc.	Bills/receipts/bank statement
Dietary Additional costs of special dietary needs due to illness or disability	Details required Receipts required
Assistance Dogs (eg blind, deaf or epileptic) Unless provided free from relevant organisation (including training and vets bills).	Details required Receipts required
Gardening Basic garden maintenance (where client is unable to maintain due to disability and no-one else in household can reasonably be expected to assist) Check if local gardening scheme available	Confirmation of need from assessing officer Receipts/ bank statements/ bill/invoice.
Utilities Exceptional Any heating costs or metred costs of water above the average levels for the area and housing type required by age, medical condition or disability)	Confirmation of need from assessing officer 12 months of bills/ receipts.

Laundry Includes: additional costs of washing powder, cleaning materials, wear and tear on washing machine, washing	Confirmation of need from assessing officer Bills/Receipts required
Clothing & bedding, if necessitated by age, medical condition or disability	
Health Needs Non prescribed items eg incontinence creams, wipes etc where not provided by the NHS)	Bills/Receipts required
Personal Care – Private Includes bathing, washing feeding and dressing	Bills/receipts/bank statement/service agreement/letter from carer Confirmation of need from assessing officer
Prescriptions Where the individual has to pay	Receipts required
Holidays Additional reasonable costs for disability related adaptations plus cost of accommodation for Personal Assistant, if applicable	Receipts /invoices required
Special equipment Purchase, maintenance, and repair rent of disability related equipment	Evidence of purchase Confirmation of need from assessing officer or Occupational Therapy worker.
Transport Costs Other transport costs necessitated by illness or disability	Bills/receipts required Evidence of need from assessing officer
Other Disability Related Expenditure	Bills/receipts required Evidence of need from assessing officer

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**CABINET
6 NOVEMBER 2018**

COUNCIL TAX SUPPORT – SCHEME APPROVAL 2019/20

**Responsible Cabinet Member - Councillor Stephen Harker,
Efficiency and Resources Portfolio**

Responsible Director – Paul Wildsmith, Managing Director

SUMMARY REPORT

Purpose of the Report

1. To seek approval for the draft Council Tax Support (CTS) scheme for 2019/20.

Summary

2. On 23 November 2017, Council approved the local CTS scheme for 2018/19 and the scheme became operational on 1 April 2018.
3. Councils are required to set a CTS scheme each year and as part of that exercise:
 - (a) Consider whether any changes should be made to the existing scheme, and
 - (b) Where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
4. This report sets out the details of the CTS scheme for 2019/20. No major changes are proposed to the existing scheme.

Recommendation

5. It is recommended that Cabinet approve the draft CTS scheme for 2019/20 at **Appendix 1** for submission to Council for consideration and adoption, including:-
 - (a) Continuing to provide up to 100% CTS for care leavers under the age of 25, and
 - (b) Continuing to provide up to 80% CTS for all other working aged people

Reasons

6. The recommendation is supported by the following reasons :-
 - (a) The Council is required to publish a local CTS scheme for 2019/20 by 11 March 2019.
 - (b) The CTS schemes since 2013/14 have all been implemented successfully without any major challenges.
 - (c) The continued application of a reduced entitlement for working aged people is still appropriate, given the current financial position of the Council.

**Paul Wildsmith
Managing Director**

Background Papers

- (i) Local Government Finance Bill 2012
- (ii) Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012
- (iii) Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012
- (iv) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013
- (v) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2014
- (vi) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015
- (vii) Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016
- (viii) Council Tax Reduction Schemes (Amendment) (England) Regulations 2017

Anthony Sandys: Extension 6926

S17 Crime and Disorder	There are no issues
Health and Well Being	The CTS scheme may have an adverse impact on the health and well-being of low income groups
Carbon Impact	There is no carbon impact in this report
Diversity	Working aged recipients of CTS are treated differently to pensioners. An equality impact assessment was undertaken before the existing scheme was approved
Wards Affected	All wards are affected, but in particular those with higher numbers of people claiming CTS
Groups Affected	Working age recipients of CTS are affected by the local scheme. Pensioners are protected from any cuts under a national set of regulations
Budget and Policy Framework	The issues contained within this report do not represent a change to Council budget or the Council's policy framework
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
One Darlington: Perfectly Placed	This report has implications for the 'Healthy Darlington' and 'Prosperous Darlington' themes of the Sustainable Community Strategy.
Efficiency	The operation of the local CTS scheme continues to represent a significant financial challenge to the Council and other precepting authorities
Impact on Looked After Children and Care Leavers	Young care leavers, who do not have the family support most young people have to establish themselves in the community, can receive up to 100% CTS

MAIN REPORT

Information and Analysis

7. Since 2013, the previous national Council Tax Benefit (CTB) scheme has been replaced with local CTS schemes, designed and administered by local authorities. Grants are paid to local authorities to fund CTS, but the overall amount does not fully meet actual expenditure levels.
8. The Council is required to design and publish a new CTS scheme each year, in time to implement for annual Council Tax billing. A full public consultation exercise and an equality impact assessment were undertaken on the initial scheme in 2013.
9. Each year, the Council has to consider whether any changes should be made to the existing scheme and, where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
10. Each year's scheme then has to be approved by full Council.
11. The key feature of Darlington's CTS scheme is that most working aged people can only receive a maximum of 80% support towards their Council Tax. Young carers can receive up to 100% support (introduced in April 2018) and pensioners are also protected under a national set of regulations.
12. No other significant changes are recommended for the 2019/20 CTS scheme.

Financial Implications

13. The recommendations in paragraphs 12 and 13 will not have any significant financial implications and therefore it is not intended to amend the budget in the MTFP.

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Darlington Borough Council
Council Tax Support Scheme
2019 - 2020

1 Introduction

- 1.1.1 Council Tax Support (also referred to as Council Tax Reduction) is the means of helping people on low incomes pay their Council Tax. Each Council Tax billing authority is responsible for setting its own local Council Tax Support scheme every year.
- 1.1.2 Pensioners are protected from the effects of local schemes by a national framework of rules and eligibility. Working aged people however are subject to the provisions of the locally defined scheme.
- 1.1.3 On 23rd November 2017, Darlington Borough Council approved the Council Tax Support scheme for 2018/2019, which became operational from 1st April 2018.
- 1.1.4 This document sets out Darlington Borough Council's scheme for 2019/2020 and should be read in conjunction with:
 - 1.1.4.1 The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.
 - 1.1.4.2 The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012.
 - 1.1.4.3 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013.
 - 1.1.4.4 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2014.
 - 1.1.4.5 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014.
 - 1.1.4.6 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015.
 - 1.1.4.7 The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016.
 - 1.1.4.8 The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017.

2 Executive Summary

2.1 Prescribed requirements

- 2.1.1 There are a number of prescribed requirements that will apply to all local Council Tax Support schemes and are therefore not included in Darlington's local scheme. These are set out in the regulations referred to in 1.1.4.1 to 1.1.4.8, copies of which can be found at: www.legislation.gov.uk
- 2.1.2 Where the prescribed regulations apply, reference has been made to the relevant parts in the Council Tax Support scheme. For the purpose of this document, "the regulations" are the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, as amended. A summary of the key features of the regulations are as follows:
- 2.1.3 There is a prescribed scheme for persons who have reached the qualifying age for state Pension Credit. 'Working aged' is defined as people who have not yet reached the qualifying age for state Pension Credit.
- 2.1.4 There are restrictions excluding foreign nationals with limited immigration status and non-economically active European Union individuals.
- 2.1.5 Individuals with refugee status, humanitarian protection, discretionary or exceptional leave to remain granted outside the immigration rules and who are exempt from the habitual residence test are entitled to support with their Council Tax.
- 2.1.6 Regulations allow arrangements for a person to act on behalf of another, for example where a person has been granted a power of attorney over a liable Council Tax payer.
- 2.1.7 Formal rights of appeal are set out in the regulations and appeals are heard by Valuation Tribunals.
- 2.1.8 Billing authorities are required to consider whether to revise or replace their Council Tax Support schemes each year and under such circumstances, to consider what transitional arrangements may be required to move from an existing local scheme to a replacement scheme. Schemes cannot be amended within a financial year.

2.2 Key features of Darlington's Council Tax Support scheme

- 2.2.1 The requirements for Council Tax Support schemes are set out in an amendment to the Local Government Finance Act 1992, under schedule 1A.
- 2.2.2 Council Tax Support for most working aged claimants will be based on 80% of their Council Tax liability (as opposed to pensioners, where entitlement is based on 100%).
- 2.2.3 Entitlement to Council Tax Support will be means tested. The amount of Council Tax Support awarded will depend on:
 - 2.2.3.1 The circumstances of the claimant and their family, such as their income and savings.
 - 2.2.3.2 The number of children who live in the household and their circumstances.
 - 2.2.3.3 The number of other adults who live in the household and their circumstances.
 - 2.2.3.4 The amount of Council Tax, less any other discounts or reliefs.

2.3 Temporary absence from home

- 2.3.1 There are no temporary absence rules for working aged people in Darlington's Council Tax Support scheme. Anyone who is liable for Council Tax on a dwelling which is their sole or main residence and not subject to a Council Tax exemption is able to claim Council Tax Support. Temporary absence rules for pensioners are set out in the regulations.

2.4 Students

- 2.4.1 There are no specific exclusions for students in the Council Tax Support scheme. Anyone who is liable for Council Tax and not subject to the Council Tax student exemption is able to claim Council Tax Support.

2.5 Extended payments

- 2.5.1 Under the Council Tax Support scheme, anyone losing entitlement to a qualifying benefit, such as Income Support or income-based Jobseekers Allowance due to moving into work or increasing their hours or pay, automatically qualifies for a 4 week run on of their Council Tax Support.

2.6 Backdating

- 2.6.1 An automatic backdating rule exists for Council Tax Support claims. Claims can be paid for any period where entitlement to Council Tax Support exists.
- 2.6.2 There is no requirement for a person to show 'good cause' as to why they didn't claim earlier.

2.7 Discretionary discounts

2.7.1 The Council has the power under section 13A of the Local Government Finance Act 1992, to reduce the Council Tax liability of a person “to such an extent as it thinks fit”. This includes the power to reduce the amount to nil.

2.7.2 The Council has a Council Tax Discretionary Discount policy, details of which can be found at <http://www.darlington.gov.uk/council-tax-and-benefits/council-tax/online-forms/#disc>

3 People who can claim Council Tax Support

3.1 Who can claim

3.1.1 The rules for making an application to Council Tax Support is set out in schedule 8, part 2, paragraph 4 of the regulations. These state:

- In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should apply or, in default of agreement, by such one of them as the council decides.
- Where the person who is liable for Council Tax is unable to act the Council will accept or appoint a person who may make an application on their behalf, in accordance with the provisions contained within this part of the regulations.

3.1.2 The classes of working aged people entitled to a reduction under the Council's scheme are as follows:

3.2 People in receipt of a qualifying benefit

People in receipt of a qualifying benefit are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Entitled to Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance.

3.2.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

3.3 People with income equal to or less than their applicable amount

People with income equal to or less than their applicable amount are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- Income is equal to or less than their applicable amount.

3.3.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

3.4 People with income more than their applicable amount

People with income more than their applicable amount are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- Income is more than their applicable amount

3.4.1 Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 80% of their eligible Council Tax, less any deductions for non-dependants.

3.5 People receiving Universal Credit with income equal to or less than their Universal Credit maximum award

People receiving Universal Credit with income equal to or less than their Universal Credit maximum award are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- In receipt of Universal Credit
- Assessment of income provided by Universal Credit plus the award of Universal Credit is equal to or less than their Universal Credit maximum award.

3.5.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

3.6 People receiving Universal Credit with income more than their Universal Credit maximum award

People receiving Universal Credit with income more than their Universal Credit maximum award are classed as:

- Working aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- In receipt of Universal Credit
- Assessment of income provided by Universal Credit plus the award of Universal Credit is more than their Universal Credit maximum award.

- 3.6.1 Having claimed Council Tax Support, this class of people will have their assessment of income provided by Universal Credit plus the award of Universal Credit compared to their Universal Credit maximum award. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the Universal Credit maximum award. Entitlement will be up to a maximum of 80% of their eligible Council Tax, less any deductions for non-dependants.

3.7 Young care leavers in receipt of a qualifying benefit

Young care leavers in receipt of a qualifying benefit are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Entitled to Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance.

- 3.7.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.8 Young care leavers with income equal to or less than their applicable amount

Young care leavers with income equal to or less than their applicable amount are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- Income is equal to or less than their applicable amount.

- 3.8.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.9 Young care leavers with income more than their applicable amount

Young care leavers with income more than their applicable amount are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000

- Income is more than their applicable amount

3.9.1 Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.10 Young care leavers receiving Universal Credit with income equal to or less than their Universal Credit maximum award

Young care leavers receiving Universal Credit with income equal to or less than their Universal Credit maximum award are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- In receipt of Universal Credit
- Assessment of income provided by Universal Credit plus the award of Universal Credit is equal to or less than their Universal Credit maximum award.

3.10.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.11 Young care leavers receiving Universal Credit with income more than their Universal Credit maximum award

Young care leavers receiving Universal Credit with income more than their Universal Credit maximum award are classed as:

- Aged 18 to 24
- A care leaver, as defined by the Children (Leaving Care) Act 2000
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Capital is less than £16,000
- In receipt of Universal Credit
- Assessment of income provided by Universal Credit plus the award of Universal Credit is more than their Universal Credit maximum award.

3.11.1 Having claimed Council Tax Support, this class of people will have their assessment of income provided by Universal Credit plus the award of Universal Credit compared to their Universal Credit maximum award. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the Universal Credit maximum award. Entitlement will be up to a maximum of 100% of their eligible Council Tax, less any deductions for

non-dependants.

3.12 The classes of pensioners who are entitled to a Council Tax reduction are set out in schedule 1 of the regulations, as follows:

3.13 Pensioners with income equal to or less than their applicable amount

Pensioners with income equal to or less than their applicable amount are classed as:

- Pension aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Not temporarily absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- Capital is less than £16,000
- Income is equal to or less than their applicable amount.

3.13.1 Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.14 Pensioners with income more than their applicable amount

Pensioners with income more than their applicable amount are classed as:

- Pension aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Not temporarily absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- Capital is less than £16,000
- Income is more than their applicable amount.

3.15 Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 100% of their eligible Council Tax, less any deductions for non-dependants.

3.16 Alternative maximum Council Tax Support

People entitled to alternative maximum Council Tax Support are classed as:

- Pension aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Not temporarily absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations

- One or more people reside with the claimant who are not a member of their family.
- No other resident in the dwelling is liable to pay rent to the claimant in respect of that dwelling.

3.16.1 Having claimed Council Tax Support, this class of people will have their Council Tax Support calculated on the income, or aggregate incomes, of one or more people who reside in the dwelling, up to a maximum of 25% of their eligible Council Tax.

3.17 Pensioners with war pensions

Pensioners with war pensions are classed as:

- Pension aged
- Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- Not temporarily absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- In receipt of War Disablement Pension, War Widow's Pension or War Widower's Pension

3.17.1 Having claimed Council Tax Support, this class of people will be assessed in accordance with the prescribed regulations for pensioners. War Disablement Pension, War Widow's Pension and War Widower's Pension will be fully disregarded.

3.18 Pensioners

3.18.1 The provisions for pensioners are set out in Schedules 1 to 6 of the regulations.

3.18.2 The meaning of who is and who is not a pensioner is set out in paragraph 3 of the regulations. These state:

- A person is a 'pensioner' if they have attained the qualifying age for state Pension Credit; and
- They, or their partner are not in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, or Universal Credit
- A person is 'not a pensioner' if they have not attained the qualifying age for state Pension Credit; or
- They have attained the qualifying age for state Pension Credit and they, or their partner are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, or Universal Credit.

3.19 Membership of a family

3.19.1 The meaning of a 'couple' is set out in paragraph 4 of the regulations. These state a 'couple' is:

- A man and woman who are married to each other and are members of the same household,
- A man and a woman who are not married to each other but are living together as husband and wife,
- Two people of the same sex who are civil partners of each other and are members of the same household; or
- Two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.

3.19.2 The rules for polygamous marriages are set out in paragraph 5 of the regulations. This regulation applies to:

- A person who is a husband or wife by virtue of a marriage entered into under a law which permits polygamy, and
- Either party to the marriage has for the time being any spouse additional to the other party.

3.19.3 The meaning of 'family' is set out in paragraph 6 of the regulations. These state a 'family' is:

- A couple
- A couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person
- A person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person
- A child or young person includes those in respect of whom section 145A of the Social Security Child Benefit Act 2005 applies for the purposes of entitlement to Child Benefit
- A young person does not include those who are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, Universal Credit; or a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.

3.19.4 The rules for circumstances in which a person is to be treated as responsible or not responsible for another are set out in paragraph 7 of the regulations.

These state:

- A person is to be treated as responsible for a child or young person who is normally living with them.
- Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household they are living in, they will be treated as normally living with;
 - the person who receives Child Benefit in respect of that child or young person, or
 - if there is no such person, the person who has claimed Child Benefit, or the person who has the primary responsibility for them.

3.19.5 The rules for membership of a household are set out in paragraph 8 of the regulations. These state:

- The claimant and any partner who are treated as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household.
- A child or young person is not treated as a member of the claimant's household where they are;
 - placed with the claimant or their partner by a local authority under section 22C or 23(2)(a) of the Children Act 2002 or by a voluntary organisation under section 59(1)(a) of that Act, or
 - placed with the claimant or their partner prior to adoption, or
 - placed with the claimant or their partner in accordance with the Adoption and Children Act 2002
- A child or young person is not treated as a member of the claimant's household where they are not living with the claimant as they are;
 - being looked after by a local authority under a relevant enactment, unless they live with the claimant for part or all of a relevant week or the authority considers it reasonable to do so taking into account the nature and frequency of that child's or young person's visits, or
 - placed with a person other than the claimant prior to adoption, or
 - placed for adoption in accordance with the Adoption and Children Act 2002.

3.20 Non-dependants

3.20.1 The meaning of non-dependants is set out in paragraph 9 of the regulations. These state a 'non-dependant' is:

- Any person who normally resides with the claimant or with whom the claimant normally resides.
- This excludes;
 - any member of the claimant's family,
 - a child or young person who is living with the claimant but is not classed as a member of their household,
 - any person who is jointly and severally liable to pay Council Tax in respect of the dwelling,
 - any person who is liable to make payments on a commercial basis to the claimant or their partner in respect of occupation of the dwelling, unless that person is a close relative of the claimant or their partner, or the tenancy or other agreement between them is other than on a commercial basis, or where it appears to the authority to have been created to take advantage of a scheme
 - a person who lives with the claimant in order to care for them or their partner and who is engaged with a charitable or voluntary organisation which makes a charge to the claimant or their partner for the services provided by that person.

3.21 Persons from Abroad

3.21.1 The rules for persons treated as not being in Great Britain are set out in paragraph 12 of the regulations. These state:

- Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme.
- A person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, except;
 - a qualified person (or their family member), for the purposes of regulation 6 of the EEA regulations 2006 as a worker or self-employed person,
 - a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA regulations 2006,
 - a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees, as extended by Article 1(2) of the Protocol relating to the Status of Refugees,
 - a person who has been granted leave outside of the rules under section 3(2) of the Immigration Act 1971 where that leave is discretionary leave to enter or remain in the United Kingdom, leave to remain under the Destitution Domestic Violence concession, or leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005,
 - a person who has humanitarian protection granted under those rules,
 - a person who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of their deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom,
 - a person in receipt of Income Support or income related Employment and Support Allowance,
 - a person in receipt of income based Jobseekers Allowance and has a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland,
 - a person who is treated as a worker for the purpose of the definition of a 'qualified person' in regulation 6(1) of the EEA regulations 2006 pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an "accession state national subject to worker authorisation"),
 - a Crown servant or member of HM forces posted overseas and the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- A right to reside does not include a right which exists by virtue of, or in accordance with;

- regulation 13 of the EEA regulations 2006 or Article 6 of Council Directive 2004/38/EC,
- regulation 14 of the EEA regulations 2006, but only in a case where the rights exist under that regulation because the person, or a family member, is a jobseeker for the purpose of the definition of a 'qualified person' in regulation 6(1) of those regulations,
- article 45 of the Treaty on the functioning of the EU (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland)
- regulation 15A(1) of the EEA regulations 2006, but only in a case where the right exists under that regulation because the claimant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the EU (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

3.21.2 The rules for persons subject to immigration control are set out in paragraph 13 of the regulations. These state:

- Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme, except;
 - a person who is a national of a state which has ratified the European Convention on Social and Medical Assistance, or a state which has ratified the Council of Europe Social Charter and who is lawfully present in the United Kingdom.
- 'Persons subject to immigration control' has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

3.22 Applicable amounts

3.22.1 The applicable amount will be made up of a number of elements. These may include, depending upon individual circumstances:

- A personal allowance for the claimant and their partner.
- An amount for every child or young person who is a member of the family.
- A family premium where at least one child or young person is part of the household.
- Premiums for people in receipt of Employment and Support Allowance.
- Premiums which may apply in special circumstances.

3.22.2 The weekly amounts to be included in the applicable amount are detailed below. The qualifying conditions for each of these personal allowances and premiums are set out in Schedule 3 of The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012. These are summarised in **Table 1**. The applicable amounts for pensioners are set out in schedule 2 of the regulations.

3.22.3 The amounts detailed below in **Table 1** are those stated within the 2018/2019 scheme and will be updated for 2019/2020. The updated amounts will be

calculated with reference to the amended regulations and Social Security Up-rating Order 2018.

3.22.4 People in receipt of Universal Credit will have their Council Tax Support calculated based on their Universal Credit maximum award.

3.22.5 The Family Premium does not apply from 1st May 2016, unless the conditions in 3.22.6 apply.

3.22.6 Claims for Council Tax Support where the Family Premium applied at 30th April 2016 will continue to be entitled to the Family Premium from 1st May 2016 until their claim for Council Tax Support ends or their household no longer includes at least one child or young person.

Table 1: Applicable Amounts

Personal allowances	Weekly amount 2018/2019	Weekly amount 2019/2020
Single claimant aged 18 to 24	£57.90	
Single claimant aged 25 or over	£73.10	
Single claimant entitled to main phase Employment and Support Allowance	£73.10	
Lone parent	£73.10	
Couple	£114.85	
A child or young person until the day before their twentieth birthday	£66.90	
Family premium	Weekly amount 2018/2019	Weekly amount 2019/2020
A household which includes at least one child or young person (but see 3.22.5 and 3.22.6)	£17.45	
Employment and Support Allowance premiums	Weekly amount 2018/2019	Weekly amount 2019/2020
The claimant or their partner are in receipt of the work related activity component of Employment and Support Allowance	£29.05	
The claimant or their partner are in receipt of the support component of Employment and Support Allowance	£37.65	
Special circumstances premiums (entitlement limited to only one of the premiums below)	Weekly amount 2018/2019	Weekly amount 2019/2020
Disability premium (single) – the claimant is registered blind, or in receipt of one or more of the following: <ul style="list-style-type: none"> • Attendance Allowance • Disability Living Allowance • Mobility Supplement • Long term Incapacity Benefit • Severe Disablement Allowance • The disability or severe disability element of Working Tax Credit • Personal Independence Payment • Armed Forces Independence Payment 	£33.55	
Disability premium (couple) – the claimant or	£47.80	

<p>partner is registered blind, or in receipt of one or more of the following:</p> <ul style="list-style-type: none"> • Attendance Allowance • Disability Living Allowance • Mobility Supplement • Long term Incapacity Benefit • Severe Disablement Allowance • The disability or severe disability element of Working Tax Credit • Personal Independence Payment • Armed Forces Independence Payment 		
Carers premium – the claimant or partner is entitled to Carers Allowance	£36.00	
Special circumstances premiums (entitlement can be applied on top of any other premiums awarded)	Weekly amount 2018/2019	Weekly amount 2019/2020
<p>Severe disability premium (single rate) - for a single claimant, lone parent or couple where:</p> <ul style="list-style-type: none"> • The claimant or partner is receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment, and • No non-dependants aged 18 or over reside with them, and • No one is in receipt of a Carers Allowance or the carer element of Universal Credit for looking after them. 	£64.30	
<p>Severe disability premium (double rate) - for a couple where:</p> <ul style="list-style-type: none"> • Both the claimant and partner are receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment, and • No non-dependants aged 18 or over reside with them, and • No one is in receipt of a Carers Allowance or 	£128.60	

the carer element of Universal Credit for looking after both of them.		
<p>Enhanced disability premium (single) – where:</p> <ul style="list-style-type: none"> • The claimant has limited capability for work related activity, or • The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant's family, or • The daily living component of Personal Independence Payment is payable for the claimant or any member of the claimant's family. 	£16.40	
<p>Enhanced disability premium (couple) – where:</p> <ul style="list-style-type: none"> • The claimant or partner has limited capability for work related activity, or • The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant's family. 	£23.55	
<p>Enhanced disability premium (disabled child) – where:</p> <ul style="list-style-type: none"> • The highest rate care component of Disability Living Allowance is payable for a child or young person, or • The daily living component of Personal Independence Payment is payable for a child or young person. 	£25.48	
<p>Disabled child premium – where a child or young person:</p> <ul style="list-style-type: none"> • Receives Disability Living Allowance, or • Receives Personal Independence Payment, or • Is registered blind. 	£62.86	

4 Making a claim

4.1.1 The rules by which a person may apply for a reduction under an authority's scheme are set out in Schedule 7, Part 1 of the regulations. These state that:

- The claim may be made in writing, by electronic communication means or by telephone.
- A claim made in writing must be made to the Council on a properly completed form.
- A claim is considered properly completed if it has been completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the claim.
- Where a claim is defective because it has not been made on a form approved for the purpose, the Council may request the claimant to complete an approved form.
- Where a claim is defective because it is not accepted as being properly completed, the Council may allow the claimant sufficient time to provide information and evidence in connection with the claim, or request further information and evidence.
- If a claim made by electronic communication is defective, the Council must provide the claimant with an opportunity to correct the defect. A claim made by electronic communication is defective if the claimant does not provide all the information the Council requires.

4.2 Time and manner of making a claim

4.2.1 A claim for Council Tax Support may be made with the Council by completing the on-line claim form on the 'Council Tax Support' page of the Darlington Borough Council website. Where the Council holds sufficient information to decide entitlement to Council Tax Support, the claim may be made by telephone.

4.2.2 Where the Council becomes aware that a person may be entitled to Council Tax Support, or where a claim form has been requested, they will invite a claim by asking them to complete the on-line claim form or by contacting them by telephone.

4.2.3 Where a claim is made for Housing Benefit and the claimant or their partner is liable for Council Tax in respect of that dwelling, the claim for Housing Benefit will be deemed to be a claim for Council Tax Support.

4.2.4 Where a claimant notifies the Department for Work and Pensions of their intention to apply for Council Tax Support and as a consequence of this notification, the Department for Work and Pensions share details of the claimant's Department for Work and Pensions benefit with the Council, this data share will constitute an application for Council Tax Support.

4.2.5 The Council will offer assistance to the claimant to make their claim for Council Tax Support, where this is required.

4.3 Information and evidence

4.3.1 The rules for the information and evidence required to support a claim or ongoing award of Council Tax Support is set out in Schedule 8, Part 2, paragraph 7 of the regulations. These state:

- The claim must be accompanied by a statement of the claimant's (and any other person in respect of whom they are making an application) national insurance number and information or evidence to establish that that number has been allocated to that person.
- Where the person has applied for a national insurance number, the claim must be accompanied by evidence of the application for a national insurance number to be allocated.
- The claim must be accompanied by any certificates, documents, information and evidence in connection with the claim or an award as may reasonably be required by the Council to decide the claim or a continuing award.
- The claimant must provide the Council with the information and evidence it requires to decide the claim or a continuing award within one month of a request to do so, or such longer time as the Council may consider reasonable.
- The claimant is not required to provide evidence of any income or capital which are disregarded under the Council Tax scheme.

4.3.2 Where information and/or evidence has already been verified by the Department for Work and Pensions in relation to a claim for Income Support, Jobseekers Allowance, Employment and Support Allowance or Universal Credit, the Council will also accept this as verified for any Council Tax Support claim.

4.4 Amendment and withdrawal of claim

4.4.1 The rules for the amendment and withdrawal of a claim for Council Tax Support is set out in Schedule 8, Part 2, paragraph 8 of the regulations. These state:

- A person who has made a claim may amend it at any time before a decision has been made on it.
- A person who has made a claim may withdraw it at any time before a decision has been made on it.

5 Income and capital

5.1 Treatment of income

5.1.1 The income of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support. Where the person is receiving Universal Credit, the income will be the assessment of income provided by Universal Credit, plus the award of Universal Credit.

5.1.2 'Income' includes any of the following:

- Earnings
- Social Security Benefits
- Tax credits
- Pensions
- Maintenance
- Income from rent / board and lodgings
- Royalties
- Student grants
- Compensation payments.

5.1.3 Income will be calculated on a weekly basis. Any income paid for a period other than on a weekly basis, will be converted to a weekly figure. All income will be taken into account in full, unless a disregard applies.

5.1.4 The income to be taken into account will be the actual weekly income or likely average weekly income of the claimant and partner. This will be calculated over such a period as is likely, in the opinion of the Council, to provide the most accurate estimate.

5.1.5 In the case of earnings from employment, the earnings will be taken into account for the period they relate to, even if the person does not actually receive the earnings from their employer during that period.

5.1.6 In the case of earnings from employment, where employment is due to commence, an estimate of likely earnings will be based on whatever information is available from the person or the person's employer.

5.1.7 The treatment of income for a pensioner is set out in schedule 1 of the regulations.

5.2 Earnings

5.2.1 The meaning of remunerative work is set out in paragraph 10 of the regulations. These state:

- A person must be treated as in remunerative work if they are engaged on average, for not less than 16 hours a week, in work for which payment is made or expected.
- Where a person's working hours fluctuate, regard must be had to the normal cycle of work, the number of hours they are expected to work, or

the 5 weeks immediately prior to the date of claim or such other length of time that may allow the person's weekly average hours of work to be determined.

- Where a person works at a school or other educational establishment, any vacation periods or holidays where they are not required to work will be disregarded for establishing the average hours for which they are working.
- Any periods of absence from work, such as holiday, will be disregarded for establishing the average hours for which the person is working.
- A person will not be treated as engaged in remunerative work if they are on maternity leave, paternity leave, adoption leave, or if they are absent from work because they are ill.

5.2.2 'Earnings' mean any remuneration or profit derived from that employment and includes:

- Bonuses or commission
- Payments in lieu of remuneration
- Payments in lieu of notice
- Holiday pay
- Payments by way of a retainer
- Payments for expenses not wholly, exclusively and necessarily incurred in the performance of the employment
- Statutory sick pay, maternity pay, paternity pay or adoption pay.

5.2.3 A claimant or partner's net earnings will be the gross earnings less:

- Income Tax
- National Insurance contributions
- Half of any sum paid by the employee towards an occupational or personal pension scheme.

5.2.4 Where the person is receiving Universal Credit, the earnings will be the assessment of earnings provided by Universal Credit.

5.2.5 The calculation of earned income for pensioners is set out in schedule 1 of the regulations.

5.2.6 The following sums will also be disregarded in the calculation of earnings:

- Temporary care provision payments in the calculation of earnings.
- Payments relating to former employment paid after retirement.
- Compensation payments for loss of employment.
- Guarantee payments on medical or maternity grounds.
- Payments for expenses wholly, exclusively and necessarily incurred in the performance of the employment.
- For a single person, the first £5.00 per week of any earnings.
- For a couple, the first £10.00 per week of any earnings.
- For a lone parent, the first £25.00 per week of any earnings.
- For people in receipt of contribution-based Employment and Support Allowance, Incapacity Benefit or Severe Disablement Allowance, where a permitted earnings disregard applies, the first £125.50 per week of any earnings.

- For people entitled to the disability premium, the severe disability premium or one of the Employment and Support Allowance premiums, the first £20.00 per week of any earnings, except where the permitted earnings disregard applies.
- For people entitled to the carers premium, the first £20.00 per week of any earnings.
- For people in certain special occupations, the first £20.00 per week of any earnings. These are:
 - Part-time fire-fighters.
 - Auxiliary coastguards.
 - Part-time life-boat workers.
 - Members of the Territorial Army or similar reserve force.
- For people in receipt of the additional earnings disregard in Working Tax Credit, an additional disregard of £17.10 per week of any earnings. If the additional disregard would result in a negative earned income figure, the disregard will be made from their Working Tax Credit.
- Child care charges (see below).

5.2.7 The sums disregarded from pensioner's earnings are set out in schedule 4 of the regulations.

5.3 Child care charges

5.3.1 Child care charges up to a maximum of £175 per week for one child, or £300 per week for two or more children, will be deducted from earned income, plus any Working Tax Credit and Child Tax Credit where:

- A lone parent works 16 hours per week or more, or
- Both members of a couple work 16 hours per week or more, or
- One member of a couple works 16 hours per week or more and the other member of the couple is disabled, and the disability premium or one of the Employment and Support Allowance premiums is included in the couple's applicable amount due to this disability, or
- One member of a couple works 16 hours per week or more and the other member of the couple is on maternity leave and receiving Statutory Maternity Pay or Maternity Allowance, or
- One member of a couple works 16 hours per week or more and the other member of the couple is in hospital or prison.

5.3.2 The child must be under 15 years of age, or 16 if they are disabled, and the care must be provided by one of the following:

- A registered child minder.
- A registered nursery or play scheme.
- An out of hours scheme run by an approved provider.
- An out of hours club provided by a school on school premises (this applies only if the child is aged 8 or over).

5.3.3 The treatment of child care charges for pensioners is set out in schedule 1 of the regulations.

5.4 Self-employed earnings

5.4.1 The weekly earnings of a self-employed claimant or partner will be calculated based on:

- The most recent year's trading accounts, if the claimant or partner have been self-employed for one year or more, or
- The estimated net weekly profit figure provided by the claimant or partner, if they have been self-employed for less than a year, together with any evidence of their recent actual income and expenses.

5.4.2 In calculating the estimated net weekly profit figure, the Council will use the gross income of the employment, less any expenses which are wholly and reasonably incurred for the purpose of the business. The following will not be allowable in the calculation of the estimated net weekly profit figure:

- Sums employed or intended to be employed in setting up or expanding the business.
- Capital repayments on business loans, except where these are for replacing business equipment or machinery.
- Any other capital expenditure.
- Depreciation of any capital asset.
- Losses incurred before the beginning of the assessment period.
- Debts, other than proven bad debts.
- Business entertainment.
- Any sum for domestic or private use.
- Drawings from the business.

5.4.3 For child minders, one third of the gross profit will be used to calculate the gross income.

5.4.4 The net income will then be calculated by deducting an amount for tax, national insurance contributions and half of any pension contributions from the gross pre-tax profits.

5.4.5 In cases where the actual tax and national insurance contributions are not provided, the Council will estimate the likely tax and national insurance contributions payable.

5.4.6 The treatment and calculation of self-employed earnings for pensioners is set out in schedule 1 of the regulations.

5.5 Student income

5.6 Student grant

5.6.1 The whole amount of a person's grant income will be taken into account, with the exception of the following:

- Payments for tuition fees or examination fees.
- Payments in relation to the student's disability.

- Payments for term-time residential study away from the student's educational establishment.
- Payments for another home at a place other than which the student resides during the course.
- Payments for books and equipment.
- Payments for travel expenses to attend the course.
- Payments for child care costs.
- Any special support grant, education maintenance allowances, 16-19 bursary fund payments, higher education grant, or higher education bursary for care leavers.
- Any other amounts intended for expenditure necessary to attend the course.

5.6.2 A student's grant income will be apportioned over the period of study the grant relates to.

5.7 Covenant income

5.7.1 Where a student is receiving a grant and a contribution has been assessed, the whole of the covenant income will be taken into account.

5.7.2 A student's covenant income will be apportioned over the whole calendar year and an amount of £5 per week will be disregarded.

5.7.3 Where a student is not receiving a grant, the whole of the covenant income will be taken into account. In these circumstances, a student's covenant income will be apportioned as follows:

5.7.3.1 Any covenant income up to the amount of the standard maintenance grant will be apportioned over the period of study, less any amounts to be disregarded as set out above in 'Student grant'.

5.7.3.2 Any covenant income over the amount of the standard maintenance grant will be apportioned over the whole calendar year and an amount of £5 per week will be disregarded.

5.8 Student loans

5.8.1 The whole amount of a person's student loan will be taken into account, less any amounts to be disregarded as set out above in 'Student grant'. A student's loan will be apportioned over the period of study the loan relates to and an amount of £10 per week will be disregarded.

5.8.2 A person will be treated as having a student loan in respect of an academic year where:

- A student loan has been made to them for that year, or
- They could have taken reasonable steps to acquire a loan. In these cases, the amount to be taken into account will be the maximum amount they could have acquired for that year.

5.8.3 A loan for fees, known as a fee loan or a fee contribution loan will be fully disregarded.

5.9 Payments from access funds

5.9.1 A payment from access funds will be disregarded as income, with the exception of any payments intended for:

- Food
- Ordinary clothing or footwear
- Household fuel
- Water charges
- Rent
- Council Tax

5.9.2 In these circumstances, the whole amount will be taken into account and an amount of £20 per week will be disregarded.

5.9.3 Where a payment from access funds is made to bridge the period until a student loan is received, the whole amount will be disregarded.

5.10 Student income treated as capital

5.10.1 The following amounts paid to students will be treated as capital:

- A refund of tax deducted from a student's covenant income.
- An amount paid from access funds as a single lump sum, whatever the purpose of the payment.

5.11 Notional income

5.11.1 A claimant will be treated as possessing income of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.

5.11.2 The treatment of notional income for pensioners is set out in schedule 1 of the regulations.

5.12 Tariff income from capital

5.12.1 Where the claimant and their partner have capital in excess of £6,000 (but less than £16,000), a tariff income of £1 per week will be taken into account for every £250, or part of £250, over £6,000.

5.12.2 The calculation of tariff income from capital for pensioners is set out in schedule 1 of the regulations.

5.13 Other income

5.13.1 Any other income of the claimant or partner will be taken fully into account, with the exception of 'income disregarded' below.

5.13.2 Where deductions are being made from income in the recovery of overpayments or taxes, by public bodies, the gross income amount will be taken into account.

5.14 Income disregarded

5.14.1 The following income paid to the claimant or partner will be disregarded in full, unless otherwise stated:

- Any payment of expenses for participation in 'work for your benefit' schemes.
- Any payment of expenses for attending mandatory work activity, employment, skills or enterprise schemes.
- Any payment of expenses for a person who is a volunteer for a charitable or voluntary organisation.
- Any payment of expenses for a person who participates as a service user.
- Certain state benefits and pensions:
 - Attendance Allowance.
 - Child Benefit.
 - Disability Living Allowance.
 - Discretionary Housing Payments.
 - Education Maintenance Allowance.
 - Guardian's Allowance.
 - Housing Benefit.
 - Income Support.
 - Income based Jobseekers Allowance.
 - Income related Employment and Support Allowance.
 - Mobility supplements.
 - Personal Independence Payments.
 - Armed Forces Independence Payments.
 - War Disablement Pensions.
 - War Widow's Pensions.
 - War Widower's Pensions.
 - Widowed Mother's Allowance.
 - Widowed Parent's Allowance.
- The income of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance.
- Any payment made to a person as a holder of the Victoria Cross or George Cross.
- Charitable or voluntary payments.
- Any income from capital.
- Any payments received from dependants or non-dependants.
- The first £20 per week of any rental payments from a person, other than a non-dependant, who occupies the claimant's home.
- The first £20 per week, and then 50% of any income over £20 per week, of any rental payments from a boarder, other than a non-dependant, who occupies the claimant's home.
- Any payment in kind made by a charity.

- Any income payable outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income.
- Any payment made for adoption, fostering, guardianship support or supported lodgings.
- Any payment made for a person who is not normally a member of the claimant's household, but is temporarily in their care.
- Any payment made by a Local Authority under section 17 of the Children's Act 1989.
- Any payment ordered by a court for a personal injury, accident or disease in respect of the claimant or their family.
- Any payment made under an agreement to settle a claim for personal injury.
- Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments of a loan.
- Any income treated as capital.
- Social Fund payments or its equivalent.
- Any payment for banking charges or commission, to convert a payment of income to sterling.
- Any payment made under the following:
 - The Macfarlane Trust
 - The Eileen Trust
 - The Independent Living Fund
 - The Skipton Fund
 - The Caxton Foundation
 - The London Bombing Relief Charitable Fund
 - The London Emergencies Trust
 - The We Love Manchester Emergency Fund
 - The Variant Creutzfeldt-Jacob Disease Trust
 - An approved infected blood support scheme
 - The Thalidomide Health Grant or other Thalidomide Trust.
- Any payment of expenses for jurors, witnesses or prison visitors.
- Any refund of Council Tax.
- Any payment of child maintenance.
- The first £15 per week of any maintenance, other than child maintenance.
- Sports awards.

5.14.2 The income disregarded for pensioners is set out in schedule 5 of the regulations.

5.15 Capital

5.15.1 The capital of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support. Where the person is receiving Universal Credit, the capital will be the assessment of capital provided by Universal Credit.

5.15.2 All capital of the claimant or partner will be taken fully into account, with the exception of 'capital disregarded' below.

5.15.3 Where capital is jointly held by the claimant or partner and one or more other persons, the Council will apportion the capital to decide what share is held by the claimant or partner.

5.15.4 Where the value of the capital item is not known, the Council will calculate the value of the capital item using the information available to provide the most accurate estimate, including:

- The current market or surrender value of the capital item.
- Less any costs for selling the capital item.
- Less any debt or charge secured against the capital item.

5.15.5 The treatment and calculation of capital for pensioners is set out in schedule 1 of the regulations.

5.16 Income treated as capital

5.16.1 The following payments will be treated as capital:

- Holiday pay, paid 4 weeks or more after termination of employment.
- Tax refunds.
- Lump sum charitable or subsistence payments.
- Arrears of Tax Credits.

5.17 Notional capital

5.17.1 A claimant will be treated as possessing capital of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.

5.17.2 The treatment of notional capital for pensioners is set out in schedule 1 of the regulations.

5.18 Capital disregarded

5.18.1 The following capital held by the claimant or partner will be disregarded in full, unless otherwise stated:

- The dwelling normally occupied by the claimant as their home.
- Any property which is actively being sold.
- Any property acquired by the claimant which they intend to occupy as their home, whilst they are preparing for occupation.
- Any property acquired by the claimant, which they intend to occupy as their home, which is undergoing essential repairs or alterations.
- The proceeds of sale of any property formerly occupied by the claimant as their home, which is to be used for the purchase of another property intended for their occupation.
- Any property occupied by a partner or relative of the claimant or any member of their family, where that person is a pensioner or is disabled.
- Any property occupied by the former partner of the claimant as their home, where the former partner is a lone parent, or where the property is actively being sold.

- The capital of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance.
- Any future interest in property, other than land or premises where the claimant has granted a lease or tenancy.
- The assets of any business owned by the claimant for the purpose of their self-employment.
- Any arrears of state pensions, benefits or tax credits.
- Any amount paid to the claimant, or acquired by the claimant as a loan, as a result of damage or loss of the home or personal possessions and intended for its repair or replacement.
- Any amount deposited with a Registered Provider, which is to be used for the purchase of another property intended for occupation.
- Any personal possessions.
- The value of the right to receive any income under an annuity or the surrender value of an annuity.
- Where the funds of a trust resulted from a payment for a personal injury to the claimant or their partner, the value of the trust fund and the right to receive any payment under that trust.
- The value of the right to receive any income under a life interest or from a life rent.
- The value of the right to receive any income payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income.
- The surrender value of any life insurance policy.
- Where payments of capital are made by instalments, the value of the right to receive any outstanding instalments.
- Any payment made by a local authority under section 17 of the Children Act 1989.
- Any payment made for adoption, fostering, guardianship support or supported lodgings.
- Any social fund payment or its equivalent.
- Any refund of tax deducted on a payment of loan interest for the purpose of acquiring a home or carrying out repairs or improvement to the home.
- Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- Any payment made under the following:
 - The Macfarlane Trust
 - The Eileen Trust
 - The Independent Living Fund
 - The Skipton Fund
 - The Caxton Foundation
 - The London Bombing Relief Charitable Fund
 - The London Emergencies Trust
 - The We Love Manchester Emergency Fund
 - The Variant Creutzfeldt-Jacob Disease Trust
 - An approved infected blood support scheme
 - The Thalidomide Health Grant or other Thalidomide Trust.

- The value of the right to receive any rent.
- Any payment in kind made by a charity.
- Any refund of Council Tax.
- Any payment made by a local authority to the claimant, to be used to purchase a property for occupation as their home, or to carry out repairs or alterations to the home.
- Any payments for:
 - travel expenses for hospital visits
 - medical supplies and vouchers
 - health in pregnancy grants
- Home Office payments for prison visits.
- Any payment made to assist a disabled person to obtain or retain their employment.
- Any payment made by a local authority under the Blind Homeworkers' Scheme.
- Any capital administered on behalf of a person by the High Court, County Court, or the Court of Protection.
- Any payment to the claimant as a holder of the Victoria Cross or George Cross.
- Any payment made to assist a person under the self-employment route.
- Any payment of a sports award.
- Any payment of an education maintenance allowance.
- Any payment made by a contractor for a person participating in an employment zone programme.
- Any arrears of subsistence allowance.
- Any payment made by a local authority for a service which is provided to develop or sustain the capacity of the claimant or their partner to live independently in their accommodation, including personal budgets.

5.18.2 The capital disregarded for pensioners is set out in schedule 6 of the regulations.

6 Calculation of entitlement

6.1 Maximum Council Tax Support

6.1.1 The amount of a person's maximum Council Tax Support for a day which they are liable to pay Council Tax will be 80% (100% for Young Care Leavers).

6.1.2 The amount of Council Tax Support will be calculated as A divided by B and multiplied by 80% (100% for Young Care Leavers) where:

- A is the amount of Council Tax set for the financial year for the dwelling the person resides in and for which they are liable, less any discount which applies
- B is the number of days in that financial year
- Less any non-dependant deductions.

6.1.3 Where a person is jointly and severally liable for Council Tax, which they are liable with one or more other persons, the maximum amount of Council Tax Support will be the amount in A divided by the number of people who are jointly and severally liable. This will not apply if the only person they are jointly and severally liable with is their partner.

6.1.4 The maximum Council Tax Support for pensioners is set out in schedule 1 of the regulations.

6.2 Council Tax Support taper

6.2.1 The percentage of excess income over the applicable amount (or Universal Credit maximum award) which will be deducted from the weekly maximum Council Tax Support will be 20%.

6.3 Non-dependant deductions

6.3.1 A deduction from a person's maximum Council Tax Support will be made for non-dependants, as follows. The amounts detailed below are those stated within the 2018/2019 scheme (**Table 2**) and will be updated for 2019/2020. The updated amounts will be calculated with reference to the amended regulations 2018.

Table 2: Non-dependant deductions 2018/2019

Non-dependant type	Weekly amount
A non-dependant aged 18 or over in remunerative work where their normal gross weekly income is:	
• Less than £202.85	£3.90
• Between £202.85 and £351.64	£7.90
• Between £351.65 and £436.89	£9.95
• £436.90 or over	£11.90
A non-dependant aged 18 or over not in remunerative work	£3.90

- 6.3.2 In calculating the gross income of a non-dependant, any amounts which would normally be disregarded for a Council Tax Support claimant, will also be disregarded for a non-dependant.
- 6.3.3 Only one non-dependant deduction will be made for a couple, and the amount deducted will be based on their joint income, calculated as above.
- 6.3.4 Where a person is jointly and severally liable for Council Tax for a dwelling they reside in, which they are liable with one or more other persons, the amount of the non-dependant deduction will be apportioned equally between those liable persons.
- 6.3.5 Non-dependant deductions will not be made in the following circumstances:
- Where the claimant or their partner is blind
 - Where the claimant or their partner receives Attendance Allowance, or the care component of Disability Living Allowance, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment.
 - Where the non-dependant normally resides elsewhere
 - Where the non-dependant receives a training allowance
 - Where the non-dependant is a full-time student
 - Where the non-dependant is not residing with the claimant because they have been an in-patient for more than 52 weeks (without any break exceeding 28 days)
 - Where the non-dependant receives Income Support, income based Jobseekers Allowance, income related Employment and Support Allowance, or Pension Credit
 - Where the non-dependant receives Universal Credit, where the award has been calculated on the basis that they do not have any earned income
 - Where the non-dependant is aged under 18
 - Where the non-dependant is not residing with the claimant because they are a member of the armed forces and they are absent, while on operations, from the dwelling usually occupied as their home.
- 6.3.6 Where the income of the non-dependant is not known or has not been provided, the Council will assume that the maximum deduction will apply.
- 6.3.7 The rules for non-dependant deductions for pensioners are set out in schedule 1 of the regulations.

6.4 Date on which a claim is made and entitlement begins

- 6.4.1 The rules for the date on which a claim is made are set out in schedule 8, part 2, paragraph 5 of the regulations. These state:
- Where an award of Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit has been made to the claimant or their partner; and the claim for Council Tax Support is made within one

month of the date of the claim for one of those benefits; the date of claim will be the first day of entitlement to those benefits.

- Where the claimant or their partner is receiving Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit; and they become liable for Council Tax for the first time; and the claim for Council Tax Support is made within one month of the date of the change; the date of claim will be the date on which the change takes place.
- Where the claimant is the former partner of a person who was entitled to Council Tax Support before the date of death or separation; and the claimant makes a claim for Council Tax Support within one month of the date of death or separation; the date of claim will be the date of death or separation.
- Where the claim for Council Tax Support is made within one month of a request to claim Council Tax Support, or such longer period as the Council considers reasonable, the date of claim will be the date on which the request was made.
- In all other cases, the date of claim for Council Tax Support will be the date the claim form is received by the Council.

6.4.2 Council Tax Support will begin on the Monday following the date of claim unless:

- The claimant requests the claim is paid for an earlier period, or
- The Council identifies entitlement to Council Tax Support for an earlier period.

Providing that the Council has sufficient information and evidence to calculate entitlement to Council Tax Support for the earlier period.

6.4.3 The rules for the backdating of claims for pensioners are set out in schedule 8, part 2, paragraph 6 of the regulations.

6.5 Duration of award and reviews

6.5.1 Council Tax Support will be awarded for an indefinite period, until:

- Council Tax liability ends.
- A change in the claimant or partner's circumstances results in Council Tax Support ending.
- The claimant fails to respond to a request for information or evidence in connection with their claim or an award.

6.5.2 The Council may review a person's entitlement to Council Tax Support at any time.

6.6 Extended reductions

6.6.1 A person who is entitled to Council Tax Support will be entitled to an extended reduction where:

- The claimant or their partner were entitled to a qualifying benefit or any combination of those benefits of either;
 - Income Support, or
 - Jobseekers Allowance (income based or contributory), or
 - Employment and Support Allowance (income related or contributory), or
 - Universal Credit, or
 - Incapacity Benefit, or
 - Severe Disablement Allowance.
- Entitlement to a qualifying benefit ceased because the claimant or their partner;
 - Commenced employment as an employed or self-employed earner, or
 - Increased their earnings from their employment, or
 - Increased the number of hours in their employment.

6.6.2 Providing that the claimant remains liable for Council Tax at the dwelling in which they reside during the extended reduction period.

6.6.3 The extended reduction period will start on the day after Council Tax Support would normally have ended after the qualifying benefit has ceased and will last for 4 weeks or up to the day Council Tax liability at the dwelling in which they reside ends, if this is earlier.

6.6.4 The amount of the extended reduction will be the higher of:

- The amount of Council Tax Support which the claimant was entitled to before the qualifying benefit ceased, or
- The amount of Council Tax Support which the claimant is entitled to after the qualifying benefit ceased.

6.6.5 The rules for extended reductions for pensioners is set out in schedule 1 of the regulations.

6.7 Extended reductions – movers into Darlington

6.7.1 The rules covering people who move into Darlington who are in receipt of an extended reduction is set out in Schedule 8, Part 1 of the regulations. These state:

- Where a claim for Council Tax Support is made and the claimant or their partner is in receipt of an extended reduction from another authority, the Council must reduce any entitlement to Council Tax Support by the amount of that extended reduction.

7 Decision making and notifications

7.1 Decisions and notification

7.1.1 The rules by which the Council must make and notify decisions for Council Tax Support are set out in Schedule 8, Part 3 of the regulations. These state:

- The Council must make a decision on a Council Tax Support claim within 14 days of receiving all the information and evidence for that claim, or as soon as reasonably practicable after that date.
- The Council must notify the claimant in writing of any decision relating to a Council Tax Support claim within 14 days of making the decision, or as soon as reasonably practicable after that date.
- The decision notice must include a statement informing the claimant of their duty to notify changes of circumstances, explaining the consequences of failing to comply with that duty, and setting out the changes which may affect entitlement to Council Tax Support.
- Where the decision is to award Council Tax Support, the notice must include a statement as to how it will be paid.
- The decision notice must include the procedure by which an appeal may be made.
- The claimant may request a statement of reasons about the notification, within one month of the date of the notification. The statement of reasons must then be sent to the claimant within 14 days of the request, or as soon as reasonably practicable after that date.
- A person affected by a decision relating to Council Tax Support will be the claimant, or where the person who is liable for Council Tax is unable to act, the accepted or appointed person who has made an application on their behalf.

7.2 Payment of Council Tax Support

7.2.1 The rules for the payment of Council Tax Support are set out in Schedule 8, Part 4 of the regulations. These state:

- Payment of Council Tax Support will be made to the person entitled to the reduction of their Council Tax liability.
- Where a person is jointly and severally liable for Council Tax, payment of Council Tax Support will be paid to the person entitled to the reduction of an appropriate amount of their Council Tax liability, rounded to the nearest penny.

7.2.2 Payment of Council Tax Support will be made by reducing the Council Tax liability of the person entitled to the reduction.

7.3 Electronic communications

7.3.1 The rules by which the Council can undertake electronic communications is set out in Schedule 7, Part 4 of the regulations. These state:

- The Council must meet certain conditions to allow electronic communication in relation to its Council Tax Support scheme.
- The Council may use intermediaries in connection with electronic communication in relation to its Council Tax Support scheme.
- Any information delivered by the Council by electronic means must meet all the other conditions relating to its Council Tax Support scheme.
- Proof of identity of the sender or recipient of information will need to be verified where information is sent or received by electronic means.
- The Council will need to establish procedures to verify delivery of information by electronic means.

8 Changes in decisions

8.1 Duty to notify changes of circumstances

8.1.1 The duty to notify changes of circumstances is set out in Schedule 8, Part 2, paragraph 9 of the regulations. These state:

- The claimant, or a person acting on their behalf, must notify the Council of any changes of circumstances which they might reasonably be expected to know may affect their entitlement to Council Tax Support.
- Notification of a change of circumstances may be made in writing, by telephone or by any other means agreed by the Council and within 21 days of the change occurring, or as soon as reasonably practicable after that date.

8.1.2 Notifications of changes of circumstances in writing may be made by completing the on-line change of circumstances form on the 'Council Tax Support' page of the Darlington Borough Council website.

8.2 Date on which a change of circumstances will affect Council Tax Support

8.2.1 The Council will review the amount of Council Tax Support, following a change of circumstances, as follows:

- Where entitlement to Council Tax Support continues after the change, Council Tax Support will change on the Monday following the date the change occurred.
- Where entitlement to Council Tax Support ends after the change, Council Tax Support will end on the Sunday of the week in which the change occurred.
- Where Council Tax liability changes or ends, Council Tax Support will be changed or ended on the same day.

8.3 Ending Council Tax Support

8.3.1 Council Tax Support will end in the following circumstances:

- Council Tax liability ends.
- A Council Tax exemption applies.
- A change of circumstances occurs, which ends entitlement to Council Tax Support.
- A change of circumstances occurs, but there is insufficient information or evidence to decide if entitlement to Council Tax Support will continue.
- The claimant fails to provide, when requested, sufficient information or evidence to decide if entitlement to Council Tax Support will continue, one month following the date of the request or such longer time as the Council considers reasonable.

8.4 Revisions

8.4.1 An original decision relating to a claim for Council Tax Support may be revised by the Council at any time.

8.5 Appeals

8.5.1 The rules by which a person may make an appeal against certain decisions of the authority are set out in Schedule 7, Part 2 of the regulations. These state:

- A person who disagrees with a decision in relation to their Council Tax Support claim may appeal in writing, stating their grounds for appeal.
- The Council must consider the appeal and notify the person in writing of the outcome of their appeal and the reasons for the decision, within 2 months of the appeal being received.
- If the person is still aggrieved or if the Council fails to notify the person of the outcome of their appeal within 2 months of receiving their appeal, they may appeal to a valuation tribunal under section 16 of the 1992 Act.

8.6 Downward adjustments of Council Tax Support

8.7 Any additional Council Tax liability created as a result of a downward adjustment of Council Tax Support entitlement, will be treated under the national Council Tax regulations.

8.8 Discretionary reductions

8.8.1 The rules for an application for a discretionary reduction are set out in Schedule 7, Part 3 of the regulations. These state:

- An application for a reduction under section 13A(1)(c)(a) of the 1992 Act may be made in writing, by telephone, or by electronic means.
- A claim for Council Tax Support may also be treated as an application for a reduction under section 13A(1)(c) of the 1992 Act.

**CABINET
6 NOVEMBER 2018**

**INVESTMENT OPPORTUNITIES
- UPDATE AND REQUEST TO INCREASE THE FUND**

**Responsible Cabinet Member - Councillor Stephen Harker,
Leader of the Council**

**Responsible Director -
Paul Wildsmith, Managing Director**

SUMMARY REPORT

Purpose of the Report

1. To update Cabinet on progress against the agreed Capital Investment Fund and to seek approval to increase the fund.

Summary

2. Council has previously approved the principle and establishment of an investment fund to be used for innovative investment opportunities beyond the traditional Treasury Management Strategy in order to achieve greater returns given the low returns on investment.
3. The established fund is being utilised as envisaged in the original reports to Council to include Joint Venture vehicles and economic regeneration initiatives. Returns on joint ventures are anticipated at over £4m.
4. To further deliver the desired outcomes of the fund this report presents a request from Cabinet to increase the provision from £30m to £50m, subject to Council approval.
5. Any use of the fund will be subject to a full detailed report to Cabinet.
6. It is anticipated that the next calling on the fund will be used for a new joint Venture at Middleton St George using the procured Housing Joint Venture agreement.

Recommendation

7. It is recommended that Cabinet recommend to Council :-
 - (a) That the Capital Investment Fund be increased to £50m.
 - (b) That repaid loans are recycled back into the Investment fund.

- (c) That the operation of the fund is delegated to Cabinet in line with previous Council approval.

Reasons

8. The recommendations are supported by the following reasons :-
- (a) To allow the Council to take up opportunities to gain investment returns.
 - (b) To allow the investment fund to be established and financed.
 - (c) To enable Cabinet to consider detailed proposals many of which will be commercially sensitive.

Paul Wildsmith
Managing Director

Background Papers

No background papers were used in the preparation of this report

Elizabeth Davison : Extension 5830

S17 Crime and Disorder	No impact as a result of this report
Health and Well Being	No impact as a result of this report
Carbon Impact	No impact as a result of this report
Diversity	No impact as a result of this report
Wards Affected	No impact as a result of this report
Groups Affected	No impact as a result of this report
Budget and Policy Framework	This is a Council decision and is a variation to the MTFP
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	No impact as a result of this report however detailed proposals are likely to enhance the Borough's economy.
Efficiency	The utilisation of the Investment Fund is likely to increase Council income.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Background

9. In November 2016 Council agreed to the establishment of a Capital Investment Fund and following the successful implementation agreed to increase the fund to £30m on 22 February 2018.
10. Since the establishment of the fund Cabinet have agreed to six uses of the fund:-
 - (a) £1.5m to fund a Joint Venture Company to build and sell houses at Eastbourne. The project is progressing well with sales going to plan and interest being earned on the investment. In addition to the earned interest, profit projections currently exceed the original £0.4m with a likely pre-tax profit of over £0.7m.
 - (b) £1.5m has been made available to advance a loan to Market Asset Management to fund improvements to the covered market. Some small advances have been made, but the majority of the loan is not expected to be advanced until next year.
 - (c) £1.5m has been earmarked as a guarantee should the Council wish to exercise its step in rights in respect of the Darlington Mowden Park Arena should the Sports Village not prove viable.
 - (d) £3.14m being the balance of funding required to purchase land at Neasham Road to facilitate the Darlington Farmers Auction Mart move. The funding will be repaid from future section 106 receipts from affordable housing along with any capital receipts received from the site. This scheme is in its infancy so the funding won't be repaid for a number of years.
 - (e) £2.63m being the balance of funding on the Feethams House Office development. This development is due to start in the next couple of months with an anticipated completion date later in 2019.
 - (f) £12m to fund a Joint Venture company to build and sell houses at West Park. The scheme has recently been approved and will be completed over a seven year period. The Council is due to receive interest on the loan of £0.5m and a pre-tax profit on the venture of over £1.565m.
 - (g) £6.1m to fund a joint venture company to provide the infrastructure, build and sell houses in Heighington. The Council is due to receive interest on the loan of £0.225m and a pre-tax profit on the scheme of £0.677m.

Anticipated returns

11. The profits anticipated on the joint venture schemes along with the profit on the loans is over £4m as shown below and are crucial to the MTFP. There are however further financial benefits not captured in these figures including increased council tax and new homes bonus payments.

Joint Venture	Pre tax profit £m	Interest on loan £m
Eastbourne	0.700	0.400
West Park	1.565	0.500
Heighington	0.677	0.225
Total	2.942	1.125

12. The investment fund utilisation also provides for wider benefits which extend further than direct financial reward, for example the investment into Feethams house. The establishment of Grade A office accommodation in the town centre is seen as a significant regeneration scheme and job creation opportunity.
13. With regard to the Cattle Mart, this has been a priority for the Council for a number of years as it was recognised that the current location is unsuitable for a Mart operation, undesirable in the context of wider regeneration opportunities, impacts on the neighbourhood around Bank Top, and furthermore is constraining DFAM's growth opportunity. The acquisition of the land at Neasham Road not only assists with this priority but also facilitates significant additional development of affordable and social housing to meet an identified need within the borough.

Request for additional funding

14. In total Cabinet have allocated £28.37m of the fund to date; the success of the fund and the returns achieved, and anticipated to be achieved, are key to the MTFP. Further opportunities are available which would be advantageous to the council, Cabinet will shortly receive a detailed report relating to a development at Middleton St. George utilising the Housing Joint Venture framework to build and sell homes on the site. The development of the site could be up to 55 homes, the funding required for this project could be up to £5m.
15. During the forthcoming financial year further opportunities may arise for the Council to make investments therefore it is recommended that the investment fund is increased from £30m to £50m. As previous, any utilisation of the fund will be subject to a full detailed report to Cabinet.
16. The fund will be created as needed by the use of prudential borrowing and the revenue funding of each proposal will be identified within each report so all financial implications can be considered at the time of the report.
17. The aim of this report is to provide a provision that will allow investment decisions to be taken in a timely and commercial manner.

Recycling the fund

18. As the life of an investment comes to an end and repayment is made, it is proposed the funding is recycled back into the investment fund for further utilisation. Any future scheme would of course still require a full detailed business case report to Cabinet.

CABINET
6 NOVEMBER 2018

PROGRESS REPORT
DARLINGTON BOROUGH COUNCIL NEIGHBOURHOOD RENEWAL STRATEGY

Responsible Cabinet Member(s) – Leader and all Cabinet Members

Responsible Director – Paul Wildsmith, Managing Director

SUMMARY REPORT

Purpose of the Report

1. To present a proposed approach for the Neighbourhood Renewal element of the 2018 Futures Fund.

Summary

2. Neighbourhood renewal initiatives traditionally sought to ensure that no one be seriously disadvantaged by where they live. This report proposes that, to all intents and purposes, the council already has a Neighbourhood Renewal Strategy: the borough's sustainable community strategy (SCS) *One Darlington Perfectly Placed* (ODPP), which includes a statement of intent to 'narrow the gap' and reduce inequalities. It is therefore similarly proposed that work should focus on the delivery of this existing partnership strategy.
3. Given the status of ODPP as a One Darlington Partnership strategy, Darlington Partnership will lead on this work to ensure collective buy-in, oversight and coordination of activity. The council's role will be as a key partner and signatory to the proposed approach, reflecting its roles as a significant place leader and influencer, employer and service provider in Darlington.
4. The Corporate Plan, developed and agreed by Cabinet last year, uses the same framework as the SCS, based on the eight desired outcomes needed to deliver ODPP. As the Corporate Plan is subject to an annual refresh, it is proposed that this opportunity is taken during this year's update of the Corporate Plan to prioritise and fully align with the neighbourhood renewal ethos of narrowing the gap, tackling deprivation and maximising social value across the organisation.
5. It is envisaged that actions identified to achieve ODPP will constitute a partnership, multi-pronged approach, comprised of three workstreams which, collectively, will impact on deprivation in both the short- and long-term:
 - (a) Interventions to ensure families have the BASICS (short-term)
 - (b) Interventions to boost families' RESILIENCE (medium-term)
 - (c) Interventions to tackle the CAUSES of poverty (long-term)
6. A performance monitoring framework focusing on residents' wellbeing across seven domains (personal wellbeing, economy, education and childhood, equality,

health, place, and social relationships) is recommended as the overarching means of measuring progress towards ODPP over the next 4 years.

7. Analysis of a broad evidence base has identified younger, low income families as the primary priority demographic for work relating to reducing wellbeing inequality, and that job quality should be the priority area.

Recommendation

8. Cabinet are recommended to:-
 - (a) Agree the proposed approach, as outlined in this report, for the Neighbourhood Renewal Futures Fund theme.
 - (b) Agree to receive update reports on the progress of Fairer, Richer Darlington programme and the council's contribution to delivery.

Reasons

9. The recommendations are supported by the following reasons :-
 - (a) The Cabinet is a signatory to the goals of One Darlington Perfectly Placed, as a statement of intent to narrow inequalities and protect the most vulnerable in our community.
 - (b) The financial hardship faced by many people in Darlington is rising and there was public support for the council to take steps to alleviate the problems households face during the 2018 MTFP consultation.

**Paul Wildsmith
Managing Director**

Background Papers

One Darlington: Perfectly Placed – Darlington’s Sustainable Community Strategy 2008–2026 (http://www.darlington.gov.uk/media/362819/one_darlington_perfectly_placed.pdf)

Understanding local needs for wellbeing data: measures and indicators (<http://www.happycity.org.uk/wp-content/uploads/2017/12/understanding-wellbeing-locally-Nov-2017-links.pdf>)

Natasha Telfer: Extension 6083

S17 Crime and Disorder	There is evidence that extreme financial hardship can contribute to criminal behaviour and therefore tackling deprivation can aid crime prevention
Health and Well Being	There is evidence that financial hardship contributes to poor health and even to suicide, and the Futures Fund NR theme is directed to mitigate the impacts of this.
Carbon Impact	Place and the environment form key elements of both One Darlington Perfectly Placed and the Local Framework for Wellbeing, therefore this approach proposes measures to monitor the environmental impact of work going forward and will seek to ensure that carbon impacts does not negatively affect residents’ wellbeing
Diversity	Financial hardship is often more commonplace and more severe for protected characteristic groups, including women, children, residents with disabilities and BAME groups.
Wards Affected	All but with particular concentrations of need within those boroughs in the most deprived IMD deciles.
Groups Affected	All residents
Budget and Policy Framework	The Corporate Plan forms part of the council’s policy framework
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	One Darlington has as its focus the alleviation of poverty and inequality and this report directly addresses this goal
Efficiency	There is evidence that demand for a number of council services is positively correlated with financial hardship – effectively tackling deprivation and inequality therefore should reduce the costs of some services
Impact on Looked After Children and Care Leavers	80% of children taken into care in the last year were living in areas in the top most 30% deprived nationally, indicating a strong correlation between financial hardship and children needing support. In addition, care leavers often suffer poorer wellbeing outcomes, suggesting that LAC and Care Leavers could be key beneficiary groups from this work.

MAIN REPORT

Background and Context

10. Analysis of the public consultation on the Medium Term Financial Plan for 2018/19 to 2021/22 found that residents supported the proposed Futures Fund theme described as Neighbourhood Renewal. The focus of this theme was to address financial hardship and deprivation across Darlington.
11. Early work on this theme has already begun with allocations to the Darlington Citizens Advice Bureau to promote take up of unclaimed welfare benefits, to assist Darlington Credit Union in its work to improve the financial wellbeing of the community, and to support various bodies to deliver holiday hunger activities in three areas of the borough identified as being most in need.
12. In addition, work is underway to deliver other key actions of the programme within the council such as the adoption of community wealth building within a wider social value context in procurement, and scoping the delivery of a training programme for staff to better identify and signpost vulnerable households to services.
13. Work to develop a framework to guide further investments and outline a general approach over the next four years has been undertaken and an overview of this work and consequent proposal is outlined in the remainder of this report.

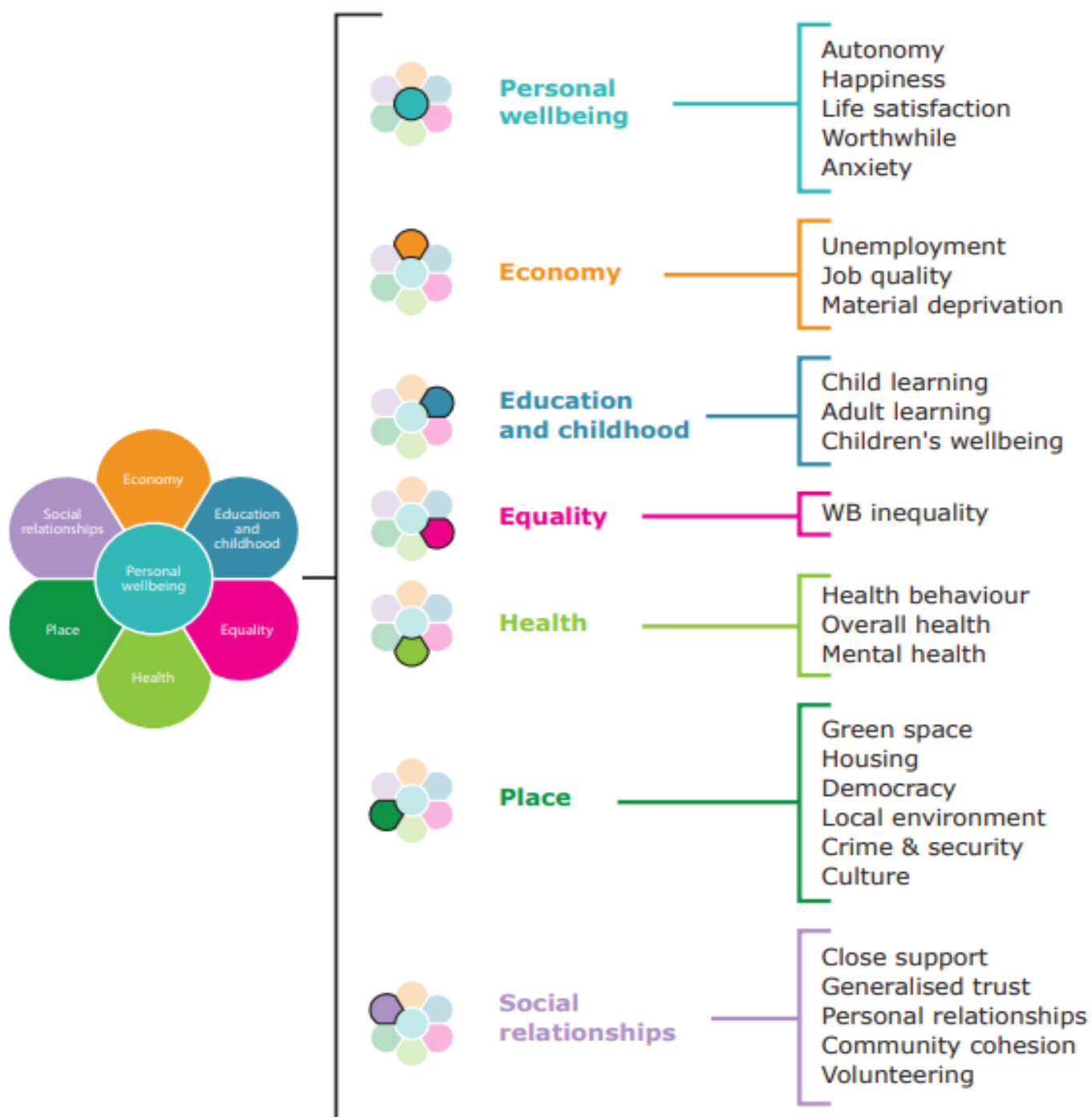
Information and Analysis

Outcomes Framework – Focus on Wellbeing

14. Darlington's SCS, last refreshed in 2014, set out a vision to narrow the gap. The strategy, very much in line with neighbourhood renewal theory, highlighted recent increases in poverty and inequality and recognised that the happiest societies are those which are most equal and inclusive. The report therefore proposes that a neighbourhood renewal strategy for the borough already exists, and that work under this theme should focus on delivery of this existing strategy, which the Partnership remains committed to.
15. Progress towards the vision outlined in ODPP to date has not been consistently measured since its publication in 2008, and where indicators have been used they have been strictly aligned against the eight outcomes rather than seeking to provide a cumulative overview of performance.
16. In order to ensure that the resource allocated to any neighbourhood renewal work meets the ODPP condition of 'Every Pound Well Spent', it is imperative to set clear objectives and outline a robust reporting framework.
17. It is proposed that ambitions should focus on improving residents' wellbeing in recognition of:
 - (a) The complex and far-reaching nature of poverty; and
 - (b) That the causes and consequences of deprivation:

- (i) Impact on all areas of the council, in addition to all stakeholders and residents; and
 - (ii) Requires a concerted and coordinated effort across and between internal teams and partners in order to maximise the likelihood of meaningful improvements.
18. The Local Framework for Wellbeing indicator set - developed by the Office for National Statistics (ONS), Public Health England, the What Works Centre for Wellbeing (WWCW) and Happy City – offers a readymade framework that is:
- (a) Evidence-led
 - (b) In line with the holistic scope of narrowing the gap and ODPP
 - (c) Clear, coherent and intuitive – easy for non-specialists to interpret (and understand their contribution)
 - (d) Based on extensive public consultation of what actually matters to people, including subjective wellbeing
 - (e) Realistic – the indicators selected relate to local authority areas and are considered amenable to local action
 - (f) Valid – accurately represents what it claims to measure, with decent sample sizes
 - (g) Timely – reported regularly.
19. The framework –outlined in Figure 1 - is built around seven domains (personal wellbeing, economy, education and childhood, equality, health, place, and social relationships) which, in turn consist of twenty six sub-domains for when a more in-depth, nuanced understanding is desired.

Figure 1

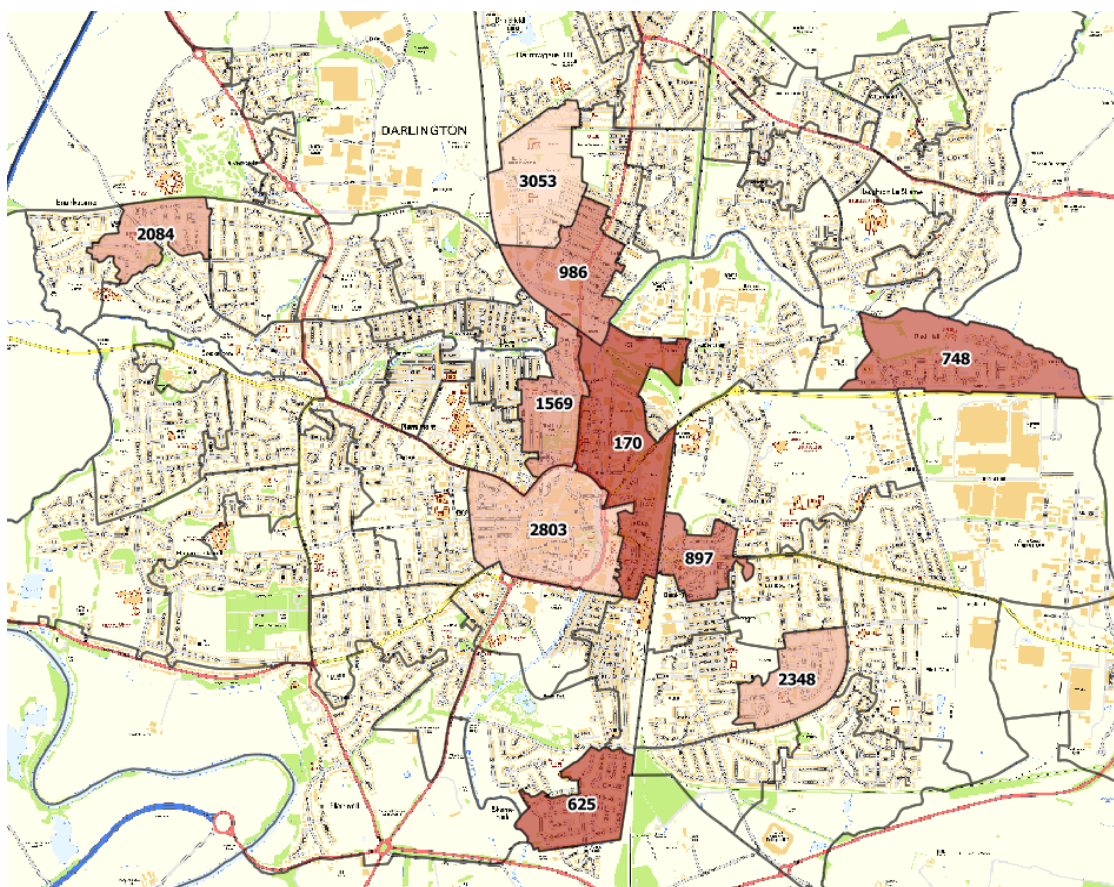


20. Analysis of performance against this framework, appended to this report at **Appendix 1**, shows that Darlington performs well across many of these domains, most notably Happiness and Life Satisfaction where the borough scores above the local, regional and national averages.

21. This analysis also, however, highlights some key priorities, the most apparent of which is Job Quality, which is why this has been identified as the priority area for the Fairer, Richer Darlington programme to focus on.

Evidence Base

22. A comprehensive evidence base has been compiled and analysis undertaken to identify priority areas and demographic groups for action.
23. This evidence base included data such as:
- (a) 2015 English Indices of Multiple Deprivation (IMD2015)
 - (b) The Local Framework for Wellbeing performance measures
 - (c) CACI Acorn Household Segmentation
 - (d) Internal service user data, including:
 - (i) Recent looked after children
 - (ii) Current troubled families
 - (iii) Young people not in education, employment or training (NEET)
 - (e) Modelled data on the impact of welfare reforms across the borough
24. This data identified areas across the borough that fall within the top 10% most deprived in England, as defined by the Index of Multiple Deprivation 2015. These areas are shown in the below map: the numbers refer to the areas ranking out of 32,466 nationally.



25. A profiling exercise of the households within these areas identified that:
- (a) 74 per cent are categorised as 'Urban Adversity', defined as *'the people who are finding life the hardest and experiencing the most difficult social and*

financial conditions'. Across Darlington as a whole, 27 per cent of households are categorised as Urban Adversity, meaning that the incidence of these households is almost three times higher in these neighbourhoods.

- (b) The average age of the head of household, at 38, is younger than the average for the rest of the borough (42)
 - (c) These households are more likely to contain children, with 0-17 year olds accounting for 24% of residents in these areas, compared to below 21% for the rest of the borough.
 - (d) Households in these areas are significantly more likely to be in receipt of means-tested benefits, and/or be in low-skilled employment.
26. These findings support national and local modelling work that has found younger households with children have been hit hardest by austerity. Overall 83% of the total financial loss from welfare reforms is expected to fall on households with dependent children in Darlington, with the average annual loss in income for this household type eight times higher (£1,330) than that for households without dependent children (£170).
27. There could be significant potential implications for the local authority in future years if action is not taken to address these issues; a strong correlation is discernible between deprivation and statutory intervention, with local households living in Darlington in areas in the top 30% most deprived nationally accounting for:
- (a) 80% of children taken into care in the last year
 - (b) 63% of 'troubled families'
 - (c) 60% of identified NEETs
28. In light of these findings, it is therefore proposed that younger families with children should be a priority group for interventions.

A Multi-Pronged Approach

29. The emerging approach is multifaceted, and recommends three, simultaneous workstreams be undertaken to improve residents' wellbeing over the short-, medium- and long-term:

(a) Interventions to Ensure Families have the BASICS

Although raising incomes through sustainable employment (see c.) remains the best route out of poverty, there are a number of challenges facing families currently living in poverty in Darlington that need to be addressed in the short-term, such as the ongoing impacts of welfare reforms, the poverty premium and costs of necessities such as food and fuel.

(b) Interventions to Boost Families' RESILIENCE

Where basic needs cannot be met, families need to be supported to become more resilient. It is recognised that boosting resilience in children and their parents is more likely to lead to positive outcomes in relating to education, employment and their ability to cope with future challenges, however, it is also important for professionals and organisations to change the way they work to allow them to better recognise the strengths of a child or their family.

(c) Interventions to Tackle the CAUSES of Poverty

Well-paid and sustainable work remains the best way of increasing household incomes and moving families out of poverty. Darlington's economy needs to be one which can provide opportunities for local people to benefit from the growth across the borough. This very much aligns with the *One Darlington Perfectly Placed* vision and recent national work on inclusive growth, defined by the Organisation for Economic Co-operation and Development (OECD) as 'economic growth that creates opportunities for all segments of the population and distributes the dividends of increased prosperity, both in monetary and non-monetary terms, fairly across society'¹.

30. The aim of the approach is to add value to existing work by partners by identifying a small number of priorities which will make a significant impact on families and are not already being delivered. The identified priorities in Table 1 below are set out under the three themes.

Table 1: Summary of the themes, areas and priorities of the approach

Themes	Areas	Priorities
COVERING THE BASICS	Boosting Families' Incomes	Mitigating the impact of welfare reform on families with children
		Increasing benefit take up
	Reducing Families' Costs	Tackling the poverty premium
		Making food and fuel more affordable
BOOSTING RESILIENCE	Strengthening Families and Communities	Adopting strengths-based approaches
	Improving Families' Access to Services	Improving identification & signposting of families in poverty
		Poverty-proofing services
TACKLING THE CAUSES OF POVERTY	Removing Barriers to Quality Employment	Tackling costs of employment
		Improving employability
	Increasing Supply of Quality Employment	Community wealth building (aka maximising the amount of spend retained locally)
		Taking responsibility for employee welfare

An Action Plan

¹ OECD (2015)

31. Given the status of ODPP as a Darlington Partnership strategy, Darlington Partnership will lead on this work to ensure collective buy-in, oversight and coordination of activity.
32. An action plan to deliver the programme over the next three years will be incorporated into a 'Charter for a Fairer, Richer Darlington', currently under development and owned by Darlington Partnership. The Charter will:
 - (a) outline the overall approach,
 - (b) ask stakeholders to pledge to contribute toward delivery of the vision and explain what these contributions would entail,
 - (c) outline the programme plan, along with delivery leads and desired outcomes.
33. It is proposed that the council will act primarily as a key partner and signatory to the programme, in its role as place leader and influencer, employer and service provider.
34. The Corporate Plan, as the council's formal delivery plan for ODPP, will be refreshed, along with its performance indicators, to incorporate the Wellbeing indicators, identify clear priorities and actions and, ultimately, to contribute to delivery of the overall vision of reducing wellbeing inequality across the borough.
35. Where possible, actions will be low or nil cost, and it is proposed that some funding be left unallocated in order to:
 - (a) Allow the council and partners to bid for match funding opportunities as they emerge over the course of the period;
 - (b) Encourage buy-in to the overall vision by allowing officers, Members or partners to develop their own proposals to improve resident' wellbeing and tackle deprivation.
36. Any proposals for use of the neighbourhood renewal funding will be required to demonstrate that it will lead to a measurable improvement in residents' wellbeing and tackle deprivation among priority groups and areas. A list of criteria will be applied to any proposals which will be used to rank proposals and ensure that funding is allocated as effectively as possible. The proposed criteria are:
 - (a) Evidence-led: both in terms of a robust needs analysis and theory
 - (b) Match-funded: proposals that seek to exploit opportunities to lever in external funding into the borough will be prioritised
 - (c) Cost-effective: a clear business case outlining how initiatives will seek to avoid significant downstream costs or deliver significant benefit to residents should be provided
 - (d) Added value: proposals that seek to engage local partners and or involve volunteers will be prioritised

- (e) Sustainable: proposals that require a one-time injection of seed corn funding will also be prioritised.

37. As highlighted elsewhere, the council is already taking action to deliver the priorities under each of the workstreams, including but not limited to:

(a) Covering the Basics

The council is funding #DarloMillions, a campaign in collaboration with Darlington Citizens Advice Bureau that encourages residents to check their entitlement to financial support and, where eligible, make a claim in order to ensure families in need of support are receiving it and, also, to support the local economy. At the time of writing the campaign has supported households in Darlington to claim an additional £727k income a year, and is well on its way to meeting its target of £1m by April 2019.

(b) Boosting Resilience

Officers are scoping a new training programme to be delivered initially to officers to improve the identification and signposting of vulnerable households across the borough. Should the training prove successful, it is envisaged that this training could then be rolled out to relevant partner organisations and community groups.

(c) Tackling the Causes

The council is committed to tackling the causes of poverty in Darlington, and is actively working to support this aim. A social value charter is under development, which will require council suppliers to demonstrate how they will help deliver wider social value when delivering goods and services to the council. Related to this, work to encourage inclusive local growth by maximising the amount of council funding spent within the borough (community wealth building) is underway. This approach, which has been adopted by a number of other areas, seeks to ensure that the local economy builds wealth and prosperity for all residents by harnessing existing wealth to localise spend, investing in local supply chains, and improving competitiveness. This work will focus on ensuring that as much council spend as possible is retained within the borough and, where this is not possible, regionally, in order to support the local economy and wider wellbeing outcome for residents, including quality jobs. Work will focus on supporting:

- (i) local businesses to be better able to bid for opportunities;
- (ii) officers to consider local suppliers during the commissioning and procurement of services;
- (iii) other local anchor institutions to adopt a similar approach in order to maximise the benefit of this approach to Darlington.

Governance

38. A key objective is to ensure that responsibility for delivering the programme sits with a broad range of partners and stakeholders across the borough and is not just driven by the council.
39. Darlington Partnership Board will therefore provide ultimate oversight of and leadership for work relating to Fairer, Richer Darlington.
40. The One Darlington Partnership Executive will act as the operational group for all work, guiding and managing the programme, and helping identify future priorities and actions. Membership of this group has been expanded, accordingly, to include the three workstream leads.
41. The three workstream leads will be responsible for setting the overall direction of activity, and driving delivery. They will also be responsible for reporting operational performance to the Executive Board.
42. Finally, priority leads will be tasked with delivery of specific actions and responsible for reporting operational progress to work stream leads.
43. It is envisaged that the strategic board will receive progress updates against the identified priorities, including a narrative on the activity to date alongside specific data and intelligence where relevant to evidencing progress. Updates will also include relevant information from complementary work undertaken elsewhere which will help deliver the aims of the programme.
44. Each anchor institution across the public sector in Darlington will have a vital role in terms of driving change and actions internally. It is proposed that Chief Officers' Board (COB) will act as the lead officers' group to take forward actions within the council. Internally, the proposal is to embed both the ethos and activity of narrowing the gap as far as possible into existing structures. Overall oversight will therefore lie with Chief Officers' Executive (COE) and Cabinet, who will receive biannual updates on progress against the Corporate Plan and therefore all work being undertaken that contributes to achievement of the overall vision.
45. In terms of the council's contribution to delivery, it is envisaged that:
 - (a) Work to encourage residents' resilience and ensure that families have the basics will be predominantly delivered by:
 - (i) For population-based approaches - Children and Adults Services, including a key role for Public Health, as well as Housing, the new Community Safety team and Community Services in recognition of the positive impacts that culture and physical activity can have on range of wellbeing outcomes. There will be strong links with existing and related provision such as Early Help, Routes to Work, Learning and Skills, Holiday Hunger and voluntary provision, including Darlington Cares.
 - (ii) For built-environment approaches - Planning, Urban Design and Housing, with a key role too for Community Safety and Street Scene services.

- (b) Work to tackle the causes of poverty and encourage inclusive and sustainable growth by, building the capacity of local firms/social enterprises to win contracts with the council and other anchor institutions, further developing the use of social value in procurement, and acting as a place leader for community wealth building in collaboration with the Darlington Partnership. This will require involvement from Procurement, Legal, Commissioning and Economy.
46. Subject to Cabinet's agreement, the Corporate Plan and associated performance monitoring framework will be refreshed, with progress reported every 6 months.
47. Some actions have already been delivered, including allocations to the Darlington Citizens Advice Bureau to promote take up of unclaimed welfare benefits, to assist Darlington Credit Union in its work to improve the financial wellbeing of the community, and to support various bodies to deliver holiday hunger activities in three areas of the borough identified as being most in need.
48. In addition, work is already underway to deliver some other key actions of the programme within the council such as the adoption of community wealth building within a wider social value context in procurement, and scoping the delivery of a training programme for staff to better identify and signpost vulnerable households to services.

Financial Implications

49. A £500,000 Neighbourhood Renewal Futures Fund was identified in the 2018/19 – 2021/22 MTFP.
50. Cabinet agreed in June 2018 to invest £50,000 from this fund in Darlington Credit Union deferred shares as a revenue contribution.
51. A further £16,000 has been allocated to contribute to a partnership approach to deliver enrichment programmes for children over the summer holidays in some of the most deprived areas of the borough. These programmes engaged children in a variety of activities such as arts and crafts, cooking, games, physical activity and trips to local parks and green spaces, and provided attendees with a range of healthy snacks and nutritious lunches to encourage and support healthy eating.
52. This report therefore proposes a framework to guide investments from the remaining balance, over the next four years.

Procurement Implications

53. Consideration of Social value is already part of the Council's procurement processes. The Council's Contract Procedure Rules (CPR) require the award criteria to include a suitable proportion of the evaluation criteria to be based on Social Value (unless there are appropriate reasons why Social Value should not apply). The CPR also states that for tenders over the EU Threshold, this should usually be not less than ten per cent of the total award criteria and form part of the Quality Criteria.
54. Work is currently underway to further develop the way that social value considerations are included in the Council's procurement processes, in keeping with the Council's 'best value' obligations. This is likely to include awareness raising

and staff training, the adoption of a social value charter, clear guidance on the use of social value, and developing criteria to measure and evaluate the outcomes. We also want to make it easier for suppliers and businesses to participate in Council procurement exercises. This is likely to be achieved by a greater use of pre procurement engagement/consultation, simplifying procurement documentation, and seeking to increase local supplier and business involvement. This will seek to enable a greater proportion of Council spend to be retained locally and deliver a Fairer, Richer Darlington.

55. It is hoped this approach will then be adopted by other anchor institutions across the borough by ensuring that work undertaken involves the Partnership and by requiring anchor institutions wishing to sign up to the Charter make a specific commitment to considering social value, including community wealth building, in their procurement processes and policies.

Equalities Considerations

56. The vision outlined in the Sustainable Community Strategy is to reduce inequalities, including between those with protected characteristics and those without. Consequently, a number of objectives and actions outlined in the existing Corporate Plan and any refreshed versions do and will relate directly to equality issues, for example Children with the Best Start in Life. It is therefore not envisaged that the proposed approach outlined in this report would have a negative impact on any protected characteristic groups.

Consultation

57. Significant public consultation was undertaken during the development of the Sustainable Community Strategy, and during its refresh in 2014.
58. Public consultation on the MTFP Future Fund themes, including Neighbourhood Renewal, was also undertaken in late 2017/early 2018.

Outcome of Consultation

59. The Sustainable Community Strategy is a Darlington Partnership document, and the vision and framework outlined within it were agreed by the partners.
60. In the consultation on the Medium Term Financial Plan for 2018/19 to 2021/22 residents supported the proposal to create a futures fund theme described as Neighbourhood Renewal. The focus of this theme was to address the financial hardship and deprivation found in households and neighbourhoods across Darlington.

Domain	Sub-domain	Indicator	Indicator description	England mean	What's better?	Darlington	Tees Valley mean	North East mean	Nearest Neighbours mean
Personal Wellbeing	Happiness	Self-reported happiness	Average response to ONS survey question "Overall, how happy did you feel yesterday?" 0-10 scale where 10 is completely happy	7.35	A higher %	7.45	7.39	7.37	7.32
Personal Wellbeing	Life satisfaction	Self-reported life satisfaction	Average response to ONS survey question "Overall, how satisfied are you with your life nowadays?" 0-10 scale where 10 is completely happy	7.49	A higher %	7.64	7.56	7.54	7.46
Personal Wellbeing	Worthwhile	Self-reported purpose	Average response to ONS survey question "Overall, to what extent do you feel the things you do with your life are worthwhile?" 0-10 scale where 10 is completely happy	7.73	A higher %	7.79	7.78	7.77	7.71
Personal Wellbeing	Anxiety	Self-reported anxiety	Average response to ONS survey question "Overall, how anxious did you feel yesterday?" 0-10 scale where 10 is completely happy	2.96	A lower %	2.79	2.83	2.92	2.92
Economy	Unemployment	Unemployment rate	% of unemployed people over the age of 16 who are economically active	5.12	A lower %	5.20	6.42	4.92	4.76
Economy	Job quality	Good jobs indicator	% of people who are on permanent contracts (or on temporary contracts and not seeking permanent employment), who earn more than 2/3 of the UK median wage, and are not overworked (i.e. <49 hours a week), or underworked (unwillingly working part-time).	52.87	A higher %	47.59	46.83	51.05	51.19
Economy	Material deprivation	Income Deprivation Affecting Older People	% of over 60s defined as income deprived, as calculated by the English Indices of Multiple Deprivation	0.19	A lower %	0.176	0.208	0.179	0.194
Education and childhood	Adult learning	Percentage participating in adult education	% of adults who have participated in education or training in the last 4 weeks (formal or non-formal)	14.23	A higher %	15.36	14.92	13.14	14.06
Education and childhood	Child learning	School readiness	% children achieving good level of development by end of reception	69.20	A higher %	72.20	68.62	70.26	69.16
Education and childhood	Children's wellbeing	Child subjective wellbeing	% children reporting low life satisfaction in Public Health England survey	13.83	A lower %	14.10	12.82	12.99	13.36
Health	Healthy behaviour	Physical activity	% of adults doing 150+ minutes physical activity per week as reported by Sports England survey	66.00	A higher %	63.8	62.21	65.63	63.91
Health	Overall health	Healthy life expectancy at birth	The average number of years a person would expect to live in good health based on contemporary mortality rates and prevalence of self-reported good health, as calculated by Public Health England	62.97	A higher age	62.22	59.73	61.97	61.08
Health	Mental health	Estimated prevalence of mental health disorders	Depression and anxiety prevalence (GP Patient Survey): % of respondents aged 18+	14.00	A lower %	15.68	16.72	15.13	15.28
Place	Democracy	Voter turnout	Total voter turnout for local elections	38.29	A higher %	42.80	38.30	37.84	36.53
Place	Crime and security	Violent crime	Hospital admissions for violence (including sexual violence) per 100,000 people	46.42	A lower proportion	54.23	58.62	50.31	56.71
Place	Green space	Use of natural environment	The weighted estimate of the proportion of residents in each area taking a visit to the natural environment for health or exercise purposes, calculated from Natural England survey responses	17.79	A higher %	20.32	18.39	16.73	18.39
Place	Housing	% of social and private housing in poor condition	The proportion of social and private homes that fail to meet the decent homes standard	0.23	A lower %	0.17	0.15	0.22	0.23
Place	Local Environment	Combined Air Quality Index	Air quality as estimate of the concentration of four pollutants	1.09	A lower score	0.87	0.91	0.85	1.08
Place	Culture	Participation in heritage activities	RSA Heritage Index Activities rank out of 325 local authorities	0.27	A higher score	0.17	0.19	0.26	0.26
Social Relationships	Close support	Social contact amongst social care users	% of adult social care users who DO have as much social contact as they would like, as reported by respondents to the annual Adult Social Care Outcomes Framework survey	45.26	A higher %	47.1	49.14	48.25	46.30
Social Relationships	Volunteering	Volunteering (in TCV)	Number of TCVs (The Conservation Volunteers) organisations, per 1000 people	0.01		0.000*	0.004	0.006	0.006
Social Relationships	Community cohesion	Social fragmentation index	The Social Fragmentation Index is widely used in academic research to estimate the extent of social fragmentation within a defined area and calculated using ONS data on: % adults who are not living as a couple % of 1-person households % of people renting privately % of people who have moved to their current address within the last year	-0.43	A lower score	-0.62	-1.03	-1.28	-0.78
Equality	WB inequality 1	Life satisfaction inequality	Standard deviation in life satisfaction (on 0-10 scale)	1.77	A lower score	1.77	1.88	1.78	1.84
Equality	WB inequality 2	Life satisfaction inequality	Mean life satisfaction of bottom 40% (on 0-10 scale)	5.93	A higher score	6.07	5.87	5.97	5.79

Colour compares within an indicator and shows the relative position of each value compared to other Local Authorities.

Green = In direction positive for wellbeing, 'higher' value compared to other Local Authorities

Red = In direction negative for wellbeing

*there are not any Conservation Volunteers organisations located within Darlington currently, and therefore no value is given for this indicator. Alternative measures of local volunteering, e.g. street champions, will therefore be used to supplement this measure should the indicator set be adopted.

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CABINET
6 NOVEMBER 2018

PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING
QUARTER TWO 2018/19

Responsible Cabinet Member – Councillor Stephen Harker,
Efficiency and Resources Portfolio

Responsible Directors - Paul Wildsmith, Manager Director
Ian Williams, Director of Economic Growth and Neighbourhood Services

SUMMARY REPORT

Purpose of the Report

1. This report provides
 - (a) A summary of the latest Capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme.
 - (b) An update on the current status of all construction projects currently being undertaken by the Council
2. It also seeks approval for a number of changes to the programme.

Summary

3. The projected outturn of the current Capital Programme is £171.913M against an approved programme of £171.567. The investment is delivering a wide range of improvements to the Council's assets and more critically, to Council services. Refurbishment of council homes, improved learning environments in schools, better traffic flows and opportunities for sustainable travel have been achieved and are detailed within the report. The programme, including commitments, remains affordable within the Medium Term Financial Plan (MTFP) for 2018/19 – 2021/22.
4. The Council has a substantial annual construction programme of work. The current project position statement (PPS) shows there are 30 live projects currently being managed by the Council with an overall project outturn value of £69.748M. The majority of projects are running to time, cost and quality expectations with no foreseeable issues.
5. The projects are managed either by the Council's in-house management team, a Framework Partner or by Consultants sourced via an open/OJEU tender process.

Recommendations

6. It is recommended that Cabinet :-

- (a) Note the attached status position on construction projects.
- (b) Note projected capital expenditure and resources.
- (c) Approve the adjustments to resources as detailed in paragraph 19.

Reasons

7. The recommendations are supported by the following reasons: -
- (a) To inform Cabinet of the current status of construction projects.
 - (b) To make Cabinet aware of the latest financial position of the Council.
 - (c) To maintain effective management of resources.

Paul Wildsmith
Managing Director

Ian Williams
Director of Economic Growth and
Neighbourhood Services

Background Papers

- (i) Capital Medium Term Financial Plan 2018/19 – 2021/22
- (ii) Project Position Statement August 2018

Brian Robson : Extension 6608/Claire Hayes : Extension 5416

S17 Crime and Disorder	This report has no implications for crime and disorder.
Health and Well Being	There are no issues relating to health and wellbeing which this report needs to address.
Carbon Impact	There are no carbon impact implications in this report
Diversity	There are no specific implications for diversity
Wards Affected	All wards are affected.
Groups Affected	The proposals do not affect any particular groups within the community
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	The report does not represent a key decision
Urgent Decision	For the purpose of the 'call-in' procedure this does not represent an urgent matter.
One Darlington: Perfectly Placed	The Capital Programme referred to in the report supports delivery of the Sustainable Community strategy through appropriate deployment of the Council's resources
Efficiency	The recommendations support the effective and efficient use of resources.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

2018/19 Capital Spend and Resources

Information and Analysis

8. **Appendix 1** lists all live construction projects and provides details on numbers, type and details of the key individuals responsible for the delivery of the projects. It also provides a statement on the current status position on each project, details of actions being taken, where required and any current issues.
9. **Appendix 2** summarises the Council's capital commitments which are yet to be financed and also shows how it is intended for them to be financed. The total value of commitments, including available resources brought forward from previous years and 2018-19 schemes previously released by Cabinet, is £67.647M.
10. **Appendix 3** shows the Council's projected capital receipts and how they are going to be utilised to help finance the capital programme over the life of the MTFP.

Project Position Statement

11. Project management procedures require the production by project managers of a Project Position Statement (PPS) for all projects over £75,000. This report brings together the pertinent data from the current PPS with financial information from the Financial Management System (FMS) and approvals by Cabinet.
12. The Project Position Statement (Appendix 1) details the current live construction projects, up to the end of August 2018, by delivery area, and provides details on numbers, type and details of the key individuals responsible for the delivery of the projects. It also provides a statement on the current status position on each project, details of actions being taken, where required and any current issues. The statement excludes any completed projects or those on hold.
13. The overview of live construction projects is as follows:-

	Projects	Current Approved Budget £	Projected Outturn £	Variance %	Variance (Value) £
(a) Economic Growth	14	22,640,963	21,857,253	(3.46)	(783,710)
(b) Neighbourhood Services & Resources	10	45,579,476	44,359,792	(2.68)	(1,219,684)
(c) People	6	3,530,550	3,530,550	0.00	0
TOTAL	30	71,750,989	69,747,595	(2.79)	(2,003,394)




14. The table shown above includes a column for current approved budget. In certain cases this budget figure may be different from the original approved budget. This could be as a result of variances identified during construction or other variables not known at the initiation stage. The original budget and all subsequent changes have been reported to and approved by Cabinet.

15. The live projects are at the following stages:

Department	Brief	CP1	CP2	CP3	CP4	CP5	Total
Economic Growth	0	5	2	3	3	1	14
Neighbourhood Services & Resources	0	0	0	1	6	3	10
People	0	0	1	4	1	0	6
TOTAL	0	5	3	8	10	4	30

- (a) **Control Point 1 (CP1) – Start Up:** is used to define the position of a project at its conception stage.
- (b) **Control Point 2 (CP2) – Initiate:** defines a project at feasibility stage and will likely include a desktop assessment of a project and the use of informed estimates.
- (c) **Control Point 3 (CP3) – Define:** the point that the project is progressed to RIBA Stage F, i.e. detailed design.
- (d) **Control Point 4 (CP4) – Construction Phase:** is the stage at which work begins on the project, i.e. for a construction project on site through to build completion.
- (e) **Control Point 5 (CP5) – Evaluate:** is the stage post completion of the project at which time the project is reviewed and lessons learned are discussed in order that they can be taken to the next or similar projects.

16. The status on live projects is as follows:

Department			
Economic Growth	0	13	1
Neighbourhood Services & Resources	0	9	1
People	0	6	0
TOTAL	0	28	2

- (a) Star and triangle symbols are used to identify projects that have variances which are:-
 - (i) More than £5,000, if the variance is also more than 5% of the approved budget for the project, or
 - (ii) More than £50,000 regardless of the percentage variance
- (b) Projects that are within these margins are symbolised with circles.
- (c) In addition to cost, the same symbols are used to indicate similar levels of variances in time and quality/outputs/outcomes.

Reconciliation of Project Position Statement to Capital Programme

17. The table shown below reconciles the differences between the Capital Programme (CP) and the Project Position Statement (PPS). Differences occur because the Project Position Statement includes all construction projects over £75,000 in value

funded from Capital and Revenue sources. Spending within the Capital Programme is not always of a construction nature, can be of any value and excludes Revenue funded schemes.

	Value £m
Live Projects from Project Position Statement	69.748
Schemes closed or on hold within CP but awaiting PPS post project review.	23.244
Capital schemes that were complete or nearing completion, before the production of PPS, are not included within PPS.	0.426
Annualised Schemes excluded from PPS - Housing Repairs & Maintenance	22.879
Annualised Schemes excluded from PPS - Highways Maintenance	15.795
Annualised Schemes excluded from PPS - Children's Services School Maintenance	0.098
Non Construction excluded from PPS	13.717
Capital Investment Fund excluded from PPS	20.954
Projects under £75k are excluded from PPS reporting.	1.902
Schemes Included with PPS & CM Reporting	(1.783)
Capital schemes not yet integrated into PPS reporting.	4.587
Capital Programme	171.567

Capital Programme

18. Paragraph 19 shows the movements in the Capital Programme since the approval of the 2018/19 Capital MTFP, some of which have not yet been approved by Members.
19. Adjustment to resources requested by Departments:-

Virements

Department	Scheme	Value £	Reason for adjustment	Resource type adjusted
Children Family's & Learning	Whinfield Condition Works	(1,110)	Virement	Nil effect
Children Family's & Learning	General Capital Works	1,110	Virement	Nil effect
Economic Growth	Banktop Master Plan	(270,867)	Virement	Nil effect
Economic Growth	Darlington Station Feasibility	270,867	Virement	Nil effect
Total		0		

Adjustments needing approval release

Department	Scheme	Value £	Reason for adjustment	Resource type adjusted
Children Family's &	Asset Management	66,694	To be funded from previously	Release

Learning	Costs		released funds	
Children Family's & Learning	Basic Need Feasibility & Development of SOP	23,273	To be funded from previously released funds	Release
Economic Growth	Source of the Denes	2,000	Contribution from Northumbrian Water	Release
Economic Growth	Banktop Master Plan	(4,733)	No longer required	Funds moved back to centre
Economic Growth	NBMC Car Park	(99,877)	No longer required	Funds moved back to centre
TOTAL		(12,643)		

Outcome of Consultation

20. There has been no consultation in the preparation of this report.

Capital Project Position Statement

Projects on Hold

Completed

L = Live; C = Complete; H = On Hold

Project Ref Number	Project Title	Stage					Status Symbol L = Triangle C = Circle H = Star	Project Status	Client Department	Delivery Department	Internal Project Sponsor	Internal Project Manager	Cost Centre	Original Project Budget (CP1)	Initial Approved Budget	Increase to Initial Approved Budget	Current Approved Project Budget	Project Expected Out Turn Cost	Variance (%)	Variance (Value)	Original Planned Project Completion Date (CP1)	Revised Approved Project Completion Date	Anticipated Project Completion Date / Actual Completion Date	Schedule Variation (days)	Risk Log Used	CDM Notifiable Project	Principal Designer	Progress Report			Contracts In Place (Please provide information on the contracts that are in place as part of the Project)	Contract Type / Form	Contract With	Contract Value	
		Progress / Plan / Schedule	Budget	Issues																															
23	Civic Theatre Refurbishment & Theatre Hullaballoon						C	L	Neighbourhood	Economic Growth	Ian Thompson	Brian Robson	LO115	£50,000	£50,000		£16,069,000	£16,069,000	0	0	01-Aug-13	06-Nov-17	06-Nov-17	0	Yes	Yes	Todd Milburn	Works complete. In defect period.				SCAPE	NEC3	Willmott Dixon	£12,885,288
166	St Georges Academy						C	L	People	People	Steve Nyakatawa	Clark Morrison	E1853	£1,222,000	£1,222,000	£1,222,000	£1,222,000	£1,222,000	0	0	01-Sep-17	01-Sep-17	06-Oct-17	42		Yes	Mike Dawson	Complete, end of defects has taken place and we are just waiting for a handful of jobs to be complete.	PM to provide a budget update and final account - ASAP so we can close the account code.	CP forms are to be completed by RS in the capital project team.	Internal - with Building Services	Internal - with Building Services	Building Services	£1,024,204	
167	Red Hall Primary Reception Alterations						C	L	People	People	Steve Nyakatawa	Rebecca Robson	E1850	£260,000	£260,000	£270,000	£270,000	£270,000	0	0				0	YES	Yes	Mike Dawson	Complete	Final Account agreed	RR needs to complete a CP5	Internal - with Building Services	Internal - with Building Services	Building Services	£214,549	
168	Summer Works 2016/17						C	L	People	People	Steve Nyakatawa	Julia McCabe	Various	£618,550	£618,550	£618,550	£618,550	£618,550	0	0				0	Yes	Yes	Clark Morrison	Complete - All but one project started and completed within the school summer holiday. The Rise Carr Roof replacement scheme had a 10 week construction carried out safely within term time. It was agreed to use the intended 106 contribution to undertake some no abortive pre expansion works at Heathfield Academy to help them ease some current pressures in their communal areas.	Regular valuations provided by Building Design Services. Awaiting Final Accounts.	No issues.	DLO Delivery	DBC standard T&C	Total Construction Value:	£536,023	
169	Heathfield pre expansion works						C	L	People	People	Tony Murphy	Rebecca Robson	E1851	£500,000	£500,000	£750,000	£750,000	£750,000	0	0	24-Jul-17	13-Apr-18	13-Apr-18	0	Yes	Yes	Clark Morrison	All works are now complete and we are just awaiting the snagging lists to be produced. Unfortunately due to the bad weather and difficulty undertaking a bat survey we have run over by 3 weeks.	An additional £150,000 is needed to be approved from the basic need pot to cover the additional funds needed for the larger car park design as the first on wasn't large enough for a 630 site.	Program issues are imminent as the contractor is having difficulties with the steel beam insulation. MC has been asked to supply the client with an amended programme for this phase of works as the school have identified these as critical to the school.	DLO Delivery	DBC standard T&C. Total construction value tbc	Building Services		
170	Summer Works 2017/2018						C	L	People	People	Steve Nyakatawa	Julia McCabe	Various	£370,000	£370,000	£370,000	£370,000	£370,000	0	0	01-Sep-17	01-Sep-17	22-Sep-17	21	Yes	Yes	Clark Morrison	Due to inclement weather both MUGA's have ran over by 3 weeks.	Regular valuations provided by Building Design Services. Awaiting Final Accounts.	Awaiting snagging lists on all jobs.	DLO Delivery	DBC standard T&C			
171	MUGA's						C	L	People	People	Steve Nyakatawa	Julia McCabe	E1862	£300,000	£300,000	£300,000	£300,000	£300,000	0	0	01-Sep-17	01-Sep-17	29-Sep-17	28	Yes	Yes	Clark Morrison	Due to inclement weather both MUGA's have ran over by 3 weeks.	Awaiting final accounts	Awaiting end of defects checks and sign off	DBC standard T&C	DBC standard T&C	Total Construction Value:		
211	Town Centre Fringe- Master Planning						C	L	Economic Growth	Economic Growth	John Anderson	Timothy Crawshaw	R0098	£203,000		£203,000	£198,000	-2.5%	£-5,000	31-May-11	31-Jul-11	28-Feb-13	578	Yes	No	No CDM output planned.	Planning and Development brief for Feethams/Beaumont Street area adopted. Remaining funding now being directed towards preliminary feasibility/scoping work for the area.	£2k was lost in round of cuts from external funding in November. Accrued funding and project closure in last stages of completion. No remaining spend from Single Programme.	None to report - Spending Review may affect funding not committed - action being taken to ensure commitment to project reports and studies required. Small budget reduction may apply, but this has been managed.	Conservation Management Plan - Parking and Movement Studies, Household Survey, Cultural quarter feasibility.	Quotation and Order	Archaeo-environment - Colin Buchanan - GLOBE - Fairhursts	10K - 17K		
220	DFE New Build						C	L	Neighbourhood	Economic Growth	Paul Wildsmith	Brian Robson	LO118	£9,337,476		£9,337,476	£9,337,476	£9,337,476	0	0	31-Mar-15	31-Mar-15	31-Mar-15	0	Yes	Yes	Paul Foxton - Turner & Townsend	Works Complete	Completed within budget		Scape 2	NEC3	Willmott Dixon	£8,253,070	
223	Rowan West - Site Renewal						C	L	Economic Growth	Economic Growth	Bill Westland	Richard Storey	R0129	£2,200,000		£1,870,000	£1,865,516	-0.2%	£-4,484	31-Mar-16	15-Nov-16	24-Mar-17	129	YES	YES	Building Design (CM)	Complete. DBC to resurface road 3/4/17. CCTV by Paul Branch/ESS	Under budget	Lease to commence 03/04/2017	Pre Construction design with Capital Projects Team	JCT	Wharton Construction Ltd	ca 1.87m		
225	Riverside Improvements						C	L	Economic Growth	Economic Growth	Dave Winstanley	Brian Robson	D0130	£550,000		£631,370	£628,000	-0.5%	£-3,370	30-Jun-16	30-Jun-17	30-Jun-17	0	Yes	Yes	JNP	Works Complete			Scape 3	NEC3	Willmott Dixon	TBC		
226	Ingenium Parc Masterplan + Infrastructure						C	L	Economic Growth	Economic Growth	Dave Winstanley	Emily Edwards	R0130	£356,000		£4,400,000	£4,400,000	0	0	31-Aug-18		31-Oct-19	426	Yes	Yes	TBC	Project at Implementation stage. Includes Highways NPIOF funded project Salters Lane Upgrade and Yarm Road Roundabout where preliminary works have now begun. On-site LGF funded works on the spine road, utilities installation and ecological mitigation are due to begin in October 2018 following receipt of Natural England new licence and new trapping out works.		Scope - This needs to include access to marketable plots and will require a reserved matters planning application and ringfenced funds to partially or wholly extend the spine road into the site as per the outline planning application. Budget - Budgetary pressures include the road extension, ecological mitigation measures and subsequent management and maintenance costs, the re-arrangement of Cummins Carpark, Pre-development archaeological works, compensation for tenant farmer, drainage around turning head and marketing costs. Programme - Obtaining the new licence, securing the acquisition of Cummins land to deliver the approved alignment of the spine road, gaining agreement from the tenant farmer to commence ecological works and procuring suppliers to commence trapping out are now on the critical path.	1. Ecological Surveys 2. Utility and drainage design 3. GI tender spec 4. Geophysical 5. Transport assessment	Quotation and order	1. Internal 2. BGP/JHP 3. AECOM 4. Durham University 5. Arup	1. £15k 2. £18k 3. £43k 4. £10k 5. £6k		
227	NBMC Car Park						C	L	Economic Growth	Economic Growth	Dave Winstanley	Jill Thwaite	R0131	£611,500.00		£611,500	£611,500	0	0	01-Dec-16		01-Dec-16	0	Yes	Yes	Noel Walecki	CP2 to be developed with agreed option (Green Street - 150 spaces). Project plan to be put in place through close liaison with project team.	Budget will be known once fully designed and the specification of car parking (including landscaping) is known. This is to be raised through prudential borrowing. CPI to pay £50k for their 100 spaces.	To be scoped at first project team meeting						

Project Ref Number	Project Title	Stage				Status Symbol S = Triangle I = Circle M = Star	Project Status	Client Department	Delivery Department	Internal Project Sponsor	Internal Project Manager	Cost Centre	Original Project Budget (CP1)	Initial Approved Budget	Increase to Initial Approved Budget	Current Approved Project Budget	Project Expected Out Turn Cost	Variance (%)	Variance (Value)	Original Planned Project Completion Date (CP1)	Revised Approved Project Completion Date	Anticipated Project Completion Date / Actual Completion Date	Schedule Variation (days)	Risk Log Used	CDM Notifiable Project	Principal Designer	Progress Report			Contracts In Place (Please provide information on the contracts that are in place as part of the Project)	Contract Type / Form	Contract With	Contract Value	
		CP1 Start	CP2	Initiate CP3 Define	CP4																						Construct Phase	Evaluate	Progress / Plan / Schedule					Budget
228	Feethams House						L	Economic Growth	Economic Growth	Ian Williams	Jenny Dixon	D0161	£246,000			£8,500,000	£8,500,000	0	0	30-Jul-19		30-Sep-19		Yes										
229	Morton Palms Car Park						L	Economic Growth	Economic Growth	Ian Williams	Jill Thwaite	D0146	£600,000			£600,000	£249,144	-58.5%	-£350,856	01-Apr-18		01-Apr-18	0	YES		Noel Walecki								
230	Central Park - Network Rail Accessway						L	Economic Growth	Economic Growth	Dave Winstanley	Jill Thwaite	R0135	£200,000			£200,000	£200,000	0	0	31-Mar-18		31-Oct-18	214	Yes	Yes	TBC								
317	Dolphin Centre Refurbishment						L	Neighbourhood	Economic Growth	Ian Thompson	Brian Robson	D0125	£2,750,000	£2,850,000		£2,850,000	£2,850,000	0	0	30-Apr-16	05-May-16	30-Apr-16	-5	YES	YES	Todd Milburn	Works complete	Budget is made up of £2.75m Cabinet approval and additional £100k from Community Services	Works to external canopy complete	Willmott Dixon (Through SCAPE framework)	NEC ECC Option A	Willmott Dixon	£2.75m	
318	Town Hall WC Refurbishment						L	Neighbourhood	Economic Growth	Guy Metcalfe	Clark Morrison	D0155	£300,000	£300,000		£300,000	£300,000	0	0	11-Aug-17	15-Sep-17	15-Sep-17	0				Works complete							
437	Red Hall Courts Anfield and Aintree New Build Housing						L	Neighbourhood	Economic Growth	Pauline Mitchell	Richard Storey	H6736	£1,961,825	£1,961,825		£3,157,000	£3,127,930	-0.9%	-£29,070	31-Dec-16	10-Mar-17	15-Jun-17	97	Yes	Yes	Mike Dawson - DBC	Complete	Complete	Linkages with other Redhall schemes.					
442	Sherbourne New Housing						L	Neighbourhood	Economic Growth	Pauline Mitchell	Richard Storey	H6735	£2,200,000	£2,200,000		£2,533,000	£2,533,000	0	0	31-Jan-17	31-Jan-17	30-Jun-17	150	Yes	Yes	Clark Morrison	on budget. Underway	Under budget	Apartments handover April 17					
443	Allington Way New Housing						L	Neighbourhood	Economic Growth	Pauline Mitchell	Richard Storey	H6737	£7,322,477	£7,322,477		£9,209,000	£7,973,886	-13.4%	-£1,235,114	30-Oct-17	30-Oct-17	04-May-18	186	Yes	Yes	Clark Morrison	programme slip to March 2018	significantly under budget. Further savings realised from drainage alterations.	Apartments to commence earlier in programme to ensure 2017 completion					
444	Red Hall Play Provision						L	Neighbourhood	Economic Growth	Cheryl Simmons	Dean Scott	H6954	£100,000	£100,000		£100,000	£100,000	0	0	30-Sep-17	30-Sep-17	30-Sep-17	0	Yes	No		On budget	on budget	Need to link with new anfield/Aintree completion timescales to accommodate the earthmounds within the park	TBC		External Contractor		
448	Leadbrough Drive New Housing						L	Neighbourhood	Economic Growth	Pauline Mitchell	Richard Storey	H6738	£883,010	£930,755		£899,000	£943,500	4.9%	£44,500	26-Jan-18	26-Jan-18	04-May-18	98		YES	Clark Morrison	13days behind							
449	Whitby Way						L	Neighbourhood	Economic Growth	Pauline Mitchell	Richard Storey	H6739	£1,011,428	£975,000		£1,125,000	£1,125,000	0	0	18-May-18	18-May-18	30-Sep-18	135		YES	Clark Morrison	start on site 2/1/18							
622	Central Park Junction and Spine Road						L	Economic Growth	Economic Growth	Dave Winstanley	Paul Easby	R0114	£50,000.00			2515660	2515660	0	0	31-Mar-16	31-May-16	31-May-16	0	YES	YES	Todd Milburn	Junction Works 90% complete. Spine Road works underway. Site clearance and drainage works underway.			DBC	Agreed Contract Rates	Internal Building Services		
623	Parkgate Footbridge D&B						L	Economic Growth	Economic Growth	Dave Winstanley	Paul Easby	TP633	£57,000.00	£950,000.00		£1,240,000	£1,075,000	0	0	01-Feb-18	21-Nov-18	21-Nov-18	0	YES	YES	Todd Milburn	Feasibility Report and CP1 complete. Ground Investigation Report and Outline Design complete. Tender process complete and tender awarded June 2017 £551k (now amended to two-stage £61k design, £552k construction including variation).	CP2 Budget now £1.075M Comprising £945k LGF (now approved) £130k LTP Funding	Design phase complete with implications over structure cost. Agreed increase resulted in revised Total of the Prices of £613,613. Large Compensation Event introduced (value £340k) for landscaping works.	Feasibility, Outline Design commissions with JMP (now complete). - Ground Investigation: Ian Farmer (now complete). - CDM PD: Todd Milburn - Main Contract: Lumsden & Carroll (Esh).	NEC Option A D&B with Activity Schedule	Tendered via NEPO Restricted 28/03/2017.	£613,613, incorporates revision to construction phase. Excludes Compensation on Events.	
626	Feethams Crossing						L	Economic Growth	Economic Growth	Andy Casey	Noel Walecki	TP802/T O605	£255,000	£255,000	£255,000	£255,000	0	£43,555	31-Mar-19	31-Mar-19		YES	YES	Noel Walecki	Initial design work underway for new pedestrian crossing on Victoria Road	CP1 Budget made up of s106 £115,000 and LTP £140,000	None	None	TBC	TBC	TBC			
627	Redmire Close Cycle Route						L	Economic Growth	Economic Growth	Andy Casey	Noel Walecki	TP817	£75,000			£75,000	£75,000	0	0				0	NO	YES	Noel Walecki								
628	Houghton Road/Tornado Way						L	Economic Growth	Economic Growth	Andy Casey	Noel Walecki	TP722	£1,367,433			£1,367,433	£1,367,433	0	0				0	NO	YES	Noel Walecki								

Project Ref Number	Project Title	Stage				Status Symbol S = Triangle I = Circle H = Star	Project Status	Client Department	Delivery Department	Internal Project Sponsor	Internal Project Manager	Cost Centre	Original Project Budget (CP1)	Initial Approved Budget	Increase to Initial Approved Budget	Current Approved Project Budget	Project Expected Out Turn Cost	Variance (%)	Variance (Value)	Original Planned Project Completion Date (CP1)	Revised Approved Project Completion Date	Anticipated Project Completion Date / Actual Completion	Schedule Variation (days)	Risk Log used	CPM Notifiable Project	Principal Designer	Progress Report			Contracts In Place (Please provide information on the contracts that are in place as part of the Project)	Contract Type / Form	Contract With	Contract Value
		Progress / Plan / Schedule	Budget	Issues																													
629	Salters Lane Cycle Route					●	L	Economic Growth	Economic Growth	Andy Casey	Noel Walecki		£172,000			£172,000	£172,000	0	0				0	NO	YES	Noel Walecki							
															£71,750,989	£69,747,595																	

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2018/19 Capital Resources Summary

Row Ref.		Approved Commitments £M	Virement of Resources £M	Variance £M	Total £M
1	Capital Commitments				
2	Brought forward from 2017/18	21.561			
3	2018/19 Capital Programme (released by Cabinet)	46.086			67.647
4	Projected (Under)/Over Spend				
5	Total Commitments	67.647	0.000	0.000	67.647
	To Be Funded By:				
	External and Departmental Resources				
6	External Funding and Departmental Supported Borrowing	0.000	-	-	0.000
7	Departmental Unsupported Borrowing	0.000	-	-	0.000
8	Capital Grants	18.714	-	-	18.714
9	Capital Contributions	1.110	-	-	1.110
10	Revenue Contributions	18.417	-	-	18.417
11	Capital Receipts - HRA	0.198	-	-	0.198
	Total	38.439	0.000	0.000	38.439
	Corporate Resources				
12	Capital Receipts (General Fund)/ Prudential Borrowing	29.208	-	-	29.208
	Total	29.208	0.000	0.000	29.208
13	Total Resources	67.647	0.000	0.000	67.647

Corporate Resources Analysis

		£M
14	Required Resources to fund 2018/19 expenditure (see above)	29.208
15	Other approved Capital Expenditure not included above see (1) below	8.712
16	Total Planned Use of Corporate Resources	37.920
	Less:	
17	Total Projected Capital Receipts (as per Appendix 3)	(5.897)
18	Prudential Borrowing required to Fund Capital Programme	32.023

(1) - Schemes included in MTFP, not included above: -

	<u>£M</u>
Lump Sum PSD Payment pension fund	2.218
Highway Maintenance - Unclassified Roads	0.500
Highway Maintenance - Bridge maintenance	0.500
Capitalisation utilisation as per MTFP	0.687
Economic Growth Investment Fund	1.961
West Cemetery Extension	0.400
Advanced Design Fees	0.150
Slippage from previous years	2.296
Total	8.712

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Capital Receipts Utilisation - latest projection

	2018/19	2019/20	2020/21	2021/22
	£m	£m	£m	£m
Projected Opening Balance as at 1 April	3.854	(2.815)	(3.873)	(2.176)
Projected Capital Receipts	2.043	3.322	3.860	4.507
Total projected Capital Receipts	5.897	0.507	(0.013)	2.331
<u>Less (as per approved capital programme)</u>				
Capitalisation utilisation as per MTFP	(0.687)	(0.599)	(0.500)	
Lump Sum PSD payment to Pension fund	(2.218)	(2.295)		
Council funded schemes	(1.550)	(1.150)	(1.150)	
Economic Growth Investment Fund	(1.961)	(0.336)	(0.513)	
Slippage from previous years	(2.296)			
Projected available Cap Receipts as at 31 March	(2.815)	(3.873)	(2.176)	2.331

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**CABINET
6 NOVEMBER 2018**

REVENUE BUDGET MONITORING 2018-19 – QUARTER 2

**Responsible Cabinet Member - Councillor Stephen Harker
Efficiency and Resources Portfolio**

Responsible Director - Paul Wildsmith, Managing Director

SUMMARY REPORT

Purpose of the Report

1. To provide an up-to-date forecast of the 2018-19 revenue budget outturn as part of the Council's continuous financial management process.

Summary

2. The latest projections show an overall improvement against the Medium Term Financial Plan (MTFP) of £1.116M, an increase of £0.161M from the position reported at Quarter 1. The Children and Adult Services Group position is reporting an over spend of £0.432M which is offset by an under spend on the financing costs budget of £0.591M. Detail is included further in this report.

Recommendation

3. It is recommended that :-
 - (a) The forecast revenue outturn for 2018-19 be noted.
 - (b) Further regular reports be made to monitor progress and take prompt action if necessary.

Reasons

4. The recommendations are supported by the following reasons :-
 - (a) To continue effective management of resources.
 - (b) To continue to deliver services to agreed levels.

**Paul Wildsmith
Managing Director**

Background Papers

No background papers were used in the preparation of this report.

Elizabeth Davison: Extension 5830

S17 Crime and Disorder	There are no specific crime and disorder implications in this report.
Health and Well Being	There are no issues relating to health and well being which this report needs to address.
Carbon Impact	There are no specific carbon impact issues in this report.
Diversity	The report does not contain any proposals that impact on diversity issues.
Wards Affected	All wards are affected.
Groups Affected	No specific groups are particularly affected.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	The report does not require a key decision.
Urgent Decision	The report does not require an urgent decision.
One Darlington: Perfectly Placed	The subject matter of the report, the Councils financial standing and financial management, is critical to delivery of the SCS, but this report does not contain new proposals.
Efficiency	The report contains updated information regarding efficiency savings contained in the MTFP.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Information and Analysis

5. To enable timely information to be presented and in accordance with the report publication requirements, this report has been completed before the end of the second quarter. As the Council operates frequent, regular and predictive budget management processes, including quarterly reports to Cabinet, changes in projected outturn, which are inevitable in a large and complex organisation, will be reported to future meetings.
6. The information in this report has been taken from the financial records for April to August and managers' projections for the remainder of the year, using their knowledge of events affecting the service they manage.
7. Overall the projected General Fund reserves position at 31st March 2019 is £16.606M.

Departmental Resources

8. Departmental Resource projections are summarised in **Appendix 2** and detailed in **Appendices 2(a) to 2(d)**.
9. The **Children and Adult Services Group** is forecasting a year-end pressure of £0.432M.

Children's Services – has a projected year end pressure of £1.893M which is an increase of £0.985M on that reported for quarter one. Significant changes are as follows:

- (a) The Assessment Care Planning and Looked after Children (LAC) budgets are projected to be £0.204M over spent. This pressure has resulted from the increased costs of supporting carer leavers (£0.160M) as they become independent from the Local Authority including the provision of accommodation (rented or supported accommodation), setting up home and further education. In addition, there is increasing demand to support families who are experiencing difficulties outside of the looked after system. This expenditure is targeted to assist families to prevent further children being brought into care.
- (b) Adoption and Placements budgets are projected to be overspent by a further £0.850M. Since quarter one there has been a large spike in the number of children being brought into care and due to local capacity this has required further use of both independent fostering and independent residential placements. Between the financial reporting periods the number of children in independent fostering has increased by 11 children, to 80. Although the number of children in independent residential placements has decreased by three placements down to 35, a number of the leavers were known at quarter one and hence were included within the previous projection. There continues to be a trend that children being placed into residential care require specialist placements which are very expensive as a result. Work is ongoing through a number of transformation work streams that aim to increase capacity within Darlington and prevent further children being brought into care and ultimately reduce expenditure.
- (c) Savings are projected (£0.060M) within the First Response & Early Help services. These savings are mainly within staffing budgets as posts have become vacant and held pending the implementation of the previously agreed remodelling of the early help provision.

Education – has a projected year end pressure of £0.047M.

- (d) Savings are projected within education budgets (£0.159M) mainly from staffing vacancies. A number of posts have been held vacant or have been funded through short term grant pending a restructure of the education service and hence the savings will only be short term until the new staffing structure is in place.
- (e) School Transport continues to have pressures (£0.206M) mainly as a result of the increased number of children placed in out of borough school placements. Due to the distances involved those children need to be transported to school resulting in a large increase in special school transport provision. Members have been asked to approve a public consultation with regard to both special educational needs (SEN) and SEN transport, to inform a new SEN strategy to reduce the number of children being placed in schools out of the area.

Adult Social Care and Health – is forecasting an under spend of £1.490M, an improvement of £0.582M.

- (f) Since the budget was set, there has been a 16.7% reduction in residential and nursing placements (a further 22 placements since the previous report to Cabinet). There are a number of factors to account for this including provisions made to enable people to remain in their own homes longer and the success of the rapid response team which helps people to get back to normality when they leave hospital, which in turn prevents or reduces the need for domiciliary care. There has also been a delay in some individuals coming out of long term hospital.
10. The **Economic Growth and Neighbourhood Services Group** is forecasting an under spend of £0.017M, after a carry forward request of £0.032M.
- (a) Under spends within Highways arising from over achievement of savings from street lighting in electricity and routine maintenance is expected to result in a better position of £0.200M. However this will be offset against an expected over spend of £0.210M following works carried out to repair winter damage.
- (b) Corporate Landlord is expected to overspend by £0.100M by the end of year. This is due to increased prices for electricity & gas and cost of agency staff to temporary fill vacant posts that have been difficult to recruit to. These difficulties have now been addressed and all vacant posts are expected to be filled by quarter three.
- (c) Overall the Group is seeing net under spends in staffing which have helped to offset the above pressure in Corporate Landlord.
- (d) Housing is forecasting a small under spend of £0.013M.
11. The **Resources Group** is forecasting an over spend of £0.044M, compared with the previous quarter's break even position.
- (a) Registrars are projected to be over spent by £0.033M resulting from reduced income from ceremonies. Although there has been an overall increase in the number of ceremonies undertaken, more have been at the statutory level with fewer enhanced ceremonies at higher fee levels.
- (b) Children's legal fees are projected to be over spent by £0.100M due to an increased number of cases. There are a number of specialist external professional reports / requirements that are needed for court processes with regard to the cases, which incur costs resulting in the over spend in budget.
- (c) Additional fee income of £0.024M has been achieved within the Health and Safety Team from additional construction design management (CDM) fees.
- (d) There are also savings within a number of services from vacant posts and reduced calls upon supplies and services budgets.
12. The School balances and allocations are shown in **Appendix 2(e)**.

Carry Forward Requests

13. £0.032M was agreed as part of the MTFP 2017/18 to support the loss of business while the soft play facilities at the Dolphin Centre were refurbished. To minimise

disruption this work was originally planned to be carried out alongside the library relocation but delays have seen the soft play refurbishment slip. It is requested that this is carried forward.

Council Wide and Corporately Managed Resources

14. The Council Wide and Corporately Managed Resources projections indicate an improved under spend of £0.620M from quarter one. This mainly results from an improvement of £0.591M in the financing costs budget due to reduced debt charges primarily from the restructuring of the debt portfolio and greater activity in the joint venture market than anticipated. Rebates received from utility contracts applied within the procurement process have also realised savings.

Housing Revenue Account

15. HRA projections are shown in **Appendix 3**. The HRA remains in a stable position.

Collection Fund

16. The Collection Fund account reflects the statutory requirements for the Council to maintain a separate Fund in relation to the operation of Council Tax and Business Rates Retention Scheme (BRRS). The Fund records all of the transactions for billing in respect of Non Domestic Rates (NDR) and Council Tax, exemptions and discounts granted, provision for bad debts and appeals and payments made to the Council's General Fund, the Police and Fire & Rescue precept authorities and Central Government. At this stage in the year, no surplus or deficit is forecast.

Conclusion

17. The Council's projected revenue reserves at the end of 2018-19 are £16.606M, £1.116M more than the initial 2018-22 MTFP position and include a brought forward amount of £0.530M from 2017/18, a rebasing exercise of £0.425M, with the departmental/corporate resources forecast to be £0.161M better off.
18. Of the £16.606M projected reserves, we have a risk reserve balance of £4.330M and a commitment to use £11.134M to support the 2018–2022 MTFP, leaving £1.142M one off funding to further support the general fund moving forward.
19. Whilst the improved position is helpful it does not change the financial context in which the Council is currently planning.

Outcome of Consultation

20. No external consultation has been carried out in preparing this report.

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REVENUE BUDGET MANAGEMENT 2018/19**Projected General Fund Reserve at 31st March 2019**

	2018-22 MTFP (Feb 2018) £000
Medium Term Financial Plan (MTFP) :-	
MTFP Planned Opening Balance 01/04/2018	20,233
Approved net contribution from balances	(4,743)
Planned Closing Balance 31/03/2019	15,490
Increase in opening balance from 2017-18 results	530
Projected corporate underspends / (overspends) :-	
Adult Social Care & Health based savings	400
Resources based savings	25
Council Wide	29
Financing Costs	591
Projected General Fund Reserve (excluding Departmental) at 31st March 2019	17,065
Planned Balance at 31st March 2019	15,490
Improvement	1,575

Departmental projected year-end balances

	Improvement / (decline) compared with 2018-22 MTFP £000
Children & Adults Services	(432)
Economic Growth & Neighbourhood Services Resources	17 (44)
TOTAL	(459)

Summary Comparison with :-

	2018-22 MTFP £000
Corporate Resources - increase in opening balance from 17/18 results	530
Corporate Resources - additional in-year Improvement/(Decline)	620
Quarter 1 budget claw back	425
Departmental - Improvement / (Decline)	(459)
Improvement / (Decline) compared with MTFP	1,116
Projected General Fund Reserve at 31st March 2019	16,606

GENERAL FUND REVENUE BUDGET MANAGEMENT 2018/19

	Budget			Expenditure	Variance
	Original 2018/19	Approved Adjustments	Amended Approved Budget	Projected Outturn	
	£000	£000	£000	£000	
Departmental Resources					
Children & Adults Services	55,458	323	55,781	56,213	432
Economic Growth & Neighbourhood Services	18,448	1,554	20,002	19,985	(17)
Resources	9,468	281	9,749	9,793	44
Total Departmental Resources	83,374	2,158	85,532	85,991	459
Corporate Resources					
Council Wide	769	(685)	84	55	(29)
Financing Costs	915	0	915	324	(591)
Contingencies Budget					
Pensions	(2,370)	0	(2,370)	(2,370)	0
Apprentice Levy	195	0	195	195	0
Futures Fund	(400)	2,900	2,500	2,500	0
Mid-Year Savings					
Adult Social Care & Health based savings	0	400	400	0	(400)
Resources based savings	0	25	25	0	(25)
Total Corporate Resources	(891)	2,640	1,749	704	(1,045)
Net Expenditure	82,483	4,798	87,281	86,695	(586)
Contributions To / (From) Reserves					
Planned Contribution from General Fund Reserves (MTFP)	(1,843)	(2,900)	(4,743)	(4,743)	0
Departmental Brought Forwards from 2017/18	0	(1,898)	(1,898)	(1,898)	0
General Fund Total (excluding 2017-18 b/f)	80,640	0	80,640	80,054	(586)

Note: Appendix 1 shows an increase in reserves of £0.530M brought forward from 2017/18.

REVENUE BUDGET MANAGEMENT UPDATE 2018/19

	<i>Budget</i>			<i>Expenditure</i>			(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	
<u>Council Wide</u>							
Salary Pay Award	916	(805)	111	0	111	111	0
Airport	27	0	27	0	10	10	(17)
Senior Management Savings	(152)	120	(32)	0	(10)	(10)	22
Procurement Savings	(22)	0	(22)	0	(56)	(56)	(34)
	769	(685)	84	0	55	55	(29)
In Year Over/(Under) Spend	769	(685)	84	0	55	55	(29)

REVENUE BUDGET MANAGEMENT UPDATE 2018/19

	<i>Budget</i>			<i>Expenditure</i>			(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	
<u>Children & Adults Services</u>							
<u>Director of Adults & Children</u>	179	2	181	97	94	191	10
<u>Children & Adult Services</u>							
Transformation & Performance	498	13	511	233	278	511	0
Business Support	1,186	33	1,219	513	713	1,226	7
	1,684	46	1,730	746	991	1,737	7
<u>Children's Services</u>							
Children's Services Management & Other Services	487	5	492	218	294	512	20
Assessment Care Planning & LAC	2,852	160	3,012	1,465	1,751	3,216	204
First Response & Early Help	2,269	(159)	2,110	(313)	2,363	2,050	(60)
Youth Offending / ASB	228	23	251	176	65	241	(10)
Adoption & Placements	11,416	(75)	11,341	5,383	7,716	13,099	1,758
Quality Assurance & Practice Improvement	452	2	454	137	298	435	(19)
	17,704	(44)	17,660	7,066	12,487	19,553	1,893
<u>Development & Commissioning</u>							
Commissioning	1,943	140	2,083	1,089	959	2,048	(35)
Voluntary Sector	282	142	424	203	221	424	0
Workforce Development	183	26	209	22	187	209	0
	2,408	308	2,716	1,314	1,367	2,681	(35)
<u>Education</u>							
Education	2,046	68	2,114	(9,513)	11,468	1,955	(159)
Schools	0	0	0	(273)	273	0	0
Transport Unit	0	0	0	145	61	206	206
	2,046	68	2,114	(9,641)	11,802	2,161	47
<u>Public Health & Community Safety</u>							
Public Health	99	0	99	767	(668)	99	0
Community Safety	0	0	0	0	0	0	0
Healthy New Towns	0	243	243	(64)	307	243	0
	99	243	342	703	(361)	342	0
<u>Adult Social Care & Health</u>							
External Purchase of Care	25,223	(43)	25,180	1,990	21,531	23,521	(1,659)
Intake & Reablement	892	(248)	644	623	20	643	(1)
On-going Long Term Care - Older People	1,336	10	1,346	415	947	1,362	16
On-going Long Term Care - Physical Disability	5		5	23	(18)	5	0
On-going Long Term Care - Learning Disability	1,691	(73)	1,618	547	1,025	1,572	(46)
On-going Long Term Care - Mental Health	888	46	934	235	861	1,096	162
On-going Long Term Care - Children's	443	4	447	171	307	478	31
Service Development & Integration	860	4	864	148	723	871	7
Total Adult Social Care & Health	31,338	(300)	31,038	4,152	25,396	29,548	(1,490)
In Year Over/(Under) Spend	55,458	323	55,781	4,437	51,776	56,213	432

REVENUE BUDGET MANAGEMENT UPDATE 2018/19

	<i>Budget</i>			<i>Expenditure</i>			(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	
<u>Economic Growth & Neighbourhood Services</u>							
Director of Economic Growth & Neighbourhood Services	164	1	165	90	76	166	1
<u>Planning, Economic Initiatives & Asset Management</u>							
AD Economic Initiative	128	1	129	54	47	101	(28)
Building Control	134	13	147	53	99	152	5
Built & Natural Environment	145	21	166	65	101	166	0
Consolidated Budgets	152	(24)	128	0	128	128	0
Development Management	(112)	25	(87)	(2)	(84)	(86)	1
Economy	294	(36)	258	(43)	310	267	9
Environmental Health	270	13	283	(33)	313	280	(3)
Experience Darlington	40	0	40	5	35	40	0
Place Strategy	296	78	374	114	228	342	(32)
Property Management & Estates	(606)	3	(603)	(383)	(193)	(576)	27
	741	94	835	(170)	984	814	(21)
<u>Capital Projects, Transport & Highways</u>							
<u>Planning</u>							
AD Transport & Capital Projects	121	1	122	50	71	121	(1)
Building Design Services	28	5	33	(140)	173	33	0
Capital Projects	173	33	206	95	69	164	(42)
Car Parking R&M	577	(34)	543	492	42	534	(9)
Concessionary Fares	3,221	38	3,259	938	2,321	3,259	0
Flood & Water Act	82	0	82	(31)	114	83	1
Highways	2,400	218	2,618	747	1,871	2,618	0
Highways - DLO	(504)	55	(449)	412	(860)	(448)	1
Investment & Funding	(23)	422	399	13	386	399	0
Regeneration Projects	139	3	142	60	77	137	(5)
Sustainable Transport	189	8	197	(114)	310	196	(1)
	6,403	749	7,152	2,522	4,574	7,096	(56)
<u>Community Services</u>							
AD Community Services	121	1	122	51	71	122	0
Allotments	9	0	9	(1)	10	9	0
Building Cleaning - DLO	77	34	111	(210)	321	111	0
Cemeteries & Crematorium	(818)	6	(812)	(280)	(544)	(824)	(12)
Dolphin Centre	479	25	504	150	322	472	(32)
Eastbourne Complex	(21)	2	(19)	9	(28)	(19)	0
Emergency Planning	94	0	94	6	88	94	0
Head of Steam	231	1	232	133	99	232	0
Hippodrome	(41)	122	81	337	(256)	81	0
Indoor Bowling Centre	13	8	21	6	15	21	0
Libraries	827	21	848	327	521	848	0
Markets	2	0	2	0	2	2	0
Move More	0	0	0	(163)	163	0	0
Outdoor Events	174	53	227	89	138	227	0
School Meals - DLO	23	8	31	75	(42)	33	2
Strategic Arts	101	18	119	46	73	119	0
Street Scene	4,701	186	4,887	2,394	2,493	4,887	0
Transport Unit - Fleet Management	(12)	(7)	(19)	(1,112)	1,092	(20)	(1)
Waste Management	2,745	0	2,745	426	2,319	2,745	0
Winter Maintenance	416	1	417	357	73	430	13
	9,121	479	9,600	2,640	6,930	9,570	(30)

REVENUE BUDGET MANAGEMENT UPDATE 2018/19

	<i>Budget</i>			<i>Expenditure</i>			(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	
<u>Economic Growth & Neighbourhood Services</u>							
<u>Community Safety</u>							
AD Regulatory Services	114	(98)	16	16	0	16	0
CCTV	200	33	233	(42)	271	229	(4)
Community Safety	100	154	254	(18)	272	254	0
Environmental Crime Team	45	(24)	21	21	1	22	1
General Licensing	0	0	0	21	(21)	0	0
Parking	(2,011)	2	(2,009)	(883)	(1,151)	(2,034)	(25)
Private Sector Housing	8	32	40	(71)	111	40	0
Stray Dogs	53	(5)	48	25	23	48	0
Taxi Licensing	0	0	0	(73)	73	0	0
Trading Standards	221	2	223	58	159	217	(6)
Youth Offending	12	(56)	(44)	20	(60)	(40)	4
	(1,258)	40	(1,218)	(926)	(322)	(1,248)	(30)
<u>Building Services</u>							
Construction - DLO	(443)	26	(417)	(2,805)	2,388	(417)	0
Maintenance - DLO	(344)	(35)	(379)	1,058	(1,437)	(379)	0
Other - DLO	0	55	55	(26)	81	55	0
Corporate Landlord	2,549	145	2,694	1,431	1,363	2,794	100
	1,762	191	1,953	(342)	2,395	2,053	100
<u>General Support Services</u>							
Works Property & Other	105	0	105	0	105	105	0
<u>Joint Levies & Boards</u>							
Environment Agency Levy	105	0	105	52	53	105	0
Outside Contributions	51	0	51	0	51	51	0
	156	0	156	52	104	156	0
<u>Housing</u>							
Local Taxation	344	92	436	393	63	456	20
Rent Rebates / Rent Allowances / Council Tax	(132)	0	(132)	9,646	(9,778)	(132)	0
Housing Benefits Administration	141	27	168	82	64	146	(22)
Customer Services	470	(119)	351	187	156	343	(8)
Homelessness	301	0	301	(85)	383	298	(3)
Service, Strategy & Regulation and General Services	130	0	130	(575)	705	130	0
	1,254	0	1,254	9,648	(8,407)	1,241	(13)
In Year Over/(Under) Spend	18,448	1,554	20,002	13,514	6,439	19,953	(49)
<u>Carry Forward Requests</u>							
Dolphin Centre - Softplay income reduction (due to refurbishment) - previously agreed in 2017/18							32
Revised Over/(Under) Spend							(17)

REVENUE BUDGET MANAGEMENT UPDATE 2018/19

	Budget			Expenditure			(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	
<u>Resources</u>							
Managing Director	391	(140)	251	178	67	245	(6)
Darlington Partnership	16	1	17	(65)	82	17	0
<u>AD Resources</u>							
Finance & Governance	1,349	26	1,375	967	384	1,351	(24)
Financial Assessments & Protection	208	3	211	81	130	211	0
Communications & Engagement	839	61	900	333	538	871	(29)
Systems	657	72	729	369	363	732	3
Xentrall (D&S Partnership)	1,461	32	1,493	140	1,353	1,493	0
Human Resources	527	57	584	222	383	605	21
Health & Safety	141	(15)	126	91	11	102	(24)
	5,182	236	5,418	2,203	3,162	5,365	(53)
<u>AD Law & Governance</u>							
Complaints & FOI	168	2	170	85	111	196	26
Democratic Services	1,203	48	1,251	377	849	1,226	(25)
Registrars	(40)	5	(35)	(32)	30	(2)	33
Administration	720	(72)	648	293	344	637	(11)
Legal & Procurement	1,069	10	1,079	448	711	1,159	80
Coroners	182	15	197	197	0	197	0
	3,302	8	3,310	1,368	2,045	3,413	103
<u>AD ICT</u>	577	176	753	64	689	753	0
In Year Over/(Under) Spend	9,468	281	9,749	3,748	6,045	9,793	44

BUDGET MANAGEMENT 2018/19

SCHOOLS PROJECTED BALANCES 2018/19					
School Name	Opening Balance at 1st April 2018	Formula Budget Allocation	Total Available	Projected Closing Balance at 31st March 2019	Projected Closing Balance as proportion of Formula Budget Allocation
	£000	£000	£000	£000	%
<u>Primary</u>					
Borough Road Nursery	35	313	348	28	9%
George Dent Nursery	(28)	445	417	(30)	(7%)
Red Hall Primary	175	865	1,040	159	18%
St. Teresa's RC Primary #	193	1,148	1,341	204	18%
Whinfield Primary	139	2,024	2,163	102	5%
Harrowgate Hill Primary	317	2,065	2,382	306	15%
Primary Total	831	6,860	7,691	769	

Academy application approved

HOUSING REVENUE ACCOUNT 2018/19

	Budget			Expenditure			(Under)/ Over Spend £000
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	
<u>Housing Revenue Account</u>							
<u>Income</u>							
Working Balance Brought Forward	0	0	0	(13,884)	0	(13,884)	(13,884)
Rents Of Dwellings (Gross)	(19,619)	0	(19,619)	(8,381)	(11,369)	(19,750)	(131)
Sundry Rents (Including Garages & Shops)	(446)	0	(446)	(177)	(276)	(453)	(7)
Charges For Services & Facilities	(3,055)	0	(3,055)	(23)	(3,093)	(3,116)	(61)
Contribution towards expenditure	(290)	0	(290)	0	(322)	(322)	(32)
Interest Receivable	(25)	0	(25)	0	(25)	(25)	0
Total Income	(23,435)	0	(23,435)	(22,465)	(15,085)	(37,550)	(14,115)
<u>Expenditure</u>							
Management	5,442	0	5,442	2,758	2,474	5,232	(210)
Maintenance	3,917	0	3,917	418	3,499	3,917	0
Capital Financing Costs	18,206	0	18,206	0	18,206	18,206	0
Rent Rebate Subsidy Limitation	30	0	30	0	30	30	0
Increase in Bad Debt Provision	350	0	350	0	350	350	0
Working Balance Carried Forward	(4,510)	0	(4,510)	19,289	(9,474)	9,815	14,325
Total Expenditure	23,435	0	23,435	22,465	15,085	37,550	14,115
(Surplus)/Deficit	0	0	0	0	0	0	0

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