

# Cabinet Agenda



**5.00 pm Tuesday, 5 February 2019  
Committee Room No. 2, Town Hall,  
Darlington. DL1 5QT**

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

1. Declarations of Interest.
2. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.
3. To approve the Minutes of the Meeting of this Cabinet held on 8 January 2019 (Pages 1 - 6)
4. Matters Referred to Cabinet –  
There are no matters referred back for reconsideration to this meeting
5. Issues Arising from Scrutiny Committee - Autism Review Group - Final Report –  
Report of the Chair of the Review Group  
(Pages 7 - 18)
6. Key Decisions:-
  - (a) Private Sector Environmental Crime Enforcement - Update –  
Report of the Director of Economic Growth and Neighbourhood Services  
(Pages 19 - 24)
  - (b) Schools Admissions 2020/21 –  
Report of the Director of Children and Adults Services  
(Pages 25 - 44)
7. Regulation of Investigatory Powers –  
Report of the Managing Director  
(Pages 45 - 66)
8. Calendar of Council and Committee Meetings 2019/20 –  
Report of the Managing Director

(Pages 67 - 70)

9. Public Spaces Protection Order Darlington Town Centre –  
Report of the Director of Economic Growth and Neighbourhood Services  
(Pages 71 - 118)
10. Project Position Statement and Capital Programme Monitoring - Quarter 3  
2018/19 –  
Report of the Director of Economic Growth and Neighbourhood Services  
(Pages 119 - 132)
11. Revenue Budget Monitoring 2018/19 - Quarter 3 –  
Report of the Managing Director  
(Pages 133 - 150)
12. Membership Changes - To consider any Membership Changes to Other Bodies to  
which Cabinet appoints.
13. 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.
14. Questions.



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Monday, 28 January 2019**

**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](mailto:Lynne.Wood@darlington.gov.uk) or telephone 01325 405803).

## **DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE MONDAY 21 JANUARY 2018**

### **CABINET**

Tuesday, 8 January 2019

**PRESENT** – Councillors Harker (Chair), Crumbie, C L B Hughes, McEwan, S Richmond, A J Scott and Wallis

**INVITEES** – Councillors Curry and K Nicholson

**APOLOGIES** – Councillor Mrs H Scott

#### **C91 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at the meeting.

#### **C92 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

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

#### **C93 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON 11 DECEMBER 2018**

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

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

**REASON** – They represent an accurate record of the meeting.

#### **C94 ANNUAL AUDIT LETTER 2017/18**

The Leader and Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) presenting the Annual Audit Letter for 2017/18 (also previously circulated).

The Annual Audit Letter provided a high level summary of the results from the 2017/18 audit work undertaken by Ernst and Young LLP (EY), the Council's external auditors; confirmed that the Council's accounts gave a true and fair view for the year ending 31 March 2018; and that the Council had put in place proper arrangements to secure value for money in uses of its resources.

A representative from Ernst and Young LLP (EY), presented the main findings from the Annual Audit Letter 2017/18 and stated that, the Council had been issued with an unqualified audit opinion.

**RESOLVED** – That the Annual Audit Letter, as appended to the submitted report, be noted.

**REASON** - To enable Cabinet to receive the results of the external audit work carried out.

**C95 MATTERS REFERRED TO CABINET**

There were no matters referred for re-consideration to this meeting.

**C96 ISSUES ARISING FROM SCRUTINY COMMITTEE**

There were no issues arising from Scrutiny considered at this meeting.

**C97 KEY DECISIONS:-**

**(1) TEES VALLEY WASTE MANAGEMENT STRATEGY**

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 adopting the Tees Valley Joint Waste Management Strategy (JWMS) (also previously circulated) following an eight-week consultation period, which closed on 3 December 2018.

The submitted report stated that the five Tees Valley Local Authorities were currently developing an outline business case for the options on the future of waste treatment/disposal post 2025 when existing contractual arrangements would come to an end; as part of the process, the JWMS for Tees Valley had been reviewed, refreshed and updated to take account of current policy direction; and that the other four Tees Valley Authorities had also carried out a similar consultation exercise with their residents.

Discussion ensued on the impact of implementing the strategy for the residents of the Borough and, in particular, children and young people.

**RESOLVED** – (a) That the response to the consultation, as detailed in the submitted report, be noted.

(b) That the Joint Waste Management Strategy for Tees Valley, as appended to the submitted report, covering the period 2020 to 2035, be adopted.

**REASON** - The adoption of the Joint Waste Management Strategy will enable the Council to develop its own action plan to deliver the aims and objectives from the strategy.

**(2) PERMIT SYSTEM TO MANAGE AND COORDINATE ROADWORKS**

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 developing a Permit Scheme and

consulting on the proposed scheme to improve the management, coordination and operation of road works.

The submitted report stated that under the New Roads and Street Works Act 1991 and the Traffic Management Act (TMA) 2004, all highways authorities had a duty to effectively coordinate all activities on the highway to ensure the safe and expeditious movement of traffic, pedestrians and vulnerable road users; the Council currently managed the coordination of roadworks through a noticing system; the TMA 2004 allowed highway authorities to introduce a permit scheme; outlined the key features, benefits and feasibility of introducing a permit scheme; and the financial and legal implications.

Discussion ensued on the additional controls available on roadworks available through the introduction of the permit system.

**RESOLVED** – (a) That the development of a Permit Scheme and the consultation on the proposed scheme to improve the management, coordination and operation of road works, be approved.

(b) That a further report be considered by Cabinet upon the completion of feasibility and consultation to include the business case, resource requirements and to agree the detail of the scheme to be implemented, including the level of charges.

**REASONS** – (a) To fulfil duties under the New Roads and Street Works Act 1991(NRSA) and the Traffic Management Act 2004 (TMA).

(b) Improve the management and coordination of roadworks.

(c) Comply with requests from the Secretary of State to introduce a Permit Scheme.

## **C98 STRATEGIC SITES DEVELOPMENT PROGRAMME - DARLINGTON TOWN CENTRE**

The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) providing an update to Members on emerging high-level thoughts and the future development of proposals that will encourage further investment on key strategic sites in Darlington Town Centre that would complement and supports the work and actions outlined in the Town Centre Footfall Strategy report agreed by Cabinet in July 2018 (Minute C33/Jul/18 refers).

The submitted report stated since the Town Centre Footfall Strategy had been produced the landscape of retail and commerce within the town centres across the UK had changed; the threat to the country's high streets had been acknowledged by the Government which had announced a £675M Future High Street Fund as part of the 2018 budget; given the changes to both the environment of the high street and changes to peoples' shopping habits there was a need for all towns to develop plans that had business investment at their heart and were focussed on transforming them into a community hub incorporating health, housing, arts, education, entertainment, leisure, business/office space and retail; and that Darlington's Town Centre continued to retain a high proportion of top national retailers with a strong representation from

independent retailers.

Discussion ensued on the outdoor Market and on the Yards, and in particular, on how to advertise the shops and businesses that were located in the Yards.

**RESOLVED** – (a) That the report be noted,

(b) That the ongoing position which officers are developing, as detailed in the submitted report, that will lead to further private sector development, be supported.

(c) That the key Town Centre development areas that were appropriate for consideration, be agreed, namely:-

- (i) Victorian Indoor Market;
- (ii) Skinnergate and the Yards and Wynds;
- (iii) Northgate; and
- (iv) Crown Street.

(d) That further reports be brought back to future Cabinet meetings to update on progress.

**REASONS** – (a) To ensure that the strategic sites detailed in the report are addressed to improve the attractiveness and vitality of the Town Centre.

(b) Suitable alternative uses of sites are pursued to support the actions detailed in the Darlington Town Centre Footfall Strategy (2018).

(c) To contribute to the further economic wellbeing and vitality of the Town Centre.

## **C99 DELIVERY OF NEW HOMES AT MIDDLETON ST GEORGE - JOINT VENTURE PROPOSAL**

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 approving the establishment of a Joint Venture Company to provide the infrastructure build and sale of homes in Middleton St George, under the company name Middleton St George Joint Venture Limited.

The submitted report stated that a Joint Venture Company had already been established with Esh Homes Ltd to build and sell homes at Eastbourne; the site at Middleton St George was owned by a third party and the Joint Venture (JV) partner had negotiated terms to acquire the site with planning permission being obtained for the development of 55 homes; outlined the JV proposal; the two main areas of risk on the expected return; the financial implications; mitigations in place to minimise risk; outcome of consultation; and the legal advice received.

**RESOLVED** – (a) That the establishment of the Joint Venture Company to acquire land, deliver, build and sell up to 55 new private sale and affordable homes at Middleton St George, as detailed in the submitted report, be approved.

(b) That £4.7m from the Investment Fund, be approved, to fund the Joint Venture

Company, financed by prudential borrowing, subject to a first Legal Charge in favour of the Council over the land acquired by the Joint Venture Company together with a Guarantee from the Joint Venture Partner in respect of 50 per cent of the loan sum.

(c) That the Joint Venture Agreement be approved and authority be delegated to the Managing Director to finalise the establishment of the Joint Venture Company in line with the terms, as set out in the submitted report, and supporting Development Appraisal and Cashflows annexed at Appendix 2 (Part III) of the submitted report.

(d) That the Assistant Director – Resources (CFO), the Assistant Director Housing and Building Services and the Assistant Director Law and Governance be appointed to act as directors in the Joint Venture Company as part of its Executive Board.

(e) That the Joint Venture be funded from prudential borrowing from the Capital Investment Fund.

**REASONS –** (a) To assist in the delivery of the Economic Strategy by speeding up the building of new homes.

(b) To assist in the delivery of the Housing Strategy by enabling the building of fifty houses for private sale and five affordable housing properties.

(c) To deliver income for the Council.

**C100 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.**

There were no membership changes reported at the meeting.

**C101 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-**

**RESOLVED** - 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 item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

**C102 LAND AT NEASHAM ROAD - PROPOSED NEW HOUSING DEVELOPMENT - DISPOSAL OF SITES**

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) reporting the progress made following the acquisition of the land at Neasham Road; requesting that consideration be given to engaging the services of Esh Homes Limited to facilitate an early planning application for the site and incur the associated costs; and seeking in principle approval to dispose of part of the site to the Esh Joint Venture and part of the site to a Registered Provider, with detailed terms being reported back to Cabinet in the future.

The submitted report outlined the background to the proposals; the land and property advice received; proposed fees and costs of planning application; legal and financial implications; and the risks associated with the proposals.

**RESOLVED** – (a) That the costs identified in Appendix 2 of the submitted report and the release of the funding necessary to appoint Esh and the relevant providers to undertake the specified work required to submit the planning application, be approved, with the costs to be funded from the Economic Growth Investment Fund.

(b) That the in principle disposal of part of the site to the Esh/Council formed Joint Venture Company and part to a Registered Provider with terms to be reported to Cabinet in due course, be agreed.

(c) That the Assistant Director – Law and Governance be authorised to execute the necessary documents to facilitate future development.

**REASONS** – (a) To provide a site capable of contributing to the delivery of Council Housing Stock and other affordable/social homes to satisfy the Borough's housing need.

(b) To achieve a capital receipt for the Council from a private developer as well as securing funding from Homes England and increased Council Tax receipts from approx. 450 new homes.

**DECISIONS DATED –  
FRIDAY 11 JANUARY 2019**



**CABINET  
5 FEBRUARY 2019**

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## **AUTISM REVIEW GROUP – FINAL REPORT**

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### **ADULTS AND HOUSING SCRUTINY COMMITTEE**

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#### **REPORT**

##### **Purpose of the Report**

1. To present the outcome and findings of the review Group established by the Adults and Housing Scrutiny Committee to look at the support and advice services available in Darlington for adults with autism and to seek Members' approval to the recommendations contained within its final report.

##### **Summary**

2. The Adults and Housing Scrutiny Committee agreed to establish an Autism Review Group to look at the support and advice services available in Darlington for adults with autism. The Terms of Reference were agreed at the first meeting of the Review Group and all Members of the Committee were invited to participate in the Review.
3. The Review Group has met on many occasions during the course of its review and a wide number of issues have been discussed and considered and these are included in the notes of the meetings.
4. The Adults and Housing Scrutiny Committee considered the final report **(Appendix 1)** at its meeting held on 18 December 2018 and Cabinet is requested to consider and endorse the recommendations contained therein.

##### **Recommendation**

5. It is recommended that Cabinet consider the final report and endorse the recommendations as contained therein.

##### **Reasons**

6. The recommendation is supported to ensure that all partners work together to support and improve services for people living with autism.

**Councillor M Knowles  
Chair of the Review Group**

## Background Papers

No background papers were used in the preparation of this report other than those referred to.

Shirley Burton : Extension 5998

S17 Crime and Disorder	There are no specific implications for Crime and Disorder.
S17 Crime and Disorder	There are no specific implications for Crime and Disorder.
Carbon Impact	There are no carbon impact implications in this report
Diversity	There are no specific diversity issues in this report.
Wards Affected	There are no specific Wards which are affected by this report.
Groups Affected	All
Budget and Policy Framework	This report has no impact on the budget or policy framework.
Key Decision	This report does not constitute a Key Decision.
Urgent Decision	This is not considered an urgent decision
One Darlington: Perfectly Placed	To enable people to be more healthy and independent and to provide a safe and caring community.
Efficiency	The outcome of this report does not impact on the Council efficiency agenda.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers



# AUTISM

## REPORT OF THE ADULTS AND HOUSING SCRUTINY COMMITTEE

## **Introduction**

1. This is the final report of the Autism Review Group, established by the Adults and Housing Scrutiny Committee to look at the support and advice services available in Darlington for adults with autism.

## **Background Information**

2. All Members of the Adults and Housing Scrutiny Committee were invited to participate in the Review, which was led by Councillor Knowles.
3. The Review Group acknowledges the support and assistance provided in the course of their investigations and would like to place on record its thanks to the following :-
  - (a) Anne Tate, MAIN Project;
  - (b) Stuart Dexter, Chief Executive, Daisy Chain Project;
  - (c) Tracy Roberts, Darlington Association on Disability;
  - (d) Kevin Kelly, Head of Learning Disability and Mental Health, Darlington Borough Council;
  - (e) Mark Humble, (former Development and Commissioning Manager, Learning Disability and Mental Health; Darlington Borough Council);
  - (f) Gary Emmerson, MIND;
  - (g) North East Autistic Society;
  - (h) Helen Whitten, Manager of Resourced Based Provision for Children and Young People with ASD/Social Communication Needs and Social Communication Outreach Co-ordinator, Hurworth School;
  - (i) Jacqui Dyson, Autism Strategy Manager, Tees, Esk and Wear Valley's NHS Foundation Trust;
  - (j) Sheila Halpin, Head of Adult Learning Disability Services (Durham and Darlington) Tees, Esk and Wear Valley's NHS Foundation Trust;
  - (k) Sarah Gibbon, Senior Practitioner, Life Stages Service, Darlington Borough Council;
  - (l) Helen Whiting, Human Resource Manager (Policy and Strategy), Darlington Borough Council;
  - (m) Lead Community Partner, Department for Works and Pensions

## **Structure of Report**

4. This report is a brief summary of the evidence considered by the Review Group with the main recommendations arising.

5. The report covers :-

- (a) Terms of Reference
- (b) Methods of Investigation
- (c) What is Autism
- (d) What Causes Autism
- (e) Is there a Cure?
- (f) Characteristics of Autism
- (g) Diagnostics and Signposting
- (h) Training of Health Professionals who Provide Services to Adults with Autism
- (i) Support through Transition
- (j) Employability and Supporting People with Autism in the Workplace
- (k) Monitoring and Review of Recommendations

### **Terms of Reference**

6. The Terms of Reference for the Group were quite detailed, however, as we progressed with our review, our work became more focused on the employment and employability of those living with autism as a specific work strand.

### **Methods of Investigation**

7. The Review Group met on a number of occasions between June 2017 and March 2018.

8. The methods of scrutiny and types of evidence considered by the Group comprised :-

- (a) presentations by Council Officers and external partners;
- (b) site visits to meet providers of services and see the facilities offered to support people living with autism and their families;
- (c) research of a wide range of documents and background material.

9. A list of background papers used for consideration is set out in **Appendix 1**.

### **What is Autism?**

10. Autism is a lifelong development disability, sometimes referred to as an autism spectrum condition (ASC) or autism spectrum disorder (ASD). It affects the way a person communicates and relates to people around them.

11. The word 'spectrum' is used because all people with autism share three main areas of difficulty, but their condition will affect them in very different ways. For instance, some people are able to live relatively everyday lives whilst others will require a lifetime of specialist support.

12. Identifying that a person has autism can sometimes be difficult, as people with the condition do not 'look' disabled. Therefore, parents of children with autism often say that other people simply think their child is naughty, while adults believe they are misunderstood.

13. Adults with autism will have had very different experiences, depending on factors such as their position on the autistic spectrum, the professions they have come into contact with and even how and when they got their diagnosis.
14. Everyone with autism can benefit from a timely diagnosis and access to appropriate support services.

### **What Causes Autism?**

15. The exact cause of autism is still being investigated. However, research suggests that a combination of factors – genetic and environmental – may account for changes in brain development. People from all nationalities and cultural, religious and social backgrounds can have autism, although it appears to affect more men than women. It is not caused by person's upbringing or their social circumstances and is not the fault of the individual with the condition.

### **Is there a Cure?**

16. At present, there is no 'cure' for autism. However, there are a range of interventions, which enable learning and development that can be helpful for the individual.

### **Characteristics of Autism**

17. The characteristics of autism vary from one person to another, but are generally divided into three main difficulties, which are sometimes known as the 'triad of impairments': social communication, social interaction and social imagination.

#### **Social Communication**

- People with autism can have difficulties with the use and interpretation of both verbal and non-verbal language. This can cause difficulties in expressing themselves and understanding the intended language of others – for example, when using or interpreting facial expressions, tone of voice, jokes and sarcasm and common phrases or sayings.

#### **Social Interaction**

- Socialising is something that most people take for granted, but for someone with autism, understanding how to interact is a major barrier. The difficulty lies in the person not being able to recognise or understand others emotions and feelings and their inability to express their own. Some examples of this would be that they appear to be insensitive because they have not recognised how someone else is feeling, or appear to behave 'strangely' or inappropriately, as it is not always easy for them to express feelings, emotions or needs.

## **Social Imagination**

- This allows us to understand and predict others behaviour, make sense of abstract ideas and to imagine situation outside of our immediate daily routine. Difficulties with social imagination means that people with autism find it hard to understand and interpret others thoughts, understand the concept of danger, prepare for change and plan for the future and cope in new or unfamiliar surroundings.

18. In addition to the triad of impairments, other related characteristics include the love of routines, sensory sensitivity, special interests and learning disabilities.

## **Love of Routine**

- The world can seem a very unpredictable and confusing place to people with autism, who often prefer to have a fixed daily routine so that they know what is going to happen every day. Rules can also be important; it may be difficult for a person with autism to take a different approach to something once they have been taught the 'right' way to do it. People with autism may not be comfortable with the idea of change but can cope well if they are prepared for it in advance.

## **Sensory Sensitivity**

- People with autism may experience some form of sensory sensitivity. This can occur in one or more of the five senses – sight, sound, smell, touch and taste. A person's senses are either intensified (hypersensitive) or under-sensitive (hypo-sensitive). For instance, a person with autism may find certain background sounds, which other people ignore or block out, unbearably loud or distracting. This can cause anxiety or even physical pain. People who are hypo-sensitive may not feel pain or extremes of temperature. Some may rock, spin or flap their hands to stimulate sensation, to help with balance and posture or to deal with stress.

## **Special Interests**

- Many people with autism have intense special interest, often from a fairly young age. These can change over time or be lifelong and can be anything from art to music to trains or computers. Some people with autism may eventually be able to work or study in related areas, whilst for others it will remain a hobby.

## **Learning Disabilities**

- People with autism may have learning difficulties, which can affect all aspects of their lives, from studying in school to learning how to wash themselves or make a meal. As with autism, people can often have different degrees of learning disability, so some will be able to live fairly independently – although they may need a degree of support to achieve this – while others may require lifelong, specialist support. However, all people with autism can, and do, learn and develop with the right sort of support.

## **Diagnostics and Signposting**

19. It is thought that early interventions and interventions throughout childhood can have a significant bearing on the individual skills and abilities of adults with autism.
20. Some people enter adulthood without their condition being recognised and do not have a diagnosis, however, getting an diagnosis as an adult can often help a person and their families to understand the condition and work out what type of advice and support they need.
21. The Adult Autistic Spectrum Disorder diagnostic pathway in Darlington is a commissioned service through the Clinical Commissioning Groups, and is provided by Tees, Esk and Wear Valley NHS Foundation Trust. The assessment process is undertaken at its site in Stockton.
22. Darlington has above average waiting times for Adult Autism Diagnosis which are currently longer than the NICE recommended 3 months at 26 weeks between referral and assessment. Locally, this compares to 56 weeks for Durham, 20 weeks for Hartlepool and an average of 7 weeks for Stockton, Middlesbrough and Redcar and Cleveland.
23. Due to the extended wait for diagnosis it is important that whilst awaiting an assessment or undergoing the assessment process that people have access to services that meet their presenting needs regardless of whether a diagnosis is in place. Commissioners are working jointly with local providers to ensure that support is offered to individuals throughout the process.
24. In addition to accessing support services, Adults with Autism (diagnosed or not) are able to access crisis services. As part of the assessment, there is consideration given to a crisis management plan that is developed in conjunction with specialist mental health services. Currently, Darlington's provider of Crisis services Tees, Esk and Wear Valley NHS FT (TEWV) are embedding a 3 level training programme to ensure Adults with Autism are able to get the interventions required at the time they are required. Crisis services support people irrespective of an Autism diagnosis.
25. Depending on the needs of the individual, following diagnosis TEWV will signpost to various mainstream support organisations as well as arranging reasonably adjusted specialist assessments for a range of services including: Speech and Language Therapy, Psychology and Occupational Therapy. Recognising Autism and subsequent diagnosis is important in ensuring the support takes account of how a person's autism affects them and their family and it is important that the correct support is provided.
26. During its work, Darlington MIND have identified a need to support those individuals with higher-functioning Autism/Asperger's where the current provisions from learning disabilities providers doesn't really meet their needs.



## **Training of Health Professionals who Provide Services to Adults with Autism**

27. The Department of Health's Statutory Guidance for Local Authorities and NHS Organisations to support implementation of the Adult Autism Strategy, highlights the need for improved training around autism for all public service staff but particularly for those working in health and social care. The training should be delivered not only to those in the delivery of front line services but to those who may have another key role to play in making a more positive experience for adults with autism, such as those responsible for making adjustments to the environment to make it accessible for adults with autism.
28. In accordance with the guidance, Tees, Esk and Wear Valley's NHS Foundation Trust (TEWV) are undertaking a programme of autism awareness training for all staff, as part of its general equality and diversity training programme, which is proving very successful and positive feedback is being received. One of our Members attended a training session provided by TEWV.
29. Darlington Borough Council also runs a number of training courses to support its professionals in working with both children and adults with autism. The sessions are run by an external provider and are bespoke to the target audience, for example, one of the sessions was particularly targeted at housing staff and focussed on the issues that tenants with autism may experience. Positive feedback is received from these sessions.
30. Additional sessions aimed at enhancing awareness of social communication difficulties and looking at strategies that could be used to support professionals are also planned.

## **Support Through Transition**

31. We met with Helen Whitten, Manager of the Resource Based Provision and the Social Communication Outreach Co-ordinator, at Hurworth School. We discussed the strategies in use to support the transition of children and young people with ASD and/or social communication difficulties, into college or employment.
32. The Hurworth Resource Base is delivered through a contractual arrangement between the local authority and SWIFT Academies, the sponsor academy for Hurworth School. The Academy is commissioned to provide 14 places for children and young people with both ASD diagnosis and social and communication needs. The funding is set by the Education Skills and Funding Agency at £6,000 per place plus top up funding which is currently £6,992.10 per pupil. Each pupil also attracts an 'average weighted pupil unit'. The current SEND Strategy and funding review is consulting on a new funding structure, which may affect the top up funding for resource bases.
33. We also met with Officers of the Council from the Lifestages Service to ascertain the work Darlington Borough Council undertakes both with individuals to support them through transition and help them into employment and in engaging with employers to seek opportunities.

## **Employability and Supporting People with Autism in the Workplace**

34. Adults with autism are currently significantly under-represented in the labour market which has a detrimental impact on their financial circumstances and social inclusion as well as a waste of skills and abilities. By making some adjustments in the workplace, it could provide a person with autism with the environment and support they need to excel at their job. The type and level of support required will depend on the person's individual needs.
35. Most people with autism want to work, however, it can be difficult for them to find a job, they might find the work environment too noisy, or travelling to work may be too stressful because of crowds and sudden changes to routine can also be upsetting. People with autism have some very valuable skills and talents and can make effective and highly valued employees. People with autism are often focused and have considerable skills in specific areas, some of the transferable skills include attention to detail, a methodical approach, strong research skills, good long-term memory and excellent record-keeping.
36. Although they have a great deal to offer to employers, getting a job in the first place can be hard. Simple adjustments at the recruitment stage can make the process of applying for jobs much more accessible.
37. We looked at the actions and commitments within the Autism 2010 Strategy and Think Autism which aimed to increase the number of adults with autism in work through the provision of guidance and training to employers and employment support services and ensure that they benefit from employment initiatives.
38. We contacted the Department for Works and Pensions (DWP) to obtain information on the work and activities it was undertaking to help unemployed people who were on the autistic spectrum to find and remain in employment and we received a very detailed response which outlined the work and many initiatives they undertook.
39. Other organisations such as MAIN, Daisy Chain and the North East Autistic Society do support adults with autism to find and retain employment and also work closely with employers and with the DWP on employment projects. We visited the facilities provided by the North East Autistic Society and Daisy Chain as part of our review.
40. We drafted and circulated, through a newsletter which goes to local businesses once a month, a questionnaire seeking their views on the employability of adults with autism, however, we received a very disappointing response rate.

## **Monitoring and Review of Recommendations**

41. As a result of this Scrutiny Review, we have identified a number of recommendations which we hope will enhance and support the services already provided.

## Recommendations

42. That, taking into account the information and evidence obtained, this Task and Finish Review Group is relatively satisfied with the support services in Darlington for people with autism, however, it would wish to make the following recommendations :-

- (i) a review of the TEWV Adult Autism Spectrum Diagnosis pathway be undertaken considering the increase in demand and how this can be managed through a range of support services across the Health and Social Care system;
- (ii) in relation to waiting time reduction and interim contingency, the workforce development programme be continued to support teams in their ability to provide services in response to need;
- (iii) that knowledge of ASD be promoted within Primary Care to facilitate gateway into services that exist from provider trusts. Ongoing developments around the GP Practice Equalities Champion role, should become an integral role to support this within Primary Care;
- (iv) work around reasonable adjustments within all provider trust(s) and within the wider Health and Social Care workforce, through various partnership forums, be promoted;
- (v) that the Darlington Learning Impairment Network, with appropriate representation from the Local Authority, the Clinical Commissioning Group, Elected Members as well as Health and Third Sector support providers, be re-established to ensure that there continues to be close interagency working between partners and stakeholders; and
- (vi) meaningful engagement be undertaken with individuals and their parents and carers in relation to individual care planning and review.

**Background Papers**

Autism Self-assessment Framework 2015/16

Think Autism – April 2014

NICE Clinical Guidelines

Department of Health Statutory Guidance for Local Authorities and NHS organisations to support implementation of the Adult Autism Strategy 2015

Employability Survey

Letter dated 27 April, 2018 from the Department for Works and Pensions

**Visits**

Daisy Chain Project

North East Autistic Society

**CABINET**  
**5 FEBRUARY 2019**

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## **PRIVATE SECTOR ENVIRONMENTAL CRIME ENFORCEMENT - UPDATE**

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**Responsible Cabinet Member -**  
**Councillor Nick Wallis, Leisure and Local Environment Portfolio**

**Responsible Director -**  
**Ian Williams, Director of Economic Growth and Neighbourhood Services**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. To provide Members with an update on the pilot entered into with Kingdom Services Group with regard to enforcement services for litter and dog fouling offences.

#### **Summary**

2. The Council have been running a pilot with Kingdom Service Group following a successful tendering exercise for the enforcement of litter and dog fouling offences. This report provides information on the number of Fixed Penalty Notices (FPNs) issued to date, feedback from residents and town centre traders. Also discussed in the report are the options available to Members following the conclusion of the pilot.
3. Officers' experience of working with Kingdom Service Group to date has not been positive. There have been four changes in senior management with limited contact and support for Kingdom staff on site from the central offices. This has resulted in Council staff having to support Kingdom staff on a daily basis as appropriate.
4. The Council's own Civic Enforcement team is now established, who have responsibility for nuisance and civil parking enforcement, anti-social behaviour, and environmental crime including litter and dog fouling. Whilst issuing FPNs for litter and dog fouling, for Civil Enforcement staff it is only an ancillary part of their role and is carried out in a more proportionate manner. The Council can still clearly demonstrate that it does not tolerate deliberate littering and dog fouling, and will take action when required.
5. Due to the poor service and experience of Kingdom Service Group to date, feedback received from residents and traders, for these reasons it has been recommended not to continue with the contract following the pilot.

#### **Recommendation**

6. It is recommended that the Council issue notice to Kingdom Service Group to terminate the contract for litter and dog fouling enforcement at the end of the pilot period, 31 March 2019.

## Reasons

7. The recommendation is supported by the following reasons :-
- (a) The poor experience and service provided by Kingdom Service Group to date, as well as the feedback from residents and traders.
  - (b) To end private sector enforcement for litter and dog fouling across the Borough, allowing time for Kingdom Service Group to wind down the contract.

**Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

## Background Papers

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

Ian Thompson : Extension 6628  
CD

S17 Crime and Disorder	Litter and dog fouling is a problem within the Borough and the Council does have powers to issue Fixed Penalty Notices (FPNs), to prosecute and take to court.
Health and Well Being	In some cases, litter and dog fouling does impact on the overall appearance of an area and can impact on individuals' health and wellbeing.
Carbon Impact	This report does not impact on carbon emissions.
Diversity	All individuals will be treated in the same way with regard to the issue of FPNs other than those under the age of 18 as detailed in the report dated 6 March 2018.
Wards Affected	All Wards are affected.
Groups Affected	All Groups are affected.
Budget and Policy Framework	There is no impact on the Council's Budget and Policy Framework
Key Decision	This is a key decision as it impacts on all Wards.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	Littering and dog fouling across the Borough has an impact on Darlington as a place.
Efficiency	There is no impact on the Council's Efficiency agenda as part of this report.
Impact on Looked After Children and Care Leavers	This report has no additional impact on Looked After Children or Care Leavers and the policy for issuing a FPN to under 18s is detailed in the report dated 6 March 2018.

## MAIN REPORT

### Information and Analysis

#### Background

8. Members received a Cabinet report on 6 March 2018 with regard to Private Sector Environmental Crime Enforcement where Members approved going to tender for the provision of such a service. Following approval by Members, a tendering exercise was conducted, which was advertised through the Official Journal of the European Union via the NEPO portal using the open procedure, and was offered on a 60% quality and 40% price basis.
9. The outcome of the tendering exercise was the submission from one supplier, Kingdom Services Group, who, following evaluation, were successful and therefore appointed.
10. The contract was based on a Team Leader and four Officers based in Darlington, working Monday to Saturday, 9am to 6pm. The service commenced on 17 September 2018 and for the first two weeks, warning letters were issued only. Thereafter from 1 October 2018, Fixed Penalty Notices (FPNs) were then issued to anyone caught littering or allowing their dog to foul without cleaning up after it.
11. The contract is initially for a six-month period pilot period from 1 September 2018 to 31 March 2019. Thereafter, subject to Members wishing to continue, the Council would enter into a five-year contract, expiring on 31 August 2023, with the option for a further five-year extension, with a three-month break clause built into the contract in the Council's favour only.

#### Update

12. Since the 1 October 2018, Kingdom officers have been operating on the streets in Darlington, mainly in the town centre, issuing FPNs for litter and dog fouling. As mentioned above, the contract is based on a Team Leader and four Officers, however to date the number of staff has varied as staff have been employed and subsequently left. Currently, early December 2018, there is one Team Leader and three Officers.
13. Unfortunately from the experience of Officers, support from Kingdom's central office has been poor and DBC staff have had to help and support Kingdom staff who are based in Central House with the Council's Civic Enforcement Team.
14. Since the start of the contract in September 2018 there have been four changes in senior management and minimal engagement with officers of the Council. However there is now a new management structure in place at Kingdom and Council officers are trying to engage and work with them closely.

#### Fixed Penalty Notices Issued

15. From 1 October 2018 until 31 December 2018, 574 Fixed Penalty Notices have been issued. Of these:
  - (a) 531 (92%) were issued within the Town Centre

- (b) 43 (8%) were issued in other areas of the Borough
- (c) 559 (97.4%) were issued for discarding cigarette ends
- (d) 14 (2.4%) were issued for other littering offences
- (e) 1 (0.2%) were issued for dog fouling

### **Complaints/Appeals**

16. As part of the contract, Kingdom are required to deal with appeals against FPNs. Until 31 December 2018, Kingdom have received 66 appeals, of which 19 have been upheld (accepted) and 47 have not been upheld (rejected).

### **Resident Feedback**

17. The Council has been collecting comments from residents on the website throughout the pilot period and whilst certainly not representative of the Borough's population, when asked 'should the Council continue with the service after the pilot' the following responses have been received:

- (a) No: 89 (62%)
- (b) Yes, but with conditions: 27 (19%)
- (c) Yes: 26 (18%)

18. Where residents have answered 'Yes, but with conditions' this was either for the Council to take over the service or a more proportionate approach to issuing of Fixed Penalty Notices.

### **Feedback from Town Centre Traders**

19. A variety of town centre traders, small, medium and large, as well as varied types of business were asked 'should the Council continue with private sector enforcement in the town centre after the pilot ends in 2019'. In total 24 businesses were asked and there was an even split of 8 saying Yes, 8 saying No, and 8 Don't Know. Two of the major retailers in the town centre were strongly opposed to continuing this service at the end of the pilot.

### **The Council's Civic Enforcement Service**

20. As part of the MTFP in 2017, Members allocated funding to Community Safety with the intention of setting up a new team covering a range of services. As part of that service, a Civic Enforcement Team was set up, which covers nuisance parking, civil parking enforcement, environmental crime including fly tipping, waste out in back lanes, abandoned vehicles, graffiti, litter, dog fouling and anti-social behaviour. The team consists of Anti-Social Behaviour & Civic Enforcement Operational Team Leader, three Senior Civic Enforcement Officers and 10 Civic Enforcement Officers, working on a shift rota covering Monday to Sunday, 8am to 10pm. The main focus being on parking enforcement, anti-social behaviour and higher level environmental crime. The Council staff are trained and authorised to issue FPNs for litter and dog fouling should they evidence it when on patrol.



## **Options Following the Pilot**

21. Once the pilot is complete at the end of March 2019, Members have two options; to continue with the service entering into a five-year contract or to cease the service.
22. If Members choose to continue the contract, there is however a three-month break clause built in to the contract in the Council's favour only, which should at any point during that five years Members choose to end the contract, they can do so with three months' notice.
23. Should Members choose to cease the contract with Kingdom at the end of March 2019 following the pilot, officers would issue the appropriate notification to Kingdom to terminate the contract on 31 March 2019. If Members chose this course of action then the Council's Civic Enforcement Service who are already authorised to issue Fixed Penalty Notices for litter and dog fouling could continue to do so as an ancillary part of their generic role. This would ensure that the Council continues to take action against those individuals who deliberately litter and allow their dogs to foul without picking up after them. The Council's approach is more proportionate than the business model of Kingdom and therefore whilst still issuing FPNs for deliberate littering and dog fouling, there would be a significant reduction in the number of FPNs issued. The Civic Enforcement Service would not be dedicated to this area of work, as Kingdom is, with the issuing of FPNs only consisting of a minimal proportion of the officers' role.

## **HR Implications**

24. There are no known HR implications. TUPE has been considered, however as there is no service provision change, this would not apply. There is already an internal team who have a varied job description that includes town centre enforcement and this will not change.

## **Legal Advice**

25. The contract was entered into for an initial six-month trial period and therefore the Council has the ability, should it choose to, to end the contract at 31 March 2019. If Members wish to continue then the Council would enter into a further five-year contract which includes a three-month break clause, which can be served at any time without reason or compensation, in favour of the Council only.

## **Financial Implications**

26. The basis of the contract with Kingdom is income generation through the issue of FPNs, which cover their operating costs and therefore there is no financial impact on the Council.

## Conclusion

27. Up to the end of December 2018, the Council's experience with Kingdom Service Group has not been a positive one. There have been four changes in senior officers dealing with the Council with very limited contact and requests for information being slow to be received. In addition, for the Kingdom staff on site, there has been very little central support with Council staff having to support Kingdom staff on a day to day basis where appropriate. Generally, while not representative, the public's view is that they don't wish the contract to continue after the pilot and the view of town centre traders is mixed, however two of the major retailers have expressed strong opposition to continuing with the service.
28. It is for these reasons that officers recommend to Members not to continue with the pilot after 31 March 2019.
29. This does not mean that the Council will relax its approach to litter and dog fouling. It will continue to issue FPNs through the Civic Enforcement service as officers are already authorised to do so. However, this is only an ancillary part of their role as they also enforce nuisance and civil parking, anti-social behaviour and other environmental crime. The Council's approach will be more proportionate than the business model of Kingdom and therefore there would be a significant reduction in the number of FPNs issued for the offences of litter and dog fouling.

**CABINET  
5 FEBRUARY 2019**

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## **SCHOOLS ADMISSIONS 2020-21**

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**Responsible Cabinet Member -  
Councillor Cyndi Hughes, Children and Young People Portfolio**

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

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. To seek Members' approval for the Local Authority's admission arrangements for the 2020/2021 academic year for maintained schools in the Borough.

#### **Summary**

2. In line with the School Admissions Code, an Admission Authority is required to annually determine the admission arrangements used to allocate places for schools for which it is the admission authority **Appendix A**.
3. Once approved, there is a statutory duty on the Local Authority to forward a Co-ordinated Admission Scheme for both primary and secondary schools for the 2020/2021 academic year **Appendix B** and must inform the Secretary of State by 28 February 2019.

#### **Recommendation**

4. It is recommended that :-
  - (a) Members consider and determine them as final Darlington Local Authority's admissions arrangements for community and voluntary controlled schools.
  - (b) Members adopt the Co-ordinated Admission Schemes for both primary and secondary applications for the 2020/21 academic year.

#### **Reasons**

5. The recommendations are supported by the following reasons :-
  - (a) The Authority is under a statutory duty to determine admission arrangements for primary school for which it is the admission authority for the academic year 2020/2021.

- (b) If the co-ordinated scheme is not adopted and returned to the DfE by the 28 February 2019 the Secretary of State may impose a scheme on the Authority.

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

**Background Papers**

School Admissions Code – Issued December 2014

Melanie Dickinson : Extension 5908

S17 Crime and Disorder	Not relevant to this report
Health and Well Being	Offering a school place to meet parental preference and close to a child's address enhances safeguarding and provides security for the child.
Carbon Impact	Not relevant to this report
Diversity	There are a range of schools in Darlington with Governance ranging from Community Schools to Voluntary Aided, Foundation and an Academy. Parents have a wide choice of schools to match the diverse needs of a pluralistic community.
Wards Affected	The admissions criteria affects children living in all wards across Darlington
Groups Affected	Parents, Pupils, Schools, Neighbouring Authorities, other Admission Authorities.
Budget and Policy Framework	There are no budget implications. This paper proposes an admissions policy to be adopted for the 2020/21 academic year.
Key Decision	This is a key decision as it affects more than one ward in Darlington.
Urgent Decision	For the purposes of call in this matter does not represent an urgent decision.
One Darlington: Perfectly Placed	Provision of an Admissions Policy ensures sufficient places are available in each community so that children can attend a school of their choice.
Efficiency	The Admissions Policy and management of school places ensure that the Local Authority complies with statutory guidance on Surplus Places. This enables parents to have a choice in a school place but ensures resources are not wasted and school budgets are not overcommitted.
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

6. The Local Authority acts as a 'clearing house' for all applications for a place at a school in Darlington at the normal point of entry (September). This is part of a co-ordinated scheme where the Local Authority is the admissions authority for community and voluntary controlled schools and acts on behalf of the admission authority of voluntary aided schools, foundation and academy schools in the Borough. Co-ordination also includes the offering of places to children who are resident in Darlington but have stated a preference for a school in another LA area.
7. The Local Authority acting in its capacity as an admission authority will make a single offer of a school place each academic year, to parents who have expressed a preference for their child to be admitted to a maintained school within Darlington. Although all applications will be considered on an equal weighting basis, should a child be eligible for a place at more than one school, parents/carers are requested to rank their order of preference on the 'Primary/Secondary School Application Form 2020/21' in order that only one offer will be made. The relevant admissions oversubscription criteria will be applied to all schools that are oversubscribed.
8. The equal preference system operates to give parents choice in their selection of schools, allocating their highest ranked preference wherever possible.
9. Due to a requirement to include children who have been previously in state care outside of England as an oversubscription criteria and recent consultation around the previous admission arrangements for community primary schools the admissions oversubscription criteria has been amended to be code compliant:
  - (a) Looked After and Previously Looked After Children
  - (b) State Care outside of England
  - (c) Medical Reasons
  - (d) Family Links
  - (e) Rural
  - (f) Distance (rural wards of Darlington Borough)
  - (g) Distance (urban wards of Darlington Borough)
10. Full details of the admission arrangements are provided in Appendix A.
11. Where a child has undergone statutory assessment and an Education, Health and Care Plan (EHCP) has been issued, the plan will name the school the child should attend. All schools are obliged to admit the child in accordance with the plan.

### Legal Implications

12. The Authority would be in breach of its statutory duty if it did not co-ordinate the application process for all schools within its authority in accordance with the School Admissions Code, issued in December 2014.

### Consultation

13. The Authority is required to consult on its admission arrangements at least once every 7 years. Consultation must take place between 1 October and 31 January of

the school year before the arrangements are to take place and must last for a minimum of 6 weeks. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about the proposed admission arrangements. In line with the requirements, Darlington Local Authority consulted with the appropriate bodies within the timescales.

### **Outcome of Consultation**

14. The Authority has not received any comments in respect of the proposed admission arrangements for schools for which it is the maintaining admission authority. The closing date for responses was 21 December 2018.

## ADMISSIONS POLICY

### Admission at the Normal Point of Entry

Darlington Borough Council, as the Admissions Authority for community and voluntary controlled schools will consider all preferences for the schools, against the relevant oversubscription criteria as set out below. In determining admissions, priority will be given to those applications where the Primary School Application (PSA) is received by the published deadline. Applications received after the deadline ('late' applications) will then be considered.

### Admissions Oversubscription Criteria

If there are more applications than the number of places available in a particular school, then the school is deemed to be oversubscribed. When stating a preference parents are entitled to state a reason for doing so. However the only criteria used to allocate places are those detailed below.

After the admission of children with special educational needs where a school is named on the EHCP, and where the number of applicants is greater than the published admission number, applications will be considered against the criteria set out below, in the following order:

- i. **Looked After & Previously Looked After Children**  
(see definition)
- ii. **State Care outside of England**  
Children who appear to Darlington Local Authority to have been in state care outside of England and ceased to be in state care as a result of being adopted (see further explanation)
- iii. **Medical Reasons**  
Children with very exceptional medical factors directly related to the school placement. Applications under this criterion should be supported by written evidence from a professional practitioner (see further explanation).
- iv. **Family Links**  
Children who have a brother or sister already attending the school and who are expected to be on the roll at the time of admission (see definition).
- v. **Rural**  
Children living within the Rural Wards of the Borough of Darlington who have been unsuccessful in obtaining a place at one of their preferred schools AND for whom the nearest alternative school would otherwise be more than two miles from their home will be given priority over other children for places at certain schools (see "Rural Wards" explanation).
- vi. **Distance**  
**(Rural Wards of Darlington Borough Council)** - Children who live nearest the preferred school measured from the front door of the home address (including flats) to the main school gate, via the shortest route which is paved/tarmaced\*. This will be based on the home address of the child. To remain consistent the Authority uses a Geographical Information System to measure all distances.

- vii Distance (Urban Wards of Darlington Borough Council)** - Children who live nearest the preferred school measured from the front door of the home address (including flats) to the main school gate, by the shortest walking route. This will be based on the home address of the child. To remain consistent the Authority uses a Geographical Information System to measure all distances. The Authority's priority when measuring a route is to identify the shortest route judged to be safe (safe is lit at regular intervals, paved/tarmaced). The Local Authority accepts there may be exceptions and will treat each case on its merits.

\*In the rural wards, the Council is aware that the shortest route may not be a safe route to walk. Therefore, if a child living in a rural ward, is successful in gaining a place at a school; where the route taken when measured by the Local Authority, is paved/tarmaced but not also lit at regular intervals, then the Local Authority will provide assistance with transport, even if it is less than the statutory duty for a child of the appropriate age.

A copy of the map is available in the Guide for Parents and on the Council's website.

### **Definitions/Explanations**

#### **Looked after children**

- A **looked after child** is a child who is (a) in the care of a Local Authority or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in section 22 (1) of the Children Act 1989):
- An **adoption order** is an order under section 46 of the Adoption and Children Act 2002.
- A **child arrangement order** is an order outlining the arrangements as to the person with whom the child will live under section 8 of the Children Act 1989.
- A **special guardianship order** is an order appointing one or more individuals to be a child's special guardian or guardians.

#### **State Care Outside of England**

Children who have been looked after outside of England by a public authority, a religious organisation or another provider of care whose sole purpose is to benefit society. The care may have been provided in orphanages or other settings.

#### **Medical Criterion**

If you state a preference for any of the 3 maintained schools and indicate your reason for doing so is 'medical', then you are required to send a supporting letter from a professional practitioner. The supporting evidence should set out the particular reasons why the school in question is the most suitable school and the difficulties it would cause if your child had to travel to another school. Permission from parents must be given to share this information.



## **Family Links**

Children have a family link if:

- They are half or full brother or sister;
- They are adoptive brother or sister;
- They are a foster brother or sister;
- Their carers are married/co-habiting and children live together in the same household;
- They are children of the same household (e.g. carers have special guardianship/child arrangement order)

## **Home Address**

The home address is used for applying the admissions criteria. This means that when you state your school preferences you must give the home address of the child at the time of application, where they mainly reside Monday to Friday. You must not give the address of childminders or other family members who may share in the care of your child. For parents who may have more than one property, reference should only be made to the property in which they and the child(ren) mainly reside.

If the main address has changed temporarily, for example where a parent resides with extended family during a period of sickness or takes up temporary accommodation due to building works/renovation, then the home address remains that at which the parent was resident before the period of temporary residence began. However, if you have sold your property (exchanged contracts) and have moved into temporary accommodation, you will be required to provide evidence of your situation and a decision will be made based upon the evidence provided. Where there are shared care arrangements, the home address will be where the child lives for the majority of the week Monday to Friday or where a court has determined their home address should be.

## **Tie-Break**

In the event of a tie-break in any criteria, distance will be the deciding factor. The Authority will carry out a thorough investigation, which may involve an Officer walking the route using a *pedometer* as distance will be the deciding factor.

## **Multiple Births**

For multiple births where only 1 place remains, infant classes will be allowed to exceed the statutory limit where the 31<sup>st</sup> child is a twin or from multiple births. The 'excepted' pupil will be allowed for the time in Key Stage 1 or until the class numbers fall back to current class size limit.

## **Consideration of late applications**

If parent/carers believe that there are exceptional/individual circumstances which prevented submission of an application form by the stated deadline, e.g. families who have moved into the area after the closing date or if they are a single parent and have been ill for some time or have been dealing with the death of a close relative, then they must provide clear evidence for the LA.

The Authority will then consider each application on an individual basis subject to verification. If the Authority decides that the reason given is unacceptable then the application will be considered after the applications received by the deadline and the decision of the LA will be final. These applications will be considered up to and including the stated deadline in January in the Guide for Parents. Further applications received after the January date will only be considered once the process for allocating places has been applied to those applications received by the deadline.

### **Offer Day**

Darlington Borough Council will inform parent/carers of the offer of a school place on 16 April of the year of entry (or the next working day to this date).

### **Appeals Process**

Darlington Local Authority will issue appeal papers if requested to a parent/carer who has been unsuccessful in their application to gain a place at their preferred school(s) as stated on their form, for their child(ren).

### **Waiting Lists**

Darlington Local Authority as the Admission Authority for Community and Voluntary Controlled schools will maintain a waiting list at all times. A child's position on a waiting list(s) will be determined by the oversubscription criteria. If a parent wishes for their child's name to be added to a waiting list for any school that they stated a preference for, then they must complete the 'options' form attached to the refusal/offer letter issued in April of the relevant year of entry.

The Local Authority holds waiting lists only for schools within Darlington Borough and names can be added to a waiting list at any time. When pupil numbers fall below the published admission number, children will be admitted from the waiting list in accordance with the oversubscription criteria. The Local Authority does not take into account the length of time a child's name has been on the waiting list, nor whether the application was received by the closing date or thereafter.

Vacancies often arise at short notice and those on the waiting list should be prepared to accept a place as soon as it occurs. Places will not be held for later consideration. After the point of entry in September, normal transfers/in-year admission arrangements will operate.

### **Admission of Children outside of their normal age group and deferred entry**

If a parent seeks a place in a year group outside of their normal age group, they should complete an application form and attach a covering letter along with an accompanying documentation that details the circumstances behind their request, for example if their child has missed a significant amount of time due to ill health or they believe their child to be gifted and talented. This should be forwarded to the School Admissions Manager, Children, Families & Learning, Town Hall, Darlington, DL1 5QT who will then contact the head teacher of the school/s concerned and ask for their views. Once a decision has been made the LA will write to the parent(s) informing them of the decision and setting out reasons for such.

Parents of summer born children can also make a request to apply for their child to start school in the next academic year after they reach five and should follow the same process but should start the process in the September of the year prior to the of entry.

### **Admission of children below compulsory school age**

Schools within Darlington Local Authority have a single point of entry in September each year for pupils starting school in Reception. However children may attend part-time or parents can defer the date their child is admitted until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the academic year of entry.

### **In-Year Applications Forms**

Families who move into the area who require a place(s) at a Darlington school must contact the Schools Admissions Section at the Town Hall. Parent/carers will be sent an In-year Application Form (IYAF) out and directed to the Council's website for a copy of the Guide for Parents. Should a place be available at a school requested by a parent, a meeting with the Head Teacher must take place before a start date is agreed. The Schools Admissions Section in agreement with the parent/carers and the Head Teacher of the school will arrange this meeting. Should however a parent/carer request a place at a school that has no places available, then they will be informed about the appeals process and the availability of alternative school places.

<b>School</b>	<b>Age Range</b>	<b>Admission Number</b>
Harrowgate Hill Primary	4-11	90
Red Hall Primary	4-11	30
Whinfield Primary	4-11	90

## Darlington Local Authority

## Co-ordinated Admissions Scheme for Schools in Darlington 2020-2021

**Introduction**

1. This scheme is made by Darlington Local Authority under The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 and The School Information (England) Regulations 2008 and applies to all schools in the Darlington area.
2. The co-ordinated scheme is for the academic year 2020/2021 and shall apply to every school in Darlington Authority area (except Beaumont Hill Special School and Marchbank Free School) and will take effect from September 2020.
3. The scheme is determined in accordance with the provisions set out in Schedule 1 and processed in accordance with the timetable set out in Schedule 2.

**Interpretation**

In this scheme –

“the LA” means Darlington Borough Council acting in their capacity as a local authority;

“the LA area” means the area in respect of which the LA are the local authority;

“primary education” has the same meaning as in section 2(1) of the Education Act 1996;

“primary school” has the same meaning as in section 5(1) of the Education Act 1996;

“secondary education” has the same meaning as in section 2(2) of the Education Act 1996;

“secondary school” has the same meaning as in section 5(2) of the Education Act 1996;

“school” means a community, foundation or voluntary school (but not a special school) which is maintained by the LA;

“academy school” as defined in Section 1 of the Academies Act 2010;

“free school” as defined in Section 1 of the Academies Act 2010;

“admission authority” has the meaning as in section 88(1)(4) of the SSFA 1998 and in relation to a community or voluntary controlled school means the LA and, in relation to a Foundation, Academy, Free School or VA school means the governing body of that school;

“the specified year” means the school year beginning at or about the beginning of September 2020;

“admission arrangements” means the arrangements for a particular school or schools which govern the procedures and decision making for the purposes of admitting pupils to the school;

“in-year admission” means any application received for a school place other than at the normal point of entry for primary, junior or secondary education that is received after 1 September 2020;

“eligible for a place” means that a child has been placed on a school’s ranked list at such a point which falls within the school’s published admission number;

“nearest appropriate school” is defined as a school closest to the home address that has places available”.

## Schedule 1

### PART I - THE SCHEME

1. There will be 2 standard application forms supplied by the Local Authority for parents living in the Darlington area who wish to express a preference(s) for a school in the Authority area or to a school(s) in another LA area at the normal point of entry. The forms will be known locally as the Secondary School Admission Form (SSA) and the Primary School Admission Form (PSA). For any family wishing to make an application in-year, they will be requested to complete a standard In-Year Admission Form (IYAF)
2. The SSA will be used for the purpose of admitting pupils into the first year of secondary education in the specified year.
3. The PSA will be used for the purpose of admitting pupils into the first year of primary education in the specified year.
4. The IYAF will be used for the purpose of admitting pupils into any year group of statutory education in the specified year after September of the normal year of entry.
5. The forms must be used as a means of expressing one or more preferences for the purposes of section 86 of the School Standards and Framework Act 1998, by parents resident in the LA area wishing to express a preference for their child(ren):
  - a) to be admitted to a maintained school, VA or Academy school within the LA area;
  - b)** to be admitted to a school located in another LA’s area (including VA, Foundation schools, Free Schools and Academies).
6. The forms will invite the parent to express up to three preferences (five for primary at the normal point of entry) and give their reasons for each preference by completing the form and explain that the parent will receive no more than one offer of a school place and that:
  - a. all preferences expressed will be considered on an equal weighting basis but where a child is eligible for more than one place it will be the highest ranked school for which they are eligible that they will be offered by the LA as the admissions authority, or on behalf of another LA; admission authority of a VA, Foundation, Free or Academy School;
  - b. if a place cannot be offered at a preferred school, then the parent will be offered a place at the nearest alternative school that has places available.
  - c. at the normal point specify the closing date and where it must be returned, in accordance with paragraph 12.

7. The LA will make appropriate arrangements to ensure that all reasonable steps are taken to provide a SSA/PSA to every child living in the Darlington area who is due to transfer to secondary/primary education in September 2020 and the SSA/PSA is accompanied by a written explanation of the co-ordinated admissions scheme.
8. The LA will ensure that a supplementary form will be available for parents to complete who express a preference for a faith school.
9. All preferences expressed on the forms are valid applications. The governing body of a faith school can require parents who wish to nominate, or have nominated, their school on the SSA/PSA, to provide additional information on a supplementary form only where the additional information is required for the governing body to apply their oversubscription criteria to the application. Where a supplementary form is required it must be returned to the LA, along with the SSA/PSA.
10. Where a school receives an application form in error it should inform the maintaining LA, whether the parent lives in that area or not, so that the home LA can ensure that a form is received with preferences and ranking.
11. Where a school receives a supplementary form from a Darlington resident it will not be regarded as a valid application unless the parent has also completed the appropriate form and the school is nominated on it. Where supplementary forms are received directly by a faith school, the school must inform the LA immediately so it can verify whether the appropriate form has been received from the parent and, if not, contact the parent and ask them to complete a form. Under the requirements of the scheme, parents will not be under any obligation to complete an individual school's supplementary form where this is not strictly required for the governing body to apply their oversubscription criteria.

### **Processing of SSA/PSAs**

12. The closing date for secondary applications is 31 October 2019 and for junior & primary applications 15 January 2020. Completed SSA/PSAs are to be returned to the LA.
13. SSAs received after the closing date but before 6 November 2019 will be considered by the Authority if there are exceptional/individual circumstances which prevented the submission of the SSA by the stated deadline. The same will apply for PSAs but consideration will be given up to and including 20 January 2020. Consideration will be given to families who have moved into the area, single parents who have been ill for some time or for parents who have been dealing with the death of a close relative. All must provide clear evidence for an admission authority to make a decision to accept their application. All SSA/PSAs will be considered on an individual basis, if the reason given is unacceptable then the application will be considered after the applications received by the deadline and the decision of the admission authority will be final. This allows for co-ordination between other LA's and admission authorities.
14. For secondary school applications by 22 November 2019 where parents have nominated a school outside the LA area, the LA will notify the relevant authority(s).
15. For primary school applications by 31 January 2020 where parents have nominated a school outside the LA area, the LA will notify the relevant authority(s).
16. For secondary school applications by 2 December 2019 the LA will notify the admission authority for each of the schools of every nomination that has been made for that school, including all relevant

details and any supplementary forms received by this date, which schools require in order to apply their oversubscription criteria.

17. For primary school applications by 10 February 2020 the LA will notify the admission authority for each of the schools of every nomination that has been made for that school, including all relevant details and any supplementary forms received by this date, which schools require in order to apply their oversubscription criteria.

### **Determining offers in response to the SSA/PSA**

18. The LA will act as a clearing house for the allocation of places by the relevant admission authorities in response to the SSA/PSAs. The LA will only make any decision with respect to the offer or refusal of a place in response to any preference expressed on the SSA/PSA where it is acting in its separate capacity as an admission authority or an applicant is not eligible for a place at any school that the parent has nominated.
19. By 13 January 2020, schools within Darlington Authority will have considered all applications for a secondary place and informed the LA. By 3 February 2020 other LA's and their admissions authority schools will have considered the applications for their schools. They will then provide the LA with a list of those applicants ranked according to the school's oversubscription criteria who may potentially be offered a place at the school up to the PAN. Applicants that are refused also need to be listed in order of oversubscription criteria. The LA will compare the lists from all admission authorities against the schools nominated on the SSA. Where the child is eligible for a place at only one of the nominated schools that school will be provisionally allocated to the child.
20. By 9 March 2020 admission authority schools within Darlington Authority will have considered all applications for a primary place and informed the LA. By 13 March 2020 other LA's and their admission authority schools will have considered the applications for their schools. They will then provide the LA with a list of those applicants ranked according to the school's oversubscription criteria who may potentially be offered a place at the school up to the PAN. Applicants that are refused also need to be listed in order of oversubscription criteria. The LA will compare the lists from all admission authorities against the schools nominated on the PSA. Where the child is eligible for a place at only one of the nominated schools that school will be provisionally allocated to the child.
21. Where a child is eligible for a place at more than one school, then a place will be provisionally offered at the highest ranked school for which they are eligible.
22. Where the child is not eligible for a place at any of the nominated schools, the child will be provisionally allocated a place at the nearest appropriate school with a vacancy.
23. The LA will consult with all relevant admission authorities until the allocation of places is resolved.
24. By 10 February 2020 the LA will negotiate with other LA's to finalise offer of places and by 17 February 2020 the LA will inform its secondary schools of the pupils to be offered places at their schools.
25. By 20 March 2020 the LA will negotiate with other LA's to finalise offer of places and by 3 April 2020 the LA will inform its primary schools of the pupils to be offered places at their schools.
26. **On 1 March 2020 for secondary places and on 16 April 2020 for primary places, (or the next working day if the national offer day falls on a weekend or bank holiday)** parents will be notified

that they are being offered a place at an allocated school. The letter/email will give the following information:

- a. the name of the school at which a place is offered whether it be an offer by the LA or on behalf of another admission authority;
  - b. the reasons why the child is not being offered a place at each of the other schools nominated on the SSA/PSA;
  - c. information about their statutory right of appeal against the decision to refuse places at the other nominated schools;
  - d. contact details for the school and LA (and those nominated VA or Academy schools where they were not offered a place, so that they can lodge an appeal with the governing body);
  - e. where the child has been refused a place at a nominated school, an invitation for the child's name to be added to a waiting list. The LA will operate waiting lists until the end of December 2019, to fill places that may become available in the first term of the school year.
  - f. what to do if the place offered is in another LA;
  - g. what to do if an offer was not made at the preferred school which was within another LA, who to contact and the timescale in which to do so.
27. Parents will have initial 14 working days to respond to the offer letter to accept/decline the school place offered. They will then receive a reminder letter and after 21 working days the admission authority will then look to withdraw the offer.
28. Where no SSA/PSA was received before the offer date, where the LA is aware of the child's details, all reasonable steps will be taken to contact the parent/carer advising them that they need to make an application.
29. If a parent/carer did not initially apply for a school but then wishes to do so, they then must apply. An offer or refusal letter will then be sent along with a supplementary form if applicable. Names can be then be added to a waiting list using the applicable oversubscription criteria.

## **PART II - LATE APPLICATIONS**

- a) SSAs received after 31 October 2019 (late applications) will be considered only in exceptional circumstances, e.g. families who have moved into the area after the closing date (refer to 13). These late applications will be considered up to and including 6 November 2019.
- b) PSAs received after 15 January 2020 (late applications) will be considered only in exceptional circumstances, e.g. families who have moved into the area after the closing date (refer to 13). These late applications will be considered up to and including Wednesday 20 January 2020.
- c) In any other circumstances SSA/PSAs received after the closing date (late applications) will be held on a waiting list for consideration once the process has been applied to those applications who had submitted forms by the required deadline.



### **PART III - WAITING LISTS**

a) A child's position on a waiting list(s) will be determined by the oversubscription criteria for the relevant admission authority. If a parent/carer wishes to add their child's name to a waiting list for a school that they were refused a place at, then they must complete the 'options' form that will be attached to their offer letter or respond online. Admission authorities do not take account of the length of time that a child's name has been on the waiting list when determining any further offers due to a vacancy occurring, nor if the application was received late.

b) Vacancies often arise at short notice and those on the waiting list should be prepared to take up a place as soon as it occurs. Places will not be held for later consideration. The LA will maintain waiting lists for schools for Reception and Year 7 pupils only, until the end of December 2020. After 1 September 2020 normal transfer/in-year admission arrangements will operate.

### **PART III – IN-YEAR ADMISSIONS**

Applications received after 1 September 2020 and for places in year groups other than the normal year of entry will be treated as in-year admissions.

Parents who are new to the Authority will be directed to the LA who in turn will send out an IYAF for completion with a required response within 7 working days to the LA. Parents will then be contacted again if no IYAF is returned.

Where a parent is wishing to transfer their child to another school in Darlington they can obtain an IYAF from their current school, which will then be forwarded to the LA for processing.

#### **Processing of In-Year Admission Forms**

All completed IYAFs are to be returned to the LA.

On receipt of the IYAF the LA will ascertain the availability of places if a stated preference is for a school maintained by another admission authority, in Darlington or in another LA area.

Processing of IYAFs from date of receipt will normally take 7 working days.

#### **Determining offers in response to the IYAF**

Where an applicant has been deemed to be 'hard to place' then their request for a school place will be considered under the Fair Access Protocol.

For all other applications the relevant admissions criterion will be applied if there are more applicants than available places.

The LA will act as a clearing house for the allocation of places by the relevant admission authorities in response to the IYAFs. The LA will only make any decision with respect to the offer or refusal of a place in response to any preference expressed on the IYAF where it is acting in its separate capacity as an admission authority or there is no availability at a school that the parent has expressed a preference for.

Where a child is eligible for a place at more than one school, then a place will be provisionally offered at the highest ranked school for which they are eligible.

Where the child is not eligible for a place at any of the preferred schools, the child will be provisionally offered a place at the nearest appropriate school with a vacancy.

The offer/refusal letter will be issued by the home LA on behalf of another admission authority. The letter will give the following information:

- a. the name of the school at which a place is provisionally being offered whether it be an offer by the LA or on behalf of another admission authority;
- b. details pertaining to a date and time for an appointment at the school;
- c. the reasons why the child is not being offered a place at each of the other schools nominated on the IYAF;
- d. information about their statutory right of appeal against the decision to refuse places at the other nominated schools;
- e. contact details for the school and LA (and those nominated VA or Academy schools where they were not offered a place, so that they can lodge an appeal with the governing body);
- f. what to do if the place offered is in another LA area;
- g. what to do if an offer was not made at the preferred school which was within another LA and who to contact.

Parents will have 7 working days to respond to the offer letter to accept the school place offered. Acting in its capacity as co-ordinator and in conjunction with the admission authority the LA will then look to withdraw the offer.

The LA operates a waiting list for community & voluntary controlled schools for the academic year that the child has applied for only. Schools which are their own admission authority may also hold a waiting list which they have asked for the LA to maintain.

## **PART I – IN-YEAR TRANSFERS**

If a child already attends a Darlington mainstream school and wishes to transfer to another, they must in the first instance, discuss the transfer with the current school that the pupil attends. If they then still wish for the transfer to proceed, PART B of an in-year application form should be completed by the school and issued to the parent who will then forward to the LA. Should there be a vacancy in an alternative school requested by the parent, an appointment will be arranged at the school the child wishes to transfer to and the with the transfer request form will be forwarded and a start date will be agreed.

Should the school determine that the request for a transfer fall under the Fair Access Protocol then the request will be considered by the Vulnerable Pupil Panel.

Should the school that the child wishes to transfer to have reached or exceeded its admission limit, then the parent has the right to appeal against the decision to refuse a place at the school. All in-year application forms must be sent to the LA including those for children wishing to transfer to an oversubscribed VA or Academy school.

The LA will write to parents informing them of their right to appeal and if parents wish to proceed; appeal papers will be issued by the relevant admission authority.

The Education Act 1996 permits admission authorities to defer admission of a child to the start of a school term if there is no need for an immediate move, in order to minimise disruption to their own child and other children's education.

## SCHEDULE 2

### Timetable of Secondary Co-ordinated scheme

<p>Consultation of admission arrangements (if applicable)</p> <p>Determination of admissions policy 2020/2021</p>	<p>1 October 2018 to 31 January 2019 (for at least 6 weeks) 28 February 2019</p>
<p>Co-ordinated Scheme to be formulated and published on council website</p>	<p>By 1 January 2019</p>
<p>Secondary Applications available</p>	<p>12 September 2019</p>
<p>Parent open days/evenings for Secondary Schools</p>	<p>16 Sept 2019 to 27 Sept 2019</p>
<p>SSA's to be returned to the LA by</p>	<p>By 31 October 2019</p>
<p>Exchange of forms to other LA's</p>	<p>By 22 November 2019</p>
<p>Inform Academy schools of all applications made and forward supplementary forms</p>	<p>By 2 December 2019</p>
<p>Darlington admission authority schools to send LA their ranked list of offers</p>	<p>By 13 January 2020</p>
<p>Other LA's to send their lists to D'ton LA</p>	<p>By 3 February 2020</p>
<p>Negotiation with other LA's to finalise offer of places</p>	<p>By 10 February 2020</p>
<p>Inform schools of the final offer list including children offered places residing other LA's</p>	<p>By 17 February 2020</p>
<p>Offer Letters sent out on behalf of admission authority schools in Darlington and other LA's</p>	<p>2 March 2020</p>
<p>Admission Appeals (if necessary)</p>	<p>May/June 2020</p>

### Timetable of Primary Co-ordinated Scheme

<p>Consultation on admission arrangements (if applicable)</p> <p>Determination of admissions policy 2020/2021</p>	<p>1 October 2018 to 31 January 2019 (for at least 6 weeks) 28 February 2019</p>
<p>Co-ordinated Scheme to be formulated and published on council website</p>	<p>By 1 January 2019</p>
<p>Primary Applications available</p>	<p>12 September 2019</p>
<p>PSA's to be returned to the LA by</p>	<p>15 January 2020</p>
<p>Exchange of forms to other LA's</p>	<p>By 31 January 2020</p>
<p>Inform schools of all applications made and forward supplementary forms</p>	<p>By 10 February 2020</p>
<p>Darlington admission authority schools to send LA their ranked list of offers</p>	<p>By 9 March 2020</p>
<p>Other LA's to send their lists to D'Ton LA</p>	<p>By 13 March 2020</p>
<p>Negotiation with other LA's to finalise offer of places</p>	<p>By 20 March 2020</p>
<p>Inform schools of the final offer list including children offered places residing other LA's</p>	<p>By 3 April 2020</p>
<p>Offer Letters sent out on behalf of admission authority schools in Darlington and other LA's</p>	<p>16 April 2020</p>
<p>Admission Appeals (if necessary)</p>	<p>June/July 2020</p>

## SECONDARY SCHOOLS 2020/2021

School	Age Range	Admission Number	Type
Carmel College	11-16	180	Co-Ed
Haughton Academy	11-16	180	Co-Ed
Hummersknott Academy Trust	11-16	240	Co-Ed
Hurworth School	11-16	127	Co-Ed
Longfield Academy	11-16	180	Co-Ed
Polam Hall School	11-16	78	Co-Ed
St Aidan's Church of England Academy	11-16	140	Co-Ed
Wyvern Academy	11-16	140	Co-Ed

## PRIMARY SCHOOLS 2020/2021

School	Age Range	Admission Number	Type
Federation of Abbey Schools (Infant)*	4-7	90	Co-Ed
Federation of Abbey Schools (Junior)*	7-11	90	Co-Ed
Bishopton Redmarshall CE Primary	4-11	15	Co-Ed
Corporation Road Primary	4-11	45	Co-Ed
Firth Moor Academy	4-11	45	Co-Ed
Gurney Pease Academy	4-11	30	Co-Ed
Harrowgate Hill Primary	4-11	90	Co-Ed
Heathfield Academy	4-11	60	Co-Ed
Heighington CE Primary	4-11	40	Co-Ed
High Coniscliffe CE Primary	4-11	15	Co-Ed
Holy Family RC VA Primary	4-11	30	Co-Ed
Hurworth Academy	4-11	30	Co-Ed
Mount Pleasant Primary	4-11	30	Co-Ed
Federation of Mowden Schools (Infants)*	4-7	90	Co-Ed
Federation of Mowden Schools (Junior)*	7-11	90	Co-Ed
Northwood Primary	4-11	60	Co-Ed
Polam Hall School	4-11	52	Co-Ed
Red Hall Primary	4-11	30	Co-Ed
Reid Street Academy	4-11	60	Co-Ed
Skerne Park Academy	4-11	60	Co-Ed
Springfield Academy	4-11	30	Co-Ed
St Augustines' RC VA Primary	4-11	30	Co-Ed
St Bede's RC Primary	4-11	30	Co-Ed
St George's CoE Academy	4-11	60	Co-Ed
St John's CoE Academy	4-11	30	Co-Ed
St Mary's Cockerton Church of England Primary	4-11	30	Co-Ed
St Teresa's RC VA Primary	4-11	45	Co-Ed
The Rydal Academy	4-11	90	Co-Ed
West Park Academy	4-11	60	Co-Ed
Whinfield Primary	4-11	90	Co-Ed

\*Associated school

Admission Authorities for the purposes of this scheme, are:

Primary

Federation of Abbey Schools (Infants)  
Federation of Abbey Schools (Juniors)  
Bishopton/Redmarshall CE Primary  
Firthmoor Academy  
Gurney Pease Academy  
Heathfield Academy  
Heighington CE Primary  
Holy Family RC Primary  
Hurworth Primary  
Federation of Mowden Schools (Infants)  
Federation of Mowden Schools (Juniors)  
Polam Hall School  
Reid Street Academy  
Skerne Park Academy  
Springfield Academy  
St Augustine's RC Primary  
St Bede's RC Primary  
St George's CE Primary  
St John's CE Primary  
St Mary's Cockerton CofE Primary  
St Teresa's RC Primary  
The Rydal Academy  
West Park Academy

Secondary

Carmel College  
Haughton Academy  
Hummersknott Academy Trust  
Hurworth School  
Longfield Academy  
Polam Hall School  
St Aidan's Church of England Academy  
Wyvern Academy

Darlington Local Authority

Harrowgate Hill Primary  
Red Hall Primary  
Whinfield Primary

**CABINET  
5 FEBRUARY 2019**

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## **REGULATION OF INVESTIGATORY POWERS**

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

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

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. This report updates Members about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in July 2018.
2. Members are asked to consider and approve a revised RIPA Policy to take account of recent developments.

#### **Summary**

3. The Regulation of Investigatory Powers Act 2000 ("RIPA") enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with.
4. The RIPA Policy has been amended to take account of revised Home Office Codes of Practice dealing with RIPA, legislative changes affecting authorisations for Juveniles used as Covert Human Intelligence Sources (CHIS) and to reflect the change of the strategic regulator for RIPA. The revised RIPA Policy is attached at **Appendix 1**.
5. This report also gives details of RIPA directed surveillance applications and communications data applications that have been authorised since the last report to Cabinet.

#### **Recommendation**

6. It is recommended that Members:-
  - (a) Note the developments that have taken place since July 2018.
  - (b) Approve the RIPA Policy attached at Appendix 1.
  - (c) Receive further reports on the use of RIPA and associated issues.

## Reasons

7. The recommendations are supported by the following reasons :-

- (a) In order to ensure that the Council complies with the legal obligations under RIPA and national guidance.
- (b) To ensure that the RIPA policy and procedures remain up to date and reflect legislative change and revised Codes of Practice.
- (c) To help in giving transparency about the use of RIPA in this Council.

**Paul Wildsmith**  
**Managing Director**

## Background Papers

- (i) The Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018
- (ii) Home Office, Covert Surveillance and Property Interference, Revised Code of Practice, August 2018
- (iii) Home Office, Covert Human Intelligence Sources, Revised Code of Practice, August 2018

Amy Wennington: Extension 5466

S17 Crime and Disorder	The appropriate use of and oversight of RIPA powers will enable the Council to provide evidence to support appropriate prosecutions and tackle crime.
Health and Well Being	There are no specific implications for Health and Well Being
Carbon Impact	There are no issues which this report needs to address
Diversity	The policy treats all groups equally.
Wards Affected	All wards
Groups Affected	All groups equally
Budget and Policy Framework	This does not represent a change to the Council's budget and policy framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	The appropriate use of powers is a legislative requirement.
Efficiency	Clarity about the lawful use of RIPA will help in the efficient use of the powers.
Impact on Looked After Children and Care Leavers	The report does not impact on Looked After Children or Care Leavers



## MAIN REPORT

### Information and Analysis

#### Home Office Codes of Practice

8. In the last Cabinet Report reference was made to the fact that a public consultation had closed in relation to 3 new draft Home Office Codes of Practice: The Covert Surveillance and Property Interference Code, The Covert Human Intelligence Sources Code, and the Protected Electronic Information Code. On 15 August 2018 the Investigatory Powers (Codes of Practice and Miscellaneous Amendments) Order 2018 brought these revised codes into force. Further details about the codes can be found from the following link [www.gov.uk/government/collections/ripa-codes](http://www.gov.uk/government/collections/ripa-codes)
9. The codes have been revised to provide consistency and add further clarity. The section regarding online covert activity had already been expanded to provide additional guidance to public authorities on this area. This has been developed further to better assist public authorities in the decisions required when considering whether a directed surveillance authorisation for online activity should be sought, and the examples provided have been reworked to ensure their applicability. This includes providing greater clarity around the steps a public authority takes to inform the public or particular individuals that surveillance is or may be taking place.

#### RIPA Policy

10. A number of revisions have been made to the RIPA Policy to ensure that it remains up to date. The revised RIPA Policy is attached at **Appendix 1**.
11. As a result of the Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018 coming into force on 20 July 2018, the authorisation period for Juveniles used as Covert Human Intelligence Sources (CHIS) has been increased from one month to four months. The RIPA Policy has been amended to reflect this change.
12. Note: Members should note that a CHIS is someone employed to establish a relationship with another person for the purpose of covertly gathering evidence. The area of activity where a CHIS has been previously used is for tobacco or alcohol test purchases (to see if sales will be made to under age persons). The Police now act as the lead authority in this type of work. As this is the case, the Council does not currently make use of CHIS, but it remains important that our policy reflects the changes that apply to the use of CHIS.
13. The RIPA Policy has also been updated to reference the revised Home Office Codes of Practice as mentioned in paragraph 8 (above).
14. Changes have also been made to replace references in the policy made about the Office of Surveillance Commissioners to the Investigatory Powers Commissioner's Office (IPCO) which took over strategic oversight of the use of RIPA by public authorities in September 2017.

## **Serious crime threshold introduced for the acquisition of service use data**

15. From 1 November 2018, an amendment to RIPA is in force, adding a serious crime threshold to the acquisition of service use data (that being the data relating to the use made by a person of a communications service, for example, itemised telephone call records detailing the numbers called) where the data is required for the investigation of a criminal offence. Subscriber data (that being information held or obtained by a communications service provider about persons to whom they provide a communications service, such as details of the account holder for a telephone number or email address) can still be acquired for any crime, where necessary and proportionate to do so.
16. In relation to the acquisition of service use data, a crime is classified as serious where the offence being investigated meets one or more of the following definitions:-
  - (a) an offence that is capable of attracting a prison sentence of 12 months or more;
  - (b) an offence by a person who is not an individual i.e. a corporate body;
  - (c) an offence falling within the definition of serious crime in section 81(3)(b) of RIPA i.e. where the conduct involves the use of violence, results in substantial financial gain or is by a large number of persons in pursuit of a common purpose;
  - (d) an offence which involves, as an integral part of it, the sending of a communication; or
  - (e) an offence which involves, as an integral part of it, a breach of a person's privacy

## **Bi-Annual Report**

### **Directed Surveillance**

17. There have been no authorisations granted since the last Cabinet Report.

### **Communications Data - Update**

18. There have been no authorisations granted since the last Cabinet Report.

**REGULATION OF INVESTIGATORY POWERS****DARLINGTON BOROUGH COUNCIL RIPA POLICY**

APPROVED BY CABINET ON: 5 FEBRUARY 2019

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**THE REGULATION OF INVESTIGATORY POWERS ACT 2000****Policy Statement**

1. Darlington Borough Council will apply the principles of the Regulation of Investigatory Powers Act 2000 (RIPA) to all activities where covert surveillance or covert human intelligence sources are used. In doing so the Council will also take into account their duties under other legislation, in particular the Human Rights Act 1998 and Data Protection Act 1998, and its common law obligations.

**Overview of the Act**

2. The Act came into force on the 24th September 2000, and aims to balance, in accordance with the European Convention of Human Rights, the right of individuals with the need for law enforcement and security agencies to have powers to perform their roles effectively. The Act and amending legislation

allows local authorities to collect evidence of criminal activity lawfully where the investigation requires covert surveillance even where that may lead to them obtaining private information about individuals.

### **Purpose of the Act**

3. RIPA provides a statutory basis for local authorities to authorise the use of directed surveillance and covert human intelligence sources (undercover officers, agents, informants) and accessing communications data. (Darlington Borough Council has a separate Policy in respect of accessing communications data).
4. The Human Rights Act 1998 requires that all actions which may potentially breach an individual's human rights are:-
  - (a) proportionate
  - (b) necessary
  - (c) non-discriminatory
  - (d) lawful
5. RIPA provides lawful authority to carry out certain types of surveillance, the carrying out of which could potentially breach an individual's human rights, provided that specified procedures are followed.
6. Failure to comply with RIPA does not mean that an authority's actions in relation to surveillance will be unlawful however it does mean that evidence obtained from surveillance could be inadmissible in court proceedings and jeopardise a successful outcome. Such action could also be open to challenge as a breach of the Human Rights Act and a successful claim for damages could be made against the Council.

### **Definitions**

#### Private Information

7. "Private information is capable of including any aspect of a person's private or personal relationship with others, such as family and professional or business relationships." This is from the Covert Surveillance and Property Interference, Revised Code of Practice, August 2018, page 15, which is available from the Home Office website: [www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice](http://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice)

#### Confidential Information

8. Confidential information consists of matters subject to legal privilege, confidential journalistic material, constituent information and confidential personal information which is held in confidence about the physical or mental health or spiritual counselling of a person [whether living or dead] who can be identified from it. Where it is believed that knowledge of confidential information is likely to be acquired, authorisation can only come from the Managing Director

or, in their absence, the Director of Children and Adults Services would deputise for them. Further information on confidential information is contained in the Revised Code of Practice 2018, pages 77 - 88.

### Surveillance

9. Monitoring, observing or listening to persons, their movements, conversations or other activities and communications.
10. Recording anything monitored, observed or listened to in the course of surveillance.
11. Surveillance by or with the assistance of a surveillance device.

### Covert Surveillance

12. Surveillance carried out in a manner which is calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place.

### Intrusive Surveillance

13. (Local Authorities have no power to grant authorisations for intrusive surveillance but it is included here to alert Officers to be aware of inadvertently breaching this rule)
14. Intrusive Surveillance is covered by Section 26(3) of RIPA. Surveillance is intrusive for the purposes of RIPA if, and only if, it is covert surveillance that (a) is carried out in relation to anything taking place on any residential premises or in any private vehicle; And (b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

### Residential Premises

15. "Any premises as is for the time being occupied or used by any person, however temporarily, for residential purposes or otherwise as living accommodation." Revised Code of Practice 2018 page 22.
16. The definition does not include communal areas, front gardens or driveways readily visible to the public.

### Private Vehicles

17. "Used primarily for the private purposes of the person who owns it or a person otherwise having the right to use it." The Revised Code of Practice 2018 page 22. For example, a company car.

### Directed surveillance

18. Surveillance is “directed” if it is covert, but not intrusive, and is undertaken:-
  - (a) for the purposes of a specific investigation or operation;
  - (b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation).
19. Surveillance will not be directed, and therefore will not require authorisation, if it is done by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for carrying out the surveillance.
20. See the Revised Code of Practice 2018, page 15

#### Covert Human Intelligence Source

21. A person is identified as a CHIS if he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within the following two categories:-
  - (a) he covertly uses such a relationship to obtain information or to provide access to any information to another person: or,
  - (b) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.
22. It is possible that persons undertaking test purchases may fall into this category especially if they enter into a prolonged conversation with retail staff. If the purchaser simply enters a shop and purchases an item with the minimum of conversation it is arguable that they are not acting as a CHIS. Such an operation may still require an authorisation for directed surveillance.
23. In cases where members of the public contact Council Departments to provide information, consideration will need to be given about whether this person could be a CHIS. The provision of unsolicited historic information (for instance via a fraud hotline) would not be regarded as coming from a CHIS. However if ongoing contact was maintained with an individual who continued to pass information on, consideration must be given about how the information has been obtained (for instance by establishing or maintaining a relationship) and whether the individual should be considered a potential CHIS
24. The Home Office, Covert Human Intelligence Sources, Revised Code of Practice, August 2018 can be found at:  
[www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice](http://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice)

#### Revised Code of Practice 2018

25. The Home Office have produced a Code of Practice for Covert Surveillance and Property Interference, this has been revised recently and this Policy has been updated in accordance with the Revised Code. The Revised Code of Practice 2018 provides guidance on the use by public authorities to authorise covert surveillance that is likely to result in obtaining private information about a person. A copy of the Revised Code of Practice 2018 can be found at [www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice](http://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice) or alternatively contact the Assistant Director, Law and Governance.

### **Does RIPA apply?**

26. Before any authorisation takes place officers must consider whether the surveillance falls under RIPA. Consideration needs to be given to the changes introduced by the Protection of Freedoms Act 2012 ( see paragraph 31 below) and also to circumstances when guidance suggest that RIPA does not apply
27. The Revised Code of Practice 2018 at pages 24-28 outlines those circumstances when a RIPA authorisation is not required or not appropriate.
28. Examples include the following:
- (a) The use of CCTV cameras and ANPR systems by public authorities do not usually require RIPA authorisation as they are generally carrying out overt rather than covert surveillance i.e. when they are in public places and are appropriately signed. If this is not the case then authorisation will be required.
  - (b) If surveillance takes place as an immediate response to events, authorisation will not be required even if the surveillance would generally fall into one of the categories of surveillance covered by RIPA.

### **Example 1**

- (i) A CCTV operator observes a crime taking place on his monitor. He would not (unless he was observing a particular property or person as part of a planned surveillance operation) require authorisation to follow the perpetrator with the CCTV camera as he would be acting by way of an immediate response to events.

### **Example 2**

- (ii) An officer coincidentally witnesses a private hire vehicle being flagged down by pedestrians. If the officer then observed the driver to investigate whether he would allow the passengers to embark he would be acting by way of an immediate response to events.

29. If the type of surveillance being considered does not fall under RIPA, it cannot be authorised. The Council will therefore not be afforded the legal protection that RIPA provides. For this reason, such operations should not be undertaken without the advice of Legal Officers. Please refer to paragraphs 98 to 101 of this Policy.

30. Even if RIPA does not apply, use of surveillance will still have to be in accordance with the Human Rights Act 1998 and will therefore need to be:
- (a) Proportionate
  - (b) Necessary
  - (c) Non-discriminatory
  - (d) Lawful.

### **Restrictions on the use of RIPA**

31. The Protection of Freedoms Act 2012 (in particular a statutory instrument made under the Act) restricts the use of RIPA to conduct that would constitute a criminal offence which is punishable by a maximum custodial sentence of 6 months or more. This effectively restricts the use of RIPA to circumstances when the conduct is considered to be serious criminal conduct, by reference to sentencing powers.
32. There are some limited exceptions to the 6 month rule, set out in statutory instrument. These are:
- a. The sale of alcohol to children (S.146 of the Licensing Act 2003)
  - b. Allowing the sale of alcohol to children (S.147 of the Licensing Act 2003)
  - c. Persistently selling alcohol to children (S.147A of the Licensing Act 2003)
  - d. The sale of tobacco to persons under 18 years of age (S.7 Children and Young Persons Act 1933)
33. If RIPA does apply then the investigation will only be lawful if the authorisation procedures set out below are followed.

### **Authorisation Procedures**

34. Each covert surveillance operation involving directed surveillance and covert human intelligence sources must be authorised internally in writing, using the standard forms provided. In addition to the internal authorisation process an application must also be externally approved by a Magistrate. **No investigation can commence until it has been both internally authorised and externally approved by the Court.**

### Written Authorisations

35. The application forms are available from the intranet (the forms portal). Each application will have a Unique Reference Number (URN). The URN is obtained from Legal Services, which holds the centrally retrievable recording system of all RIPA authorisations. This URN will be recorded onto the application for all of the forms completed in respect of a particular authorisation for identification and retrieval purposes.



36. The application will be made in writing (or can be typed) by completing the application form and forwarding this to the relevant authorising officer. Authorising officers are those officers listed at para 101. Authorising officers can only authorise the use of RIPA if they have completed the SRO approved mandatory training and attended the mandatory training updates. Authorisations, unlike applications, should be handwritten and not typed. This is best practice as, in a typed form, an authorising officer is open to the assertion that they received the authorisation form already completed and merely signed it or that it had been changed retrospectively.
37. Guidance and support in completing the application and authorisation process can be obtained from Legal Services.
38. Immediately after internal authorisation is granted an electronic copy of the form must be sent to the Assistant Director, Law and Governance with the original (with wet signatures) being sent in a confidential envelope via the internal post. This will be retained on the central record. A copy must also be retained by the applicant on the department file.
39. The application for judicial approval by a Magistrate will be made by Legal Services on receipt of the completed internal authorisation.
40. For urgent applications Legal Services should be contacted at the earliest opportunity in order to make urgent arrangements to see a Magistrate. The application form and internal authorisation will still be needed but the time in which to get judicial approval should be reduced.

#### Time Limits

41. Authorisations only remain valid for specific periods and will require either renewal or cancellation if these periods are to be either increased or reduced. Written authorisations for directed surveillance last for a fixed duration of 3 months and for CHIS they last for a fixed duration of 12 months (or 4 months in the case of a juvenile CHIS) from the date of the Magistrate's approval.
42. Authorisations MUST be cancelled if the conditions are no longer met. Authorisations do not expire when the conditions are no longer met and therefore cancellations are to be made at the earliest opportunity. Authorisations must also be cancelled when the fixed duration comes to an end (and renewal is not requested) as authorisations cannot simply expire.

#### Reviews

43. Reviews of Authorisations should take place every four weeks or sooner if the risk of obtaining private information or of collateral intrusion is high and in accordance with the circumstances of the case.
44. A Review will take place by an applicant completing a Review Form which is located on the forms portal of the intranet before the date for review and

forward the form to the Authorising Officer for consideration.

45. A copy of the review form should be forwarded electronically [immediately after the review is completed] to the Assistant Director, Law and Governance for inclusion onto the central file. The original form (wet signature) must also be forwarded to the Assistant Director, Law and Governance in the internal post. A copy of the review form should also be kept on the departmental file

### Renewals

46. If your authorisation time period is about to end, it will be necessary to complete a renewal form and forward this to the relevant authorising officer who will then consider whether the grounds for authorisation still exist. An application for judicial approval by a Magistrate of the internal renewal decision will also be needed. The time in which to get judicial approval will need to be factored in when seeking to get an extension of authorisation. If in the meanwhile the original approval has lapsed no further surveillance should be carried out
47. The copies of the renewal forms must be forwarded electronically [immediately after authorisation is granted] to the Assistant Director, Law and Governance for retention in the central record and the original retained for the Department's file. A copy of the renewal form should be forwarded electronically [immediately after completion] to the Assistant Director, Law and Governance for inclusion onto the central file. The original form (wet signature) must also be forwarded to the Assistant Director, Law and Governance in the internal post. A copy of the renewal form should also be kept on the departmental file
48. Subject to internal authorisation and judicial approval, the surveillance can be extended for a further 3 months and a CHIS can be extended for a further 12 months (or 4 months in the case of a juvenile CHIS) starting on the date of the day the old authorisation ended.

### Cancellations

49. If the conditions for surveillance being carried out are no longer satisfied, and the authorisation period has not ended, a cancellation form must be completed and all those involved in the surveillance should receive notification of the cancellation, which must be confirmed in writing at the earliest opportunity.
50. Copies of all completed cancellation forms must be forwarded electronically [immediately after cancellation] to the Assistant Director, Law and Governance for retention in the central record within 48 hours from the time of signing the cancellation form. The original (with wet signatures) should be sent to Legal Services in the internal post for the central record. A copy must also be retained by the applicant on the department file.
51. Authorisations must also be cancelled when the fixed duration expires (if renewal is not requested) as authorisations do not expire despite the fixed duration coming to an end.

## Records

52. The Centrally Retrievable record of authorisations, renewals and cancellations is held in a locked cabinet in Legal Services and overseen by the Assistant Director, Law and Governance. The record for each RIPA application contains the following information:-
- (a) the URN of the investigation or operation
  - (b) the title of the investigation or operation
  - (c) the type of authorisation
  - (d) the date the authorisation was given
  - (e) name and rank and grade of the authorising officer
  - (f) The application for judicial approval and order made
  - (g) if the authorisation has been renewed, when it was renewed and who authorised the renewal
  - (h) whether the investigation or operation is likely to result in obtaining confidential information
  - (i) whether the authorisation was granted by an individual directly involved in the investigation
  - (j) the date the authorisation was cancelled
53. To ensure that the Central Retrievable record is up to date, and to allow proper central oversight, it is important that all applications approved and any subsequent renewals, extensions or cancellations are sent electronically to the Assistant Director, Law and Governance as soon as those decisions are made. Hard copy original application, extension and cancellation forms (i.e. with wet signatures) must also be forwarded to the Assistant Director, Law and Governance in the internal post. All documents sent by internal post must be marked confidential.
54. The documents in the Central Retrievable record are kept until such time as they have been made available for an Investigatory Powers Commissioner's Office inspection and, in any event, for a period of at least three years from the date of the end of the authorisation.
55. All original and copy documents shall be destroyed after a period of three years from the date the authorisation comes to an end. Regular reviews should take place to ensure that retention and destruction take place appropriately.
56. Departments should also keep copies of all application forms (whether the application is granted or not), including renewal and cancellation forms on an accessible record. All records should be kept in a secure place, preferably a locked cabinet or drawer with limited key holders. All authorisations, renewals, cancellations and records of reviews shall be retained for a period of three years commencing on the date the authorisation comes to an end.
57. In relation to the use of covert human intelligence sources additional records must be maintained (see para 82)

## Monitoring and Review

58. Officers who made applications for Authorisations and Authorising Officer should monitor any Authorisation and keep them under review. Consideration should also be given by applicant officers and authorising officers as to whether Authorisations should be cancelled or renewed. Decisions should be recorded in addition to the reasons for those decisions.
59. In addition to the above review mechanism the Senior Responsible Officer (SRO) or his designated officer will review the authorisations held on the central file on a quarterly basis to ensure that the Act is being used consistently with the policy and the policy remains fit for purpose and that authorisation forms are being correctly completed.
60. The Managing Director is appointed by the Council as the SRO for the purpose of RIPA within the Council. The SRO is responsible for:-
  - (a) the integrity of the process in place within the Council to authorise directed surveillance and the use of CHIS
  - (b) Compliance with RIPA and its Codes.
  - (c) Engagement with the Commissioners and Inspectors when conducting their inspections.
  - (d) Where necessary overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.
  - (e) Ensuring that all authorising officers are of an appropriate standard
61. The Assistant Director, Law and Governance is the Co-Ordinating Officer for RIPA. They are responsible for record-keeping; oversight of the applications, authorisations, reviews, renewals and cancellations; organising training; and raising RIPA awareness within the Council.
62. Elected members will review the RIPA policy annually and will consider internal reports on the use of RIPA quarterly. These reports will be completed by the Senior Responsible Officer (SRO) or his designated officer and update members about RIPA usage (or non-usage if there has been no covert surveillance undertaken in a particular quarter of a year), compliance reviews (para 58) and other matters of general relevance concerning RIPA including proposals for legislative change and guidance updates.
63. Elected members should not be involved in making decisions on specific authorisations.
64. The Office of the Surveillance Commissioner has set up an Inspectorate to monitor the various authorities' compliance with the Act. For local authorities the first point of contact for the Inspectors will be the Assistant Director, Law and Governance, however potentially any of the Councils' employees and records could be subject to inspection

## **Granting Authorisations - Guidance for Authorising Officers**

65. Where an application for authorisation is received, it should only be approved where the authorising officer believes the surveillance :-
- (a) Relates to criminal conduct, and is
  - (b) necessary
  - (c) Proportionate to what it aims to do
  - (d) Non-discriminatory.
66. The authorisation forms contain various sections for completion and, when completed fully, they address all considerations to be taken into account when deciding whether an authorisation can be granted or not. Use the notes below to assist you when applying for authorisations or when asked to authorise applications. Only if all these conditions are satisfied should an application for authorisation be granted.
67. The authorisation form must always be completed and copied. The copy will be held on a file within the Department. Authorising Officers should also retain their own separate copy. Immediately after an authorisation is granted the form should be forwarded electronically to the Assistant Director, Law and Governance with the original form (with wet signatures) sent in the internal post to the Assistant Director, Law and Governance for retention on the central file.

### **Criminal Conduct**

68. The use of RIPA is limited to circumstances when the conduct being investigated is criminal conduct of a certain level of seriousness. Subject to the exceptions set out in the paragraph below, the conduct being investigated must constitute a criminal offence that is punishable by a maximum custodial sentence of 6 months or more.
69. There are some limited exceptions to the 6 month rule. These are:
- a. The sale of alcohol to children (S.146 of the Licensing Act 2003)
  - b. Allowing the sale of alcohol to children (S.147 of the Licensing Act 2003)
  - c. Persistently selling alcohol to children (S.147A of the Licensing Act 2003)
  - d. The sale of tobacco to persons under 18 years of age (S.7 Children and Young Persons Act 1933)

### **Necessity**

70. Local authorities are only permitted to obtain such data where it is necessary for the purpose of preventing or detecting crime or of preventing disorder:-

When completing the application form the applicant should set out:

- (a) The nature of the enquiry or investigation.

- (b) What offences are being investigated?
- (c) When was the complaint received/investigation started?
- (d) Where relevant, outline the intelligence case indicating how the intended surveillance will further the enquiry. This should indicate what steps have already been taken in the investigation to identify any suspects and the evidential value to the investigation of obtaining the information (in other words what will it give you?).
- (e) Where relevant, give the exact date/time/place of the incident under investigation.
- (f) Date of the offence being investigated for which the information is required (or period if relevant). This will demonstrate how collateral intrusion is being minimised by focusing on the offence or search for supporting evidence.
- (g) In long-term or complex investigations it may be appropriate to have an opening paragraph in this section that briefly sets the scene and background which then leads into the specific applicants investigative requirements (in other words; what do you actually want on this occasion).
- (h) In the case of applications for directed surveillance authorisations, both the applicant and the authorising officer **MUST** explain why covert surveillance is a necessary activity for the investigation.

## **Proportionality**

- 71. The applicant and authorising officer must also believe that the obtaining of the data is proportionate to what is sought to be achieved by ensuring that the conduct is no more than is required in the circumstances. There must be evidence that consideration has been given by both the applicant and the authorising officer to the issue of proportionality on the written authorisation or the retrospective record of an oral authorisation.
- 72. *“This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms”.*
- 73. *“The following elements of proportionality should therefore be considered:-*
  - (a) Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence
  - (b) Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others
  - (c) Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result
  - (d) Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented”  
(Revised Code of Practice 2018 paras. 4.5-4.10)

## **Equipment**

- 74. Each department shall keep a record of equipment held and to be used for the purposes of RIPA. A copy of the list of equipment should be forwarded to the

Assistant Director, Law and Governance in order for the central record of all equipment held by the Council to be maintained and kept up to date.

75. The equipment is to be held by the individual departments should be accessible by other departments within the Council in order to carry out the functions under RIPA. Appropriate training must be given to the individual installing and using the equipment to ensure that the equipment is correctly installed and that data recorded is fit for purpose and meets the objectives of the investigation.
76. The impact on necessity and/or proportionality will be directed related to the type of equipment used. Any equipment used must be fit for purpose in meeting the objectives of the investigation. It is therefore important for the authorising officer to be informed of what equipment is being used and its capabilities [i.e. range, how its turned on manually or remotely] on the application form so that due consideration can be given when considering whether or not to grant the authorisation. The authorising officer will also need to give consideration and advise how images will be managed, for example images will not be disclosed without first speaking with the data controller to ensure compliance with the appropriate data protection requirements under the Data Protection Act 1998 and any relevant codes of practice produced by the Council.
77. When equipment has been installed a check should be undertaken at least every 48 hours if not daily in order to ensure it remains operational.
78. The Criminal Procedures Investigations Act 1996 Codes of Practice makes provision for the storage and retention of the product of the surveillance. Retention of the investigation data [i.e. images] is to be kept by the relevant department and in accordance with the Codes of Practice and any relevant policy of that Department.

### **Covert Human Intelligence Sources (CHIS)**

79. If a CHIS is to be used, there are detailed requirements regarding management of their activities. The use of a CHIS who is an adult and not a vulnerable person can authorised by any of the authorising officers. In a case where the proposed CHIS is a juvenile or a vulnerable person, only the Managing Director can grant an authorisation or, in their absence, the Director of Children and Adults Services would deputise for them and can grant the authorisation instead.
80. Because of the particular requirements when using a CHIS you should seek advice from the Assistant Director, Law and Governance when considering the use of a CHIS and before any decisions are made.
81. It is of primary importance when using a CHIS that the Local Authority officers involved comply with the statutory risk assessment requirements specified in section 29 of the Act which are designed for the safety of the individual acting as a CHIS and the protection of the Human Rights of those who may be directly or indirectly involved in the operation. The CHIS must be made aware of any potential risks associated with the role of CHIS.

82. The Code of Practice relating to Covert Human Intelligence Sources can be found at [www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice](http://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice) and provides:-
- (a) There will at all times be an officer who has day to day responsibility for dealing with the source and the sources safety and welfare.
  - (b) Another officer will have general oversight of the use made of the source.
  - (c) An officer will have responsibility for maintaining a record of the use made of the source.
  - (d) The records must contain all matters specified by the Secretary of State.
  - (e) Records which disclose the identity of the source are not available to persons other than those who need access to them.
83. There are special provisions relating to the use of juveniles as a CHIS
- (a) A CHIS under the age of 16 years old should never be authorised to give information against his parents or anyone with parental responsibility for him.
  - (b) The local authority must ensure that an appropriate adult is present at meetings with the CHIS
  - (c) Use of a CHIS under the age of eighteen must not be authorised granted or renewed in unless the Local Authority has carried out or updated a risk assessment sufficient to demonstrate that the any risk has been identified and evaluated; that the risk is justified, that the risks have been properly explained and understood by the potential CHIS
  - (d) Only the Managing Director or, in their absence, the Director of Children and Adults Services who would deputise for them, can authorise the use of a juvenile CHIS.
84. A Vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Such a person should only be used as a CHIS in the most exceptional circumstances and only the Managing Director may authorise use of a vulnerable adult as a CHIS or, in the absence of the Managing Director, only the Director of Children and Adults Services when deputising for them can grant the authorisation instead.
85. The Code of Practice details the records which must be kept when using a CHIS. Originals must be hand delivered to the Litigation Team, Legal Services.
86. Each department or section shall nominate an officer who will have responsibility for ensuring that such records are kept and retained and the



Assistant Director, Law and Governance informed of the identity of the designated officer.

87. It should be noted that the Code of Practice states that an officer must not grant authorisation for use of a CHIS unless he believes that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record made of the use of the source.
88. Procedures/codes of conduct etc., developed by individual Departments in respect of their operations, which involve the use of a CHIS, must incorporate the requirements of this Policy.

### **Social Networking Sites and Internet Sites**

89. Although social networking and internet sites are easily accessible, if they are going to be used during the course of an investigation, consideration must be given about whether RIPA authorisation should be obtained.
90. Care must be taken to understand how the social media site being used works. Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.
91. Whilst it is the responsibility of an individual to set privacy settings to protect against unsolicited access to their private information on a social networking site, and even though the data may be deemed published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available; the author has a reasonable expectation of privacy if access controls are applied. Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required.
92. If it is necessary and proportionate for the Council to covertly breach access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by the officer (i.e. the activity is more than mere reading of the site's content). This could occur if an officer covertly asks to become a 'friend' of someone on a social networking site.
93. CHIS authorisation is only required when using an internet trading organisation such as E-Bay or Amazon Marketplace in circumstances when a covert relationship is likely to be formed. The use of disguised purchaser details in a simple, overt, electronic purchase does not require a CHIS authorisation, because no relationship is usually established at this stage.

### **Lawful Business Practice**

94. The interception of internet and e-mail communications has to be by or with the consent of a person carrying on a business (which includes the activities of local authorities) for purposes relevant to that person's business and using that business's own telecommunication system. Interceptions are authorised for :-

- (a) monitoring or recording communications
  - (b) to establish the existence of facts, to ascertain compliance with regulatory or self-regulatory practices or procedures or to ascertain or demonstrate standards which are or ought to be achieved, (quality control or training);
  - (c) in the interests of national security;
  - (d) to prevent or detect crime;
  - (e) to investigate or detect unauthorised use of telecommunications systems or, to secure or as an inherent part of effective system operation;
  - (f) monitoring received communications to determine whether they are business or personal communications;
  - (g) monitoring communications made to anonymous telephone helplines.
95. Such interceptions are only allowed if the controller of the telecommunications system on which they are affected has made all reasonable efforts to inform potential users that interceptions may be made. This Council's Internet and E-mail Usage policy does inform employees that internet and e-mail usage is monitored. Please note however that the telephone system is not subject to such monitoring therefore these regulations cannot be used as authorisation to intercept telephone calls.
96. Telephone calls may be intercepted with the consent of one of the parties to the call. However, an authorisation for directed surveillance or for the use of a Covert Human Intelligence Source must first be granted.
97. Local Authorities may not intercept communications where neither party has been made aware that the communication is being monitored.

### **Surveillance outside of RIPA**

98. RIPA provides a lawful means of carrying out directed surveillance and using CHIS.
99. There is case law that suggests that RIPA only applies to circumstances when the local authority is carrying out a core function (these are the specific public functions undertaken by the local authority, for instance a regulatory function). This means that if a matter relates to an ordinary function RIPA does not apply. Accordingly any surveillance activity will be undertaken outside of RIPA (but without the statutory protection afforded by RIPA compliance). In such circumstances the activity will only be lawful if it can be shown that the requirements of the Human Rights Act 1998 have been complied with.
100. Under Article 8 of the European Convention on Human Rights an individual has the right to respect for their private and family life. This is a qualified right, which means that in certain circumstances public authorities can interfere with the private and family life of an individual. Such interference must be proportionate, in accordance with law and necessary to protect national security, public safety or the economic wellbeing of the country; to prevent disorder or crime, protect health or morals, or to protect the rights and freedoms of others.

101. This is a highly technical area. Specific legal advice must be obtained from the Assistant Director, Law and Governance if it is considered that surveillance being contemplated relates to an ordinary function and on any occasion when any surveillance in this category is contemplated.

### **Darlington Borough Council Designated Authorising Officers**

101. The following persons are Authorising Officers:

Paul Wildsmith – Managing Director

Ian Thompson – Assistant Director, Community Services

Pauline Mitchell – Assistant Director, Housing and Building Services

**No officer with direct involvement in an operation should authorise the use of RIPA unless it is unavoidable. If considered to be unavoidable the centrally retrievable record should record that an officer with direct involvement in the operation has authorised the use of RIPA and this authorisation and reasons for it should be highlighted to the commissioner's inspector.**

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**CABINET  
5 FEBRUARY 2019**

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**CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2019/20**

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**Responsible Cabinet Member - Councillor Steve Harker, Leader**

**Responsible Director – Paul Wildsmith, Managing Director**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To consider a Calendar of Council and Committee Meetings for the 2019/20 Municipal Year.

**Recommendation**

2. It is recommended that the Calendar of Council and Committee Meetings 2019/20, attached as an **Appendix**, be approved, and the proposed dates for the meetings of Council be referred to the Annual Council meeting scheduled to be held on Thursday 23 May 2019, for approval.

**Reasons**

3. The recommendation is supported to ensure that the calendar of meetings is approved for the forthcoming municipal year.

**Paul Wildsmith,  
Managing Director**

**Background Papers**

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

Lynne Wood : Extension 5803

S17 Crime and Disorder	The contents of this report do not have any direct implications on Crime and Disorder.
Health and Well Being	The contents of this report do not have any direct implications on Health and Safety.
Carbon Impact	The contents of this report do not have any direct Carbon Impact implications.
Diversity	The contents of this report do not have any direct implications on Diversity.
Wards Affected	The contents of this report do not directly affect any wards.
Groups Affected	The contents of this report do not directly affect any groups.
Budget and Policy Framework	The contents of this report do not have any direct implications on the Budget and Policy Framework.
Key Decision	The issues contained within the report do not represent a key decision.
Urgent Decision	This is not an urgent decision.
One Darlington: Perfectly Placed	The contents of this report do not have any direct implications on One Darlington: Perfectly Placed.
Efficiency	The contents of this report do not have any direct implications on efficiency.
Impact on Looked After Children and Care Leavers	This report does not affect Looked After Children and Care Leavers.

## **MAIN REPORT**

### **Information and Analysis**

4. Members will be aware that the Calendar of Council and Committee Meetings is normally submitted for consideration at this time of the year to assist officers with forward planning.
5. The calendar, attached as an Appendix, is based on six Council cycles and a four week summer recess period.
6. Included within the calendar are the dates for Remembrance Sunday (10 November 2019) and the Police and Crime Commissioner and Tees Valley Combined Authority Elections (7 May 2020). Meetings of the Audit Committee and Monitoring and Co-ordination Group, have also been included in the calendar.
7. Meetings of the Corporate Parenting Panel and Health and Well Being Board, have NOT been included in the calendar on this occasion, as the frequency of those meetings are to be considered at respective meetings of the Panel and the Board and once, agreed, Members will be notified of the dates of those meetings for the 2019/20 Municipal Year.

### **Outcome of Consultation**

8. The Chief Officers Executive and Chief Officers Board were consulted on the calendar.

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues					
MAY 2019			1 BCE	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22 AC	23	24	25	26	27	28	29	30	31		
JUNE 2019						1	2	3	4 L Cab	5 PA	6	7	8	9	10 MC	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
JULY 2019	1 CYP	2 AH	3 HP	4 P HWB	5	6	7	8	9 Cab	10 PA	11 ER	12	13	14	15	16 L	17	18 C	19	20	21	22	23	24	25	26	27	28	29	30	31 A				
AUGUST 2019			1	2	3	4	5	6	7	8 PA	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
SEPTEMBER 2019						1	2 CYP	3 AH	4 HP	5 P	6	7	8	9	10 L Cab	11 PA	12 ER	13	14	15	16 MC	17	18	19	20	21	22	23	24	25	26 C	27	28	29	30
OCTOBER 2019	1	2	3	4	5	6	7	8 Cab	9 PA	10	11	12	13	14	15	16	17	18	19	20	21	22 AH	23	24 P	25	26	27	28 CYP	29	30 HP	31				
NOVEMBER 2019				1	2	3	4 MC	5 Cab	6 PA	7 ER	8	9	10 RS	11	12 L	13	14	15	16	17	18	19	20 A	21	22	23	24	25	26	27	28 HWB	29	30		
DECEMBER 2019					1	2	3 Cab	4 PA	5 C	6	7	8	9	10	11	12 P	13	14	15	16 CYP	17 AH	18 HP	19 ER	20	21	22	23	24	25	26	27	28	29	30	31
JANUARY 2020		1	2	3	4	5	6 MC	7 Cab	8 PA	9	10	11	12	13	14 L	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29 A	30 C	31			
FEBRUARY 2020					1	2	3 CYP	4 Cab	5 PA	6 ER	7	8	9	10	11 AH	12 HP	13 P	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29		
MARCH 2020					1	2	3 Cab	4 PA	5	6	7	8	9	10	11	12 HWB	13	14	15	16 MC	17 L	18	19	20	21	22	23	24	25	26	27	28	29	30 CYP	31 AH Cab
APRIL 2020		1 HP PA	2 P	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22 A	23 ER	24	25	26	27	28 Cab	29 PA	30				
MAY 2020				1	2	3	4	5 L	6	7 PCC TVCA	8	9	10	11	12	13	14 C	15	16	17	18	19	20	21 AC	22	23	24	25	26	27	28	29	30	31	
	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues					

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**CABINET  
5 FEBRUARY 2019**

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## **PUBLIC SPACES PROTECTION ORDER DARLINGTON TOWN CENTRE**

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**Responsible Cabinet Member - Councillor Helen Crumbie  
Community Safety Portfolio Councillor**

**Responsible Director - Ian Williams  
Director of Economic Growth and Neighbourhood Services**

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### **SUMMARY REPORT**

#### **Purpose of the Report**

1. This report gives details of the responses to the consultation on the introduction of a Public Spaces Protection Order (PSPO) in Darlington Town Centre (Designated Area) and other relevant supporting information.
2. Cabinet is invited after giving due consideration to formally make the Public Spaces Protection Order in the terms set out in this report.

#### **Summary**

3. In July 2018 a report went to Cabinet highlighting the potential benefits of introducing a Public Spaces Protection Order (PSPO) in Darlington town centre.
4. The PSPO aims to address certain types of anti-social behaviour in the town centre which has a detrimental impact on the public and businesses.
5. The Council have worked closely with partners, particularly the Police over an extensive period and implemented a series of actions, initiatives and activities to tackle anti-social behaviour, ranging from preventative measures and early intervention to enforcement.
6. The range of activities undertaken by the multi-agency partnership is vast and have focused on the problem areas around anti-social behaviour, begging and alcohol related nuisance which are detailed later in the report.
7. Extensive work has been carried out with the Youth Offending Team in relation to a 'scaled approach' resulting in the development and introduction of an escalation process when dealing with anti-social behaviour.

8. The stages include advice, guidance and signposting, referral and support, warnings, acceptable behaviour agreements, early intervention programmes inclusive of reparation, education and diversionary activities which have proved to be very successful, however in some cases further actions are required using the powers provided under the provisions of the PSPO.
9. Officers will only utilise the powers of a PSPO when necessary. A PSPO is only one of many tools available to officers but effective use of the legislation is required following concerns that remain despite work undertaken to tackle town centre anti-social behaviour. We will continue with a proportionate approach in which we aim to influence and persuade behaviour change and we will continue to work alongside partner agencies to reduce and dissuade inappropriate behaviour.
10. Some concerns have been expressed about the implications that a PSPO may have on people begging. It is intended that the provisions in the PSPO dealing with begging will only be used in a proportionate way. Interventions other than enforcement will be attempted to deal with this behaviour, but it is considered important to be able to resort to PSPO powers when necessary.
11. Members should note that the Council has been working with partners, including the 700 Club, NECA Drug & Alcohol Support Services and the Police, in developing a strategy to deal with begging and wider issues surrounding homelessness. The strategy is split into four sections: Empathy, Engagement, Education, and Enforcement and is supported by an action plan which aims to actively support vulnerable members of society.
12. On 14 December, 2018, the 'Have a Heart Give Smart' campaign was launched. The campaign aims to educate and inform members of the public against giving cash to an individual who is begging as they could be contributing to the person's challenging issues. Further details are set out in paragraphs 56 and 57.
13. In relation to those involved in alcohol related nuisance, similar measures are adopted ranging from intervention, support and signposting, involving specialist services to enforcement.
14. A PSPO enables the Police and the Council's Civic Enforcement Officers to deal with anti-social behaviour within a designated area. It can place restrictions on behaviour and if individuals breach these conditions they could be liable to punishment by a fine of up to £1,000 (or £500 in the case of consumption of alcohol) or a Fixed Penalty Notice of up to £100.
15. Consultation on the introduction of a Public Spaces Protection Order (PSPO) in Darlington Town Centre was undertaken from the 1 September to 1 December 2018. There were 16 responses received in total, 10 in support, and 6 against the making of a PSPO. Further details including analysis of the responses is set out in paragraph 49 to 58.

16. The introduction of the PSPO potentially could have negative impacts on certain groups more than others. These groups include people who are young, male, disabled, or who have a low income. Consideration has been given to better understand the potential impacts and the appropriate steps that need to be taken to mitigate and ensure that the PSPO is used proportionately, reasonably and fairly. Members are asked to read the Equality Impact Assessment at Appendix 1 in full before making a decision.
17. A copy of the draft PSPO is set out at **Appendix 2**.

### **Recommendations**

18. It is recommended that :-
- (a) Members consider the consultation feedback following the initial Cabinet report in July 2018.
  - (b) Members approve and formally make the Public Spaces Protection Order as set out in **Appendix 2**.

### **Reason**

19. The recommendation is supported by the following reason :-
- (a) To enable officers, including Police, PCSO's and Civic Enforcement Officers to effectively deal with various types of anti-social behaviour with an extended range of powers.
  - (b) To improve the quality of life of persons visiting and working in the area covered by the PSPO

**Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

### **Background Papers**

Anti-Social Behaviour, Crime and Policing Act 2014  
Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 No 2591  
Anti-Social Behaviour, Crime and Policing Act 2014, Anti-Social Behaviour Powers, Statutory Guidance, updated December 2017  
Public Spaces Protection Orders, Guidance for Councils, Local Government Association. 2018

Ian Thompson/Anna Willey : Extension 6628/6756  
IT/AW/CD

S17 Crime and Disorder	A PSPO will have a positive effect on crime and disorder in the town centre.
Health and Well Being	Anti-social behaviour within the town centre can impact negatively on the health and well-being of individuals.
Carbon Impact	There is no impact as a result of this report.
Diversity	An Equalities Impact Assessment has been undertaken. There may be negative impacts on people who are young, male, disabled or who have a low income.
Wards Affected	Park East
Groups Affected	All groups, but with the potential for greater impacts for people who are young, male, disabled or who have a low income.
Budget and Policy Framework	No impact on the Budget or Policy Framework.
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	An attractive, vibrant, safe town centre is an important part of the Perfectly Placed agenda in the Sustainable Community Strategy.
Efficiency	There is no impact on the Council's Efficiency agenda as a result of this report.
Impact on Looked After Children and Care Leavers	There is no impact on Looked After Children and Care Leavers as a result of this report.

## MAIN REPORT

### Background

20. PSPOs are a key element of the Anti-Social Behaviour, Crime and Policing Act 2014 which came into force in October 2014.
21. PSPOs are intended to limit and restrict activities which cause nuisance or lead to problems for a community, and as such allow Councils to make restrictions on activities which are judged to have a detrimental effect on the quality of life in an area. They are to replace current controls on the drinking of alcohol in public places and matters such as dog fouling and the keeping of dogs on leads as a result of the phasing out of existing Designated Public Places Orders (DPPOs) and Dog Control Orders (DCOs) but a range of other activities can also be addressed, depending upon particular local issues. By design the Orders are planned to allow people to enjoy open public spaces free from nuisance and anti-social behaviour.

22. The responsibility for making a new PSPO rests with the Council. The Council must, prior to making an Order, be satisfied, on reasonable grounds, that activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the activities:
  - (a) Is or is likely to be persistent or continuing;
  - (b) Is or is likely to be such as to make the activities unreasonable; and
  - (c) Justifies the restrictions imposed.
23. Before making a PSPO, the Council must carry out consultation with the local Police, the Police and Crime Commissioner, the owners and occupiers of any land included in the PSPO which is not in Council ownership and wider consultation with representatives from the local community. It must also publish the draft PSPO in accordance with Statutory Regulations.
24. Where a PSPO is in force, a Police Officer, Police Community Support Officer or Council Officer witnessing behaviour that breaches its conditions may challenge the individual(s) concerned and ask them to comply. If the individual does not comply with the request, an offence is committed.
25. An offence involving failure to comply with a PSPO is punishable by a fine of up to £1,000 (or £500 in the case of consumption of alcohol) or by a fixed penalty of up to £100.
26. In practice an offence is only committed if a person refuses to stop carrying out a prohibited activity when asked to do so by an authorised Council officer or Police officer. If the person follows the instruction then no further action would be required.
27. Any failure to comply with the instruction to desist from the prohibited activity would generally in the first instance lead to a Fixed Penalty Notice being issued rather than arrest or court appearance.
28. The Anti-Social Behaviour, Crime and Policing Act 2014 provides that the maximum period that a PSPO can be made for is three years. The duration of the order can be extended or revoked or amended prior to expiry. The Council could therefore remove specific prohibitions or end a PSPO early, for example if an activity no longer existed. If significant new issues arose during the PSPO then the Council can modify prohibitions. The term suggested for the Order is three years.
29. It is a requirement that the introduction of a PSPO is a Cabinet decision.

## **Local Intelligence**

30. Attached at **Appendix 3** is a report entitled Darlington PSPO Data, produced by Durham Constabulary setting out data and analysis of anti-social behaviour in proposed PSPO area.
31. Overall there were 1880 reported incidents to the Police in the PSPO area between 1 June and 26 November 2018. 495 of these incidents (26%) were alcohol related, 184 (10%) were linked to young people and 22 (1%) associated with both alcohol and young people.
32. During the same period there have been 768 reported crimes of which 56 are public order offences in the PSPO area. 16 of these incidents were recorded as harassment, alarm or distress which has a detrimental impact on those affected. Other crimes include; violence with injury (99 in the period), violence without injury (175), vehicle offences (7), shoplifting (150) and criminal damage (60).
33. Anti-social behaviour in Darlington Town Centre remains a concern despite best efforts to tackle it. During the above period there was a total of 274 reported incidents of anti-social behaviour incidents of which 218 were recorded as 'nuisance'.
34. Nuisance is defined as 'something offensive or annoying to individuals or the community'.
35. Also of note is that 64% of these incidents required an immediate or priority deployment of Police resources reflecting the severity of the reported incidents.
36. Of the 274 reported incidents, 110 (40%) were linked to young people, 87 (32%) of the calls related to alcohol misuse and 16 (6%) were associated with young people and alcohol misuse.
37. The range of anti-social behaviour includes alcohol related incidents, youth nuisance and begging.

## **Alcohol Related Incidents**

38. A considerable amount of the alcohol related incidents are associated with the seating area adjacent to the Boot & Shoe/St Cuthbert's Churchyard. These are a particular concern as the area is highly visible with individuals collecting around the seating, drinking alcohol, being loud, disruptive and abusive towards other individuals using the town. This type of behaviour can portray a negative image of the town, making people feel intimidated and unsafe. The Police and Council have taken action to address this particular problem with some success, however, it is an area where anti-social behaviour continues, particularly in the summer months.

39. Under the PSPO, Police and authorised officers have the power to confiscate alcohol in a public space excluding licensed premises where they believe it is causing or is likely to cause anti-social behaviour.

## **Youth Nuisance**

40. Youth nuisance is also to be included in the PSPO. One of the main concerns is the loud and abusive behaviour from some groups of young people in the town centre who have lack of respect for members of the public, officers and business owners. Youth nuisance has increased slightly over the past couple of months in town, particularly in and around the Cornmill Centre area. Behaviour includes threats towards staff, verbal abuse, barging people on the escalators, fighting and stone throwing, the list is not exhaustive. The level of aggression shown in some groups of young people is concerning and extremely intimidating for members of the public. A range of interventions with young people causing anti-social behaviour have taken place, such as positive activity and education packages, however a minority core group of individuals remain persistent.
41. In relation to issuing a fixed penalty notice for breach of a PSPO different arrangements will apply to those under 18 years of age who commit these offences. Those arrangements will be:

**(a) 10-13 year olds**

FPNs will not be issued to persons under the age of 14 where an offence is witnessed but they should still be requested to stop the activity and both the juvenile and their parent/guardian will be sent a formal warning so that the parent/guardian is aware of the situation.

**(b) 14 and 15 year olds**

If an offence is committed by a person who is 14 or 15, in the first instance they would be requested to stop the activity. If the request is complied with, a formal warning would be given, verbally at the time, and followed up in writing to both the juvenile and their parent.

If the activity is not stopped then an FPN would be issued to the individual and the parent/guardian informed.

Note: prior to the FPN being issued, consultation will take place with the Youth Offending Service as to whether this is an appropriate course of action. FPN's would only be issued if absolutely necessary and other more appropriate action would be sought.

(c) **16 and 17 year olds**

If an individual who is 16 or 17 commits an offence then the individual will be issued with a FPN and the parent/guardian informed. Consultation again will take place with the Youth Offending Service as to whether this is an appropriate course of action, before the FPN is issued.

In every instance where a fixed penalty notice is issued to an under 18, consideration can be given to reparation, such as a supervised litter pick, as an alternative to payment of the fixed penalty notice. This option will be communicated to under 18s and their parent/guardian at the time of the fixed penalty notice being sent out to them.

**Begging**

42. In the same period there were 18 reports of begging in the PSPO area, these were mostly reported in relation to anti-social behaviour. Members of the public have reported feeling very intimidated and vulnerable whilst attempting to withdraw cash from machines when a beggar is sat in close proximity.
43. Begging in the town centre has increased within the last 12 months. Whilst it is recognised that some individuals may need long term help and support, others can be intimidating to the public and particularly detrimental to businesses where they congregate. Indeed, some shoppers have been known to divert from attending certain premises due to an individual begging in the vicinity. It has also been found that some of those begging in the town centre are from out of the area and seem to have been displaced from other Local Authority areas where action has been taken against them.
44. Police have taken action against a few individuals who have been persistent and aggressive to visitors within the town centre after numerous warnings.
45. Enforcement of begging does not work in isolation and in Darlington, agencies are working together to support individuals who feel the need to 'beg'. The Council have also been working with a range of partners, including the 700 Club, NECA Drug & Alcohol Support Services and the Police, and have developed a strategy to deal with begging which is now in place. The strategy is split into four sections: Empathy, Engagement, Education, and Enforcement. The agreed strategy is attached at **Appendix 4**.
46. A multi-agency Street Support initiative commenced on Friday 21 December 2018 where key agencies "walk the town" and engage vulnerable individuals and offer support, information and guidance. The group consists of representatives from the Police, Darlington Borough Council's Civic Enforcement and Housing Options teams and the 700 Club.
47. Begging is an offence under the Vagrancy Act 1824 and can be enforced by the Police by way of arrest. The inclusion of additional controls on aggressive/pestering behaviour by beggars within the Order will provide the Police and other staff with an additional tool to regulate this behaviour and provide an



updated legal remedy, including the use of Fixed Penalty Notices. This is likely to prove a more cost effective and proportionate approach to controlling this activity and allow the partnership to ensure that proportionate action is taken against those persistent offenders whilst balancing the genuine needs of any vulnerable individuals.

## **Benefits**

48. A Public Spaces Protection Order is a positive 'tool' enabling the Police and the Council's Civic Enforcement Officers to deal with anti-social behaviour within a designated area. This will contribute to making Darlington a more attractive and safer place to live, work and visit. Darlington is a family friendly market town to which the PSPO will help preserve and encourage development. PSPO publicity will stress the positive approach enabling the Police and other designated officers to deal more effectively with disorder, for example confiscating alcohol from adults. It must be noted however that once a PSPO is in place it still requires policing which requires resources to which the Police have given full support. The Order can only be effective if breaches are acted upon.
49. The PSPO will provide powers in addition to the criminal powers already available. The additional powers are required to give officers a timely and effective intervention rather than revert to the criminal justice system, which can be lengthy. Also, Civic Enforcement Officers do not have the option of arrest, therefore the PSPO will equip them with the alternative powers they require to effectively deal with nuisance. Through the implementation of a PSPO, behaviour can hopefully be modified rather than criminalising individuals. In effect the additional powers are preventative rather than punitive.

## **The Draft Order**

50. The draft Order is attached in full at **Appendix 2**. This imposes restrictions on particular behaviour occurring in the Darlington town centre. The activities and behaviour which becomes an offence, is as follows:
  - (a) Any person who continues drinking alcohol in the designated area when asked to stop by a Police Officer, Police Community Support Officer or Authorised Person from the Council commits an offence.
  - (b) Any person who fails to surrender any alcohol in his possession when asked to do so by a Police Officer, Police Community Support Officer or Authorised Person from the Council commits an offence.
  - (c) No person shall sit or loiter on the highway or any pedestrian area for the purpose of begging or asking members of the public for money whether by placing an item before them for receipt of money or otherwise.
  - (d) No person shall use threatening or intimidating behaviour towards any other person.

- (e) No person shall loiter so as to cause an obstruction on a public highway, either moving or stationary.

## Consultation

51. Following agreement from Cabinet in July, 2018, a three-month consultation exercise took place from 1 September to 1 December 2018. Consultation was undertaken as follows:
- (a) Council web pages
  - (b) Town Centre business consultation
  - (c) Social Media
  - (d) One Darlington Magazine
  - (e) Police, Crime & Victims Commissioner (PCVC)
  - (f) Police
  - (g) The 700 Club
52. Generally the responses to the consultation have been supportive of the Order. There were 16 responses in total, 10 in support, and 6 against. There was no opposition in relation to the drinking and youth elements, members of the public and businesses were very supportive as they felt they were having a detrimental impact on the town. It has to be noted that not all consultation feedback was against the begging element and in fact some was very much in support.
53. The main opposition has been in relation to the begging element of the PSPO. Members of the public have expressed concern around the criminalisation of the vulnerable. This however isn't the case, as enforcement of begging in Darlington Town Centre will only be considered when all other methods have been exhausted. **Consultation responses are attached at Appendix 5.**
54. The Council have also been working with a range of partners, including the 700 Club, NECA Drug & Alcohol Support Services and the Police, in developing a strategy to deal with begging (see paragraphs 45 and 46 above).
55. There is a significant amount of support in place for those individuals who unfortunately find themselves homeless and need help from a variety of agencies. The powers within the PSPO will allow the Police and authorised officers of the Council to deal with those individuals who simply beg for financial gain as opposed to those who are genuinely homeless.
56. In addition to the above approach, the 'Have a Heart Give Smart' campaign was launched on Friday 14 December, 2018. The campaign aims to educate and inform members of the public against giving cash to an individual who is begging as they could be contributing to the person's challenging issues. Alternatively

members of the public are advised to donate to the 700 Club who fund specialist workers to engage and support these individuals.

57. The initiative seeks to raise awareness by encouraging conversations around the issues of homelessness, rough sleeping and street begging, and educating the public about public safety and security as well as the role of local service providers.
58. As the issues are complex it requires a multi-dimensional approach which includes educational, health, business, police, local authorities (various departments) as well as other community responses.
59. The Police Crime & Victims Commissioner has been separately consulted in relation to the introduction of the PSPO and is fully supportive.
60. The Police fully support the elements of the proposed PSPO and its introduction.

### **Monitoring and Evaluation**

61. Continued monitoring of the PSPO will be undertaken by the Community Safety Management Team. The PSPO will initially be evaluated at six months. A report will be taken to Cabinet after the six month's evaluation and at twelve months thereafter annually. Information gathered to assist with the monitoring will include:
  - (a) The number of FPN's issued as a result of PSPO breaches.
  - (b) The use of the powers
  - (c) Complaints/community feedback
  - (d) Number of ASB incidents in the town centre.

### **Financial Implications**

62. There are no financial implications as a result of introducing a PSPO in the town centre, other than diverting existing resources to the policing and monitoring of the Order.

### **Legal Implications**

63. The making of a PSPO by the Council needs to be carefully considered and balance the rights of public to enjoy and use open spaces without anti-social behaviour with the civil liberties of individuals and groups who may be affected by any restrictions imposed.
64. Regard must be had to the freedoms permitted by the Human Rights Act 1998 (freedom of expression, freedom of assembly and association). It is not considered that the draft order limits freedom of expression or assembly or association, its aim is to place restrictions on certain behaviours that are

considered to be anti-social and detrimental to others using the town centre. In as much as there may be a possible interference with freedoms by the provisions of the order that restrict certain behaviour (for instance begging), any interference is considered to be potentially lawful, proportionate and justifiable. This is in order to protect public safety, prevent disorder or crime and to take account of the rights and freedoms of others. One of the key issues in ensuring that the powers are used proportionately and fairly will be to develop operational guidance and adequately train staff who enforce the order.

65. Under Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014, an individual who lives in the restricted area or who regularly works in or visits that area can apply to the High Court to challenge the validity of a PSPO. The grounds on which an application under this section may be made are either that the local authority did not have the power to make the Order, or to include particular prohibitions or requirements imposed by the Order; or that a requirement under the 2014 Act was not complied with.

### **Equalities**

66. Consideration must be given by members to the potential impact of a PSPO on different sections of the community. The Council has a duty under the Equality Act 2010 to have due regard to equality considerations.
67. The introduction of the PSPO potentially could have negative impacts on certain groups more than others. These groups include people who are young, male, disabled, or who have a low income. Consideration has been given to better understand the potential impacts and the appropriate steps that need to be taken to mitigate and ensure that the PSPO is used proportionately, reasonably and fairly. Members are asked to read the Equality Impact Assessment at Appendix 1 in full before making a decision.
68. It is important to stress that the use of enforcement will be based on the anti-social behaviour that is occurring rather than targeted at particular social groups. The use of the powers will be evidence driven, proportionate and reasonable so that any impact on any persons by the use of the powers will be fully justifiable. Additionally the use will be subject to a process that is regulated by law with the ability to challenge the evidence and the use of the powers at a court hearing.

### 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.

<b>Directorate:</b>	Economic Growth
<b>Service Area:</b>	Community Safety
<b>Activity being screened:</b>	Implementation of PSPO (Public Space Protection Order)
<b>Officer(s) carrying out the screening:</b>	Anna Willey
<b>What are you proposing to do?</b>	Introduce a PSPO to Darlington Town Centre. The PSPO will equip officers, including PCSO's, Police, Civic Enforcement Officer and any other authorised Council officers, with more powers to effectively deal with anti-social behaviour.
<b>Why are you proposing this? What are the desired outcomes?</b>	PSPO's are intended to limit and restrict activities which cause nuisance & lead to problems for a Community, and as such allow Councils to make restrictions on activities which are judged to have a detrimental effect on the quality of life in an area.
<b>Does the activity involve a significant commitment or removal of resources? Please give details</b>	No

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	•		
Disability	•		
Sex (gender)	•		
Race		•	
Sexual Orientation		•	
Religion or belief		•	
Gender reassignment		•	
Pregnancy or maternity		•	
Marriage or civil partnership		•	
<b>Other</b>		•	
Carer (unpaid family or friend)		•	
Low Income	•		
Rural Location		•	
<b>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.</b>	<b>No</b>		
<b>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.</b>	<b>No – policing the PSPO will be part of daily routine when patrolling The Town Centre.</b>		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:		Continue to full EIA: *
			√
<b>Reason for Decision</b>	Some groups of people with a protected characteristic have been identified as likely to be more affected than others as a result of the implementation of the PSPO.		
<b>Signed (Assistant Director)</b>			
<b>Date</b>			



# 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.

<b>Title of activity:</b>	Implementation of a Public Space Protection Order (PSPO)
<b>Name of Directorate and Service Area:</b>	Economic Growth Community Safety
<b>Lead Officer and contact details</b>	Anna Willey Ext 6756
<b>Assistant Director accountable for this EIA</b>	Ian Thompson
<b>Who else will be involved in carrying out the EIA:</b>	Luke Swinhoe / Natasha Telfer

<b>When did the EIA process start?</b>	September 2018
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## 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?)

It is proposed that a Public Space Protection Order is implemented in Darlington Town Centre.

Restrictions under the PSPO in Darlington Town Centre would include;

- a) Persons drinking alcohol in public places which are not licensed premises
- b) Begging
- c) Threatening behaviour
- d) Swearing
- e) Obstruction of public access to buildings

Whilst the PSPO is designed to prohibit certain activities it is also designed to enable people to feel that Darlington is a safe and welcoming place for all.

The responsibility for making a new PSPO rests with the Council. The Council must, prior to making an Order, be satisfied, on reasonable grounds, that activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the activities:

- (a) Is or is likely to be persistent or continuing;
- (b) Is or is likely to be such as to make the activities unreasonable; and
- (c) Justifies the restrictions imposed.

Where a PSPO is in force, a Police Officer, Police Community Support Officer or Council Officer witnessing behaviour that breaches its conditions may challenge the individual(s) concerned and ask them to comply. If the individual does not comply with the request, an offence is committed.

An offence involving failure to comply with a PSPO is punishable by a fine of up to £1,000 (or £500 in the case of consumption of alcohol) or by a fixed penalty of up to £100.

In practice an offence is only committed if a person refuses to stop carrying out a prohibited activity when asked to do so by an authorised Council officer or Police officer. If the person follows the instruction then no further action would be required. Any failure to comply with the instruction to desist from the prohibited activity would generally in the first instance lead to a Fixed Penalty Notice being issued rather than arrest or court appearance.

**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)

The PSPO aims to address certain types of anti-social behaviour in the town centre which has a detrimental impact on the public and businesses. The Council have worked closely with partners, particularly the Police and implemented a series of actions to tackle these problems some of which have had a positive impact, however, there are still ongoing issues that can be addressed more effectively through a PSPO.

The PSPO provides local authorities with the necessary powers to introduce restrictions upon activity and behaviours deemed to be anti-social and occurring in “public spaces”. It is designed to restrict and prohibit certain behaviours, within the designated area, where evidential tests are satisfied.



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

We know, anecdotally, that there are some sections of the community who currently don't feel that this is the case (i.e. some older people, disabled people, etc), which could have a negative impact on the individuals and the likelihood that they will choose to visit the town. The implementation of the PSPO could therefore potentially have a positive impact for some individuals.

Results of the latest Community Survey suggest 32.1% of female respondents were less likely to feel safe outside in their local area after dark. The implementation of a PSPO may encourage females to feel safer coming into the town centre after dark.

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

Consultation findings from the 2018 Darlington Community Survey

Feedback from the 2018 Darlington Borough Council MTFP public consultation

2016 Crisis Survey (<https://www.crisis.org.uk/about-us/media-centre/crisis-reveals-scale-of-violence-and-abuse-against-rough-sleepers-as-charity-opens-its-doors-for-christmas/>)

Police data ( refer to appendix 2 in main report)

**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?)

There is a requirement for a period of statutory consultation to be undertaken before a decision can be taken. It is important for the consultation to be both accessible and engaging with those likely to be affected by the order (positively and negatively). The consultation in relation to this order was live from 1<sup>st</sup> September – 1<sup>st</sup> December 2018.

Consultation was undertaken as follows:

- (1) Town Centre business consultation – hand delivered information.
- (2) Social Media
- (3) Council's web pages – information, map and draft order.
- (4) One Darlington Magazine
- (5) Police, Crime & Victims Commissioner (PCVC)
- (6) Police
- (7) The 700 Club

Generally the responses to the consultation have been supportive of the Order. There were 16 responses in total, 10 in support, and 6 against. There was no opposition in relation to the drinking and youth elements, with members of the public and businesses indicating broad support for these as they felt they were having a detrimental impact on the town.

Six of the respondents were concerned about the implications that a PSPO may have on people begging. It is intended that the provisions in the PSPO dealing with begging will be used in a proportionate way. Interventions other than enforcement will be attempted to deal with this behaviour, but it is considered important to be able to resort to PSPO powers when necessary.

**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)

Cost neutral.

## 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)
<b>Age</b>		•	•	<p>Police statistics show there are higher levels of youth nuisance at present in the town centre compared to the previous year, therefore there is the likelihood that young people are more likely to be affected by the implementation of a PSPO than older age groups.</p> <p>Conversely, older people have reported as most likely to feel unsafe in the town centre and therefore are likely to be positively impacted by the introduction of a PSPO</p>
<b>Disability</b> (Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)		•	•	<p>There is a correlation between individuals engaging in antisocial behaviour and individuals with substance misuse problems who, in turn, are more likely to suffer from mental health issues and/or learning impairments. Individuals with one or more of these disabilities have therefore been identified as more likely to be negatively affected by the introduction of a PSPO.</p> <p>Conversely, people with disabilities have reported as most likely to feel unsafe in the town centre and therefore are likely to be positively impacted by the introduction of a PSPO</p>
<b>Sex (Gender)</b>		•	•	<p>There is a higher number of male ‘beggars’ in the town centre and therefore it is likely that males are more likely to be negatively affected by the PSPO more so than females.</p> <p>Conversely, there would potentially be a positive effect on females as a result of this activity: responses to the 2018 Community Survey showed that females are more likely to feel unsafe in the town centre on an evening.</p>

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)
				The implementation of a PSPO therefore may make females feel safer thus encouraging them to visit the town centre after dark.
Race	•			There is no anticipated impact upon Race as a protected characteristic group with regard to this proposed activity.
Gender Reassignment	•			There is no anticipated impact upon Gender Reassignment as a protected characteristic group with regard to this proposed activity.
Sexual Orientation	•			There is no anticipated impact upon Sexual Orientation as a protected characteristic group with regard to this proposed activity.
Religion or belief	•			There is no anticipated impact upon Religion or belief as a protected characteristic group with regard to this proposed activity.
Pregnancy or maternity	•			There is no anticipated impact upon Pregnancy or maternity as a protected characteristic group with regard to this proposed activity.
Marriage or civil partnership	•			There is no anticipated impact upon Marriage or Civil partnership as a protected characteristic group with regard to this proposed activity.
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?	•			There is no anticipated impact upon living in a rural location with regard to this proposed activity.
Are carers?	•			There is no anticipated impact upon carers with regard to this proposed activity.

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)
Are on a low income?			•	Committing offences prohibited by the PSPO could result in a fine which some individuals on a low income would be more likely to struggle to pay. It is recognised that begging can have ties with poverty and social exclusion, with individuals engaging in begging due to insufficient access to financial services. Officers will direct individuals to support services locally.

## 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?**

As outlined above, individuals who participate in the types of behaviour the PSPO is intending to address are considered to be more likely to be younger, male and potentially suffering from poor mental health and/or a learning impairment. Individuals affected by the PSPO are not anticipated to be more affected if they have more than one of the protected characteristics identified as:

- It would their behaviour, rather than any one or combination of protected characteristic(s), which would cause them to be affected by a PSPO
- Officers enforcing a PSPO will be trained in identifying any vulnerable circumstances in the course of discharging their duties and ensure that these are considered and, where applicable, mitigated against i.e. by referring individuals with a mental health issue to relevant local support services

Officers are not aware of any other activities currently underway which are likely to impact on the same protected characteristic groups identified during this exercise.

## Section 5: Analysis

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

If the PSPO is implemented it will be important for authorised officers to consider the needs of the individual and their personal circumstances in order to make an informed decision as to the appropriate action to take (i.e. recommendation for support, advice, fine, criminal justice approach etc). It will also be important for authorised officers to ensure that any action taken is proportionate to and balanced against any risks posed, either to the individual or the wider community. This includes the seriousness of the offence, past history, the consequences of non-compliance and the likely effectiveness of the various enforcement options. It has outlined the need for a consistent yet flexible approach to the application of the PSPO, which must be tailored to the individual's needs and circumstances.

A survey of homeless people by Crisis in 2016 found that people who sleep rough are 17 times more likely to face public attacks than the rest of the UK public. Whilst all beggars are not homeless, they are likely to be more vulnerable to both physical and verbal attacks and therefore it is hoped that the implementation of a PSPO will assist in protecting them in relation to this.

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

A number of community services aiming to advance equality of opportunity are located in the town centre, including the Central Library and Dolphin Centre. By seeking to make the town centre feel safer for residents, the PSPO will encourage more families to visit these venues and others more regularly.

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

Findings from both the 2018 Community Survey and 2018 MTFP Consultation indicated that a significant proportion of the population do not always feel safe in the town centre, particularly women, older people and those with disabilities, with many respondents commenting on large groups, intimidating behaviour, and beggars as reasons as to why they did not feel safe. The PSPO, in conjunction with a wide range of other community safety activities, by addressing these issues, will help foster good relations by supporting residents to feel safer in the town centre and therefore more likely to visit and socialise there.

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

There were a number of suggestions made by respondents to the consultation, which have been considered by officers. Responses to these suggestions can be found at Appendix 4 (Consultation table).

- *Increased area to include South Park and Victoria Embankment due to car damage & asb.*
- *Include land behind Halfords down to the river Skerne, including under Russell Street bridge. The proposal includes residential areas to the West of the Town Centre but not to the east across the ring road.*
- *Needs to coincide with additional law enforcement patrols covering the whole of the town.*
- *There should be a zero tolerance on drinking alcohol in public places – signs should be put in place.*
- *No cycling signs need to be erected in the town centre to curb the youths.*

## Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed	Name:	Anna Willey
	Date:	18 January 2019
	Job Title:	ASB & Civic Enforcement Manager
Assistant Director:		
Signed	Name:	Ian Thompson
	Date:	18 January 2019
	Service:	Community Services

## Section 7 – Reporting of Findings and Recommendations to Decision Makers

<p><b>Next Steps to address the anticipated impact</b> (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><b>b) Negative impact identified – recommend continuing with the activity</b> (Clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue. The EIA identifies potential problems or missed opportunities. Officers will advise to change the proposal to reduce or remove these adverse impacts, or the Council will achieve its aim in another way which will not make things worse for people. There must be compelling reasons for continuing with the proposal which will have the most adverse impacts.)</p>
<p><b>Explanation of why the option above has been chosen</b> (Including any advice given by legal services)</p>
<p>The recommendation to continue with the activity has been chosen because, as outlined during the EIA exercise:</p> <ul style="list-style-type: none"> <li>• Those protected characteristic groups identified as being more likely to be affected by the PSPO will only be affected as a result of them engaging in antisocial behaviour, not on the basis of a particular characteristic.</li> <li>• Individuals affected will be dealt with effectively and fairly: there will be a warning procedure in place and the enforcement of a PSPO will only be used as a last resort.</li> <li>• Under the PSPO officers will utilise their discretion when dealing with such issues and take enforcement action only when justified. There has been a considerable amount of work undertaken with partner agencies, such as The 700 Club in order to ensure people are offered the necessary support and assistance. This work and detail around the Begging Strategy is referenced in the main report.</li> </ul>

- In addition, authorised officers will be trained in identifying and sensitively dealing with any vulnerabilities relating to protected characteristics e.g. learning impairment, in order to mitigate against any negative impacts.

**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?)

Implementation of the PSPO and its impacts will be monitored closely during the first 6 months of its operation to ensure that no negative impacts on protected characteristic groups occur and that any mitigations can be put in place, if required.

## 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
Younger people more likely to be affected	Officers authorised to discharge the PSPO will be trained to ensure that where this power is used it is as a result of an individual or group's behaviour, rather than a protected characteristic		
Males more likely to be affected			
People with mental health issues potentially more likely to be affected	Should an individual be affected by a PSPO who feels unfairly targeted or particularly negatively affected due to a protected characteristic, they will be able to appeal by following a formal appeals process.		
People with learning impairments potentially more likely to be affected	Where a vulnerability is identified relating to a protected characteristic during the process of a PSPO being made, officers will be trained to respond sensitively and appropriately i.e. by referring to a relevant local support agency.		

<b>Performance Management</b>	
<b>Date of the next review of the EIA</b>	6 months
<b>How often will the EIA action plan be reviewed?</b>	Until confident all required mitigations and actions required have been identified and completed
<b>Who will carry out this review?</b>	Community Safety Management Team



**DARLINGTON BOROUGH COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**PUBLIC SPACES PROTECTION ORDER – DARLINGTON TOWN CENTRE  
Number 1 of 2019**

Notice is hereby given that Darlington Borough Council (“the Council”) in exercise of its powers under sections 59, 63, & 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in section 59 of the Act have been met, make the following order:-

**PRELIMINARY**

1. The Order applies to the land described by the map attached at Schedule 1 and shown edged red, being land in the area of the Council, to which the Anti-Social Behaviour, Crime & Policing Act 2014 applies.
2. The order may be cited as the Darlington Borough Council Public Spaces Protection Order – Darlington Town Centre and shall come into force on 1 March 2019 for the duration of 3 years. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.
3. The activities identified in paragraph 7 below have been carried out in public places within the Council’s area and have had a detrimental effect to the quality of life of those living in the locality.
4. The Council is satisfied that the conditions set out in sections 59, 63 & 72 of the Act have been met and that it is, in all the circumstances, expedient to make

this Order in order to seek to reduce the detrimental effect on the quality of life of those in the locality caused by the activities listed in paragraph 7 below.

5. The effect or likely effect of these activities is, or is likely to be, of a persistent or continuing nature, such as to make these activities unreasonable, and therefore justifies the restrictions imposed by this Order.
6. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

## **THE ACTIVITIES**

7. The Activities covered by this Order are:-
  - a) Persons drinking alcohol in public places which are not licensed premises
  - b) Begging
  - c) Threatening behaviour
  - d) Swearing
  - e) Obstruction of public access to buildings
8. The effect of this order is to impose the prohibitions on the use of the land as detailed below at all times.

## **THE PROHIBITIONS**

### **Consuming alcohol in a public place**

9. a) Any person who continues drinking alcohol in the designated area when asked to stop by a Police Officer, Police Community Support Officer or Authorised Person from the Council commits an offence.

- b) Any person who fails to surrender any alcohol in his possession when asked to do so by a Police Officer, Police Community Support Officer or Authorised Person from the Council commits an offence.

### **Begging**

10. No person shall sit or loiter on the highway or any pedestrian area for the purpose of begging or asking members of the public for money whether by placing an item before them for receipt of money or otherwise.

### **Threatening and intimidating behaviour**

11. No person shall use threatening or intimidating behaviour towards any other person.

### **Obstruction**

12. No person shall loiter so as to cause an obstruction on a public highway, either moving or stationary.

### **EFFECT OF FAILING TO COMPLY WITH THIS ORDER**

13. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order.
14. A person guilty of an offence under paragraph 9(a) or 9(b) above, in accordance with section 63 of the Act, is liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500).
15. A person guilty of an offence under paragraphs 10, 11 or 12 above, in accordance with section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000).

16. The full text of sections 63 and 67 of the Act is set out in Schedule 2 to this Order.

**FIXED PENALTY NOTICES**

17. A Police Officer, Police Community Support Officer or Authorised Person from the Council may issue a fixed penalty notice to any person he or she believes has committed an offence under section 63 or 67 of the Act. The person will then have 14 days to pay a fixed penalty of £100. If payment is received within 14 days they will not be prosecuted.

**CHALLENGING THIS ORDER**

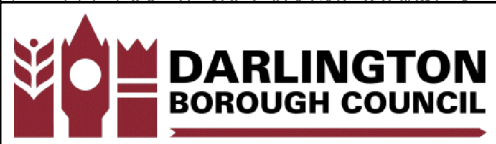
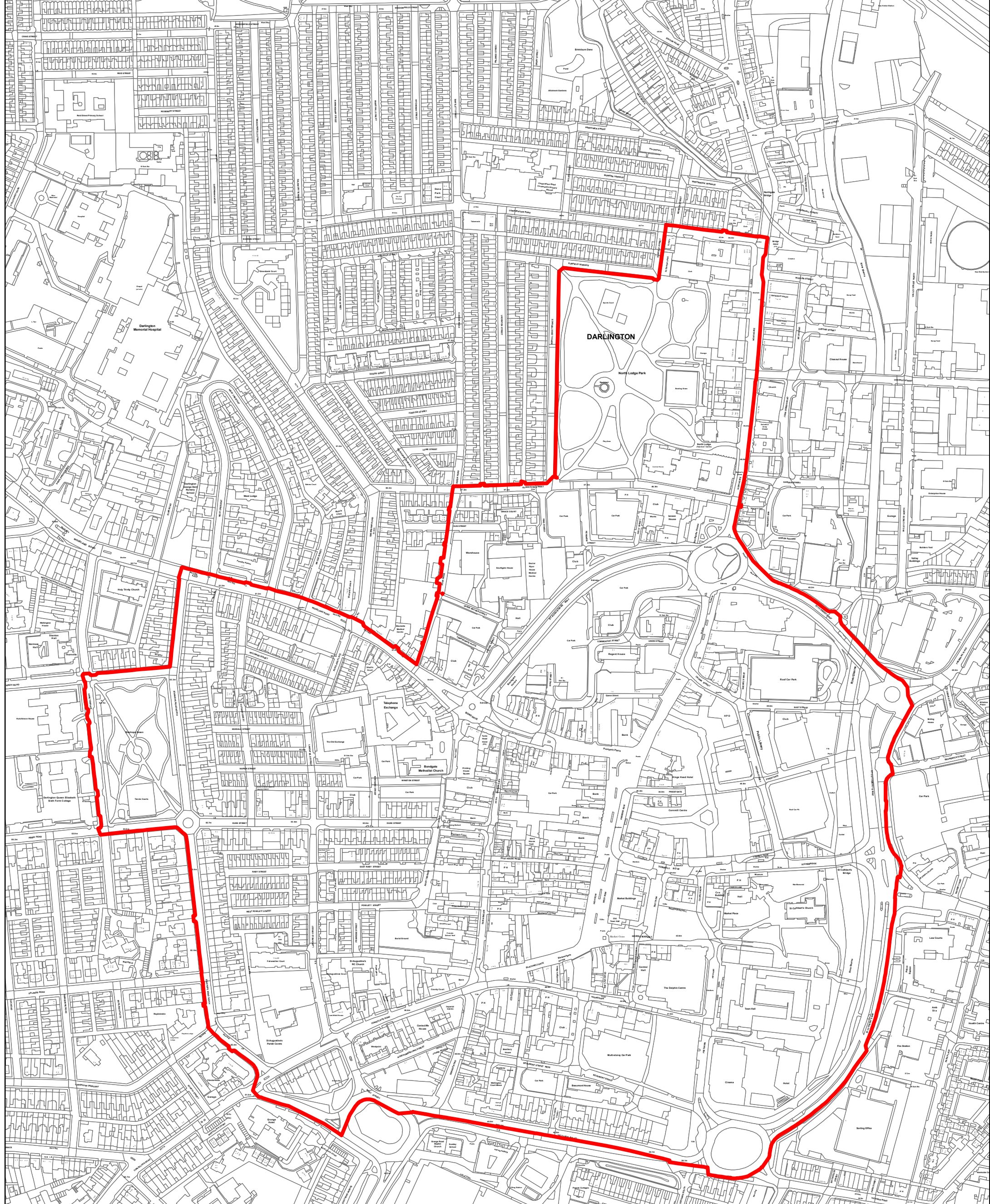
18. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. There is further detail regarding this in Schedule 3 attached.

GIVEN under the common seal of  
The Council of the Borough of Darlington

On the  
..... day of ..... 2019

THE COMMON SEAL of the  
Council of the Borough of Darlington  
was hereunder affixed in the presence of :-





Plan produced by Planning Policy,  
Economic Growth  
Scale 1:4,000 @ A3

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**Text of section 63 of the Act**

(1) This section applies where a constable or an authorised person reasonably believes that a person (P)—

(a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or

(b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “*authorised person*” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require P—

(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

(b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Text of section 67 of the Act**

(1) It is an offence for a person without reasonable excuse—

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

**Challenging this Order (Section 66 of the Act)**

1. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This right to challenge also applies where this Order is varied by the Council.
2. Interested persons can challenge the validity of this Order on two grounds: (1) that the Council did not have the power to make the Order, or to include particular prohibitions or requirements; or (2) that one of the requirements of the legislation has not been complied with.
3. When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.





# Darlington PSPO data

Date: November 2018

Produced by Samantha Level, Research and Analysis

Produced for CI Sue Robinson

Reference: RIR 263

**Handling Conditions:** *Contains sensitive information. Not for dissemination outside Durham Constabulary. Please contact author for redacted document if further dissemination is required*

## Contents

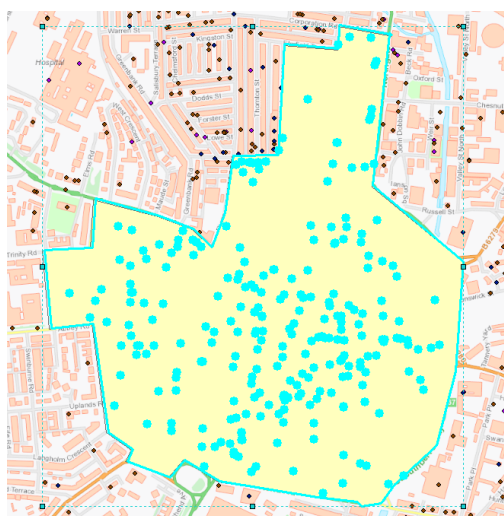
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## Introduction

Request was to provide data relating to an area of Darlington that will support an application for a Public Spaces Protection Order. The data relates to the crime of public order and incidents relating to anti-social behaviour, alcohol related incidents, youth related incidents and reports of begging. Time frame for the data export was from the 1<sup>st</sup> of June 2018 to the 26<sup>th</sup> November 2018. In order to provide begging data the update text of incident data was filtered using the term 'begging' and then each report was read to ensure relation to street begging [note this may only present a proportion of actual reports relating to begging]. Anti-social behaviour data was taken from the disposal of the incident (rather than opening codes). Incident data was examined using the qualifiers of alcohol and youth. The map used to produce the data polygon can be found at:

<https://www.darlington.gov.uk/media/7412/pspo-map.pdf>

The polygon below presents the data (in blue) within the proposed PSPO area:



## Findings

### Public Order

Between the 1<sup>st</sup> of June and 26<sup>th</sup> of November there were 56 public order offences in the PSPO area:

Offence Type	Count	% Overall
<b>Other Offences (Against The State And Public Order)</b>	<b>8</b>	<b>14.3%</b>
Affray	4	7.1%
Breach of a criminal behaviour order, Anti-social behaviour Crime and Policing Act 2014 Sec 30 (1)	2	3.6%
Breach of non-molestation order	1	1.8%
Committing or conspiring to commit, an act outraging public decency	1	1.8%
<b>Public Fear, Alarm or Distress</b>	<b>45</b>	<b>80.4%</b>
Causing intentional harassment, alarm or distress	13	23.2%
Fear or provocation of violence	16	28.6%
Harassment, alarm or distress	16	28.6%
<b>Racially or Religiously Aggravated Public Fear, Alarm or Distress</b>	<b>3</b>	<b>5.4%</b>
Racially or religiously aggravated fear or provocation of violence	3	5.4%
<b>Grand Total</b>	<b>56</b>	<b>100.0%</b>

36% of these offences were closed with the suspect identified:

Disposal	Count	% Overall
Adult Community Resolution	3	5.4%
Adult Simple Caution	4	7.1%
Charged	5	8.9%
Checkpoint	2	3.6%
Further Action by Another Body or Agency	1	1.8%
Further Investigation is Not in the Public Interest - Police	5	8.9%
Investigation Complete - No Suspect Identified	7	12.5%
Named Suspect Identified - Evidential Difficulties: Victim NOT Supportive	20	35.7%
Named Suspect NOT identified - Evidential Difficulties: Victim Declines or Unable to Support	1	1.8%
Summonsed	3	5.4%
Under Investigation	5	8.9%
<b>Grand Total</b>	<b>56</b>	<b>100.0%</b>

### Anti-Social Behaviour

Between the 1<sup>st</sup> of June and 26<sup>th</sup> of November there were 274 incidents of ASB in the PSPO area:

ASB Type	Count	% Overall
ASB ENVIRONMENTAL	27	9.9%
ASB NUISANCE	218	79.6%
ASB PERSONAL	29	10.6%
<b>Grand Total</b>	<b>274</b>	<b>100.0%</b>

64% of these incidents required immediate or priority deployment.

Of the 274 incidents of ASB 110 (40%) were given a youth qualifier, 87 (32%) had an alcohol qualifier and 16 (6%) had both alcohol and youth qualifiers.

### Alcohol and Youth Related Incidents

There were 1880 incidents overall (all categories – not just alcohol and youth) within the PSPO area between the 1<sup>st</sup> of June 2018 to the 26<sup>th</sup> November 2018. Of these, 495 (26%) had an alcohol qualifier, 184 (10%) had a youth qualifier and 22 (1%) had both alcohol and youth qualifiers.

### Begging

Between the 1<sup>st</sup> of June and 26<sup>th</sup> of November there were 18 reports of begging in the PSPO area [note caveat above]. These were mostly reported in relation to ASB:

Incident Type	Count	% Overall
ASB ENVIRONMENTAL	1	5.6%
ASB NUISANCE	14	77.8%
ASB PERSONAL	1	5.6%
SUSPICIOUS ACTIVITY	2	11.1%
<b>Grand Total</b>	<b>18</b>	<b>100.0%</b>

**Introduction**

Begging is a type of behaviour that is unacceptable in Darlington. With the colder weather now upon us, and Christmas approaching, the number of people taking to the streets and begging is rising. It is a lucrative activity with individuals gaining £40-£50 daily, and in some cases three times that figure. The majority of this money sustains the drugs trade. Moreover, the presence of individuals begging on the street increases the levels of fear of intimidation among the general public, particularly among those who are vulnerable (eg., elderly, disabled, and children). Those begging usually present themselves as homeless, surrounding themselves with blankets, plastic bags, etc., and other indicators, to suggest that they are living on the streets. We know that this is not the case, but is rather a fraudulent exploitation of public sympathy. The sites that beggars occupy, alongside cashpoints and car park pay stations, cause some people to avoid the town centre altogether. This has an impact upon the High Street, damaging retail and community cohesion.

Begging is not restricted to Darlington, it is a national issue. Attempting to respond to it has proved highly contentious. What is clear, however, is that it is an issue which no single agency can solve. Only by working together can the many organisations that have an interest in the problem, stop this form of antisocial behaviour. Hence the development of a strategy embracing all partners.

**A Strategic Approach.**

The strategic approach to begging in Darlington has four strands, comprising empathy, engagement, education, and enforcement.

**Empathy**

People beg for a variety of reasons. In order to change the behaviour, we need to understand what is motivating it. Our experience in Darlington, though it may be different in other places, is that homelessness is rarely a driver. Begging to feed an addiction is commonplace, whether to drugs, alcohol, and gambling. Some beg to meet everyday needs such as paying rent or paying an outstanding bill. And sadly, some are motivated simply by greed

Whatever it is that motivates an individual to beg, this strategy begins with the presupposition that the individual begging matters, and helping them to modify their behaviour contributes both to their well-being and to the well-being of the community. It also begins with an understanding that as a community we have the resources to meet any need that a person begging presents, and will not withhold them.

**Actions**

1. All partners to positively promote understanding of the precursors of begging to avoid any interventions being conceived as victimisation. The myth that beggars are casualties or victims of an uncaring community must be debunked.

**Engagement**

From empathy we move to engagement. For about 18 months now, the 700 Club has delivered an initiative to those begging in Darlington with a view to helping them overcome the need to beg. The initiative is funded in part by the PCVC and in part by Darlington Community Safety Partnership. A dedicated worker engages in support at street level, seeing and speaking to the individuals that beg approximately 3 times a week, and offering, on the spot, opportunities that include emergency accommodation (we have emergency accommodation that is available 24/7 with en-suite rooms, washing facilities and breakfast), access to the 700 Club and other Floating Support services, handholding to access the local authority homelessness pathway or to access substance misuse services, help with setting up benefits and maximising income, help with budgeting, help around mental and physical health. And a whole range of other types of intervention aimed at moving the individual away from the need to beg.

### **Actions**

1. Street level engagement funding to be maintained (CSP)
2. Street level engagement to be systematic rather than ad hoc, with each individual having a support plan in which all engagement and goals are documented. (700 Club, Police, Housing Option Team)
3. All agencies are equipped with information to give to those begging about what is available to them. Information would include how to access accommodation, food, or agencies to support them. This to be delivered in an appropriate form, i.e. leaflet, card.
4. Coordinate with the Streetlink initiative, and with Street Angels
5. Regular multi-agency meetings to be convened to share intelligence and to ensure that appropriate services are in place (lead agency, Police).

### **Education**

Begging continues because it is lucrative. Much of the good work achieved through engagement is easily undermined by the spontaneous generosity of members of public. Taken in by the presentation as homeless, money is uncritically placed into the begging bowl. Sadly, we know that such kindness can kill. Education of the public, therefore, must go hand in hand with the one-to-one engagement with beggars. This to include using posters, flyers, magazine and newspaper articles, and the "Have a Heart Give Smart" initiative. The objective is to stop people giving to individuals on the street, but rather to support the agencies that are trying to help them.

Interrupting the cash flow, making life harder for individuals who beg, will of itself motivate some to engage with agencies that can help them overcome the issues that lead them to beg. We acknowledge, however, that some individuals will simply seek an alternative revenue stream, and that acquisitive crime figures may be impacted. Police partners regard this as an acceptable risk.

### **Actions**

1. Local authority to produce posters, flyers, etc., and use media opportunities to engage the public in helping those who are begging in a constructive way.
2. Publicise all the work that is being done collectively to improve the situation of those who beg. Affirm that whether by support or enforcement, the best interest of the individual is primary.
3. Engage retailers, both in the daytime and nighttime economies.
4. Promote the "Have a Heart, Give Smart" campaign so that the public are made to feel part of the solution, rather than contributing to the problem. Being generous is a good thing, and it is important not to alienate the public by criticising acts of compassion.
5. 700 Club to create a giving portal, stating that money is given through it will be used directly in the support of those begging, and ring-fenced
6. Police and Local Authority to provide "talking heads" to underline the fact that this strategy is motivated predominantly by concern for the individuals begging.

### **Enforcement**

Because, some members of the public will always act on emotion rather than knowledge, begging will continue. To respond to this, consultation is currently in progress around the use of Public Space Protection Orders. The intention would be to remove those begging from public places where the public that sustain them are located. These orders to be imposed and enforced by Local Authority and Police working jointly.

The courts too have a part to play in this strategy. Efforts have been made to inform and educate magistrates so that they share in the determination to help those begging confront their issues as well as form legal judgements. Self-evidently, to simply present a beggar with a fine, leads to more begging.

A further enforcement tool is the best use of the powers contained within the Anti-Social Behaviour, Crime and Policing Act 2014 covering community protection warnings (CPW) and notices (CPN) and criminal behavior orders (CBO) in attempt to support both negative and positive behaviours.

Other powers such as reporting for public order, Obstruction of the Highway and the Vagrancy Act can also be considered, however should the offences be aggravated then arrest could be considered.

All police activity will be recorded as part of Operation Speedball; whose objective is to tackle anti-social behavior within the town centre which incorporates begging.

**Actions**

1. Judiciary to be educated in regard to this strategy, and to be kept informed through Chair of Magistrates - police liaison
2. All partners to contribute to the evidence base for enforcement, so that at the point of Orders being made, it is clear that significant effort has been made to encourage behavioural change outside of the judicial system.
3. Enforcement to be the response of last resort
4. Improved intelligence sharing amongst partners to identify key offenders, locations and times
5. All response teams to be rebriefed in relation to support Operation Speedball

As a caveat to all of the above, though rare Darlington, begging is sometimes used to fund organised crime under the auspices of gang-masters. This strategy is shaped by an understanding that those begging have needs, and by meeting those needs, however complex, their begging will stop. It does not apply to the category of begging motivated by crime or to deliberately defraud. This is a straightforward policing matter and will be dealt with accordingly.





Consultation Feedback - PSPO

Theme:	Comment:
<p><b>Anti-Social behaviour</b></p>	<p>“This is much needed. I am a resident of Northgate [text deleted to protect anonymity]. <i>Inserted text – There is a heritage bandstand in North Park and 100’s of events take place in the park.</i></p> <p>This Summer has been appalling in the park with underage people consuming alcohol, especially in the bandstand. Large amounts of cans and broken glass have been thrown from the bandstand almost daily at times in the Summer, which some residents have conscientiously cleared away and repeatedly reported. This is a danger for dog walkers. For cyclists.</p> <p>Children cannot play safely in the park. People do not feel safe.</p> <p>At times this has included, music and loud behaviour until the early hours, and people living opposite the park have been unable to sleep at the front of the homes.</p> <p>A fire was started in the bandstand towards the end of the summer. And no-one seems to know what happened, how it was thankfully put out, and who is responsible.</p> <p>Comments have been made on Social Media from people who use the park to walk into town about the amount of people drinking at all times of the days, at times occupying all of the benches.</p> <p>As there are no toilets in the park, the smell of urine near St Georges Hall is noticeable. Also in the bushes approaching the bandstand.</p> <p>St Georges Hall was converted into a hostel some years ago, against very strong local feeling, when people, including the Friends of the park and the Bangladeshi community wanted to use it as a community space.</p> <p>Great efforts were taken to reassure people that the residents would be short term people with low level needs and there would be little nuisance or poor behaviour. It seems that the place now houses people with alcohol problems and their issues are apparent to park users.</p> <p>There is a tree on the fountain field which is used for some kind of drug use, as tiny clear plastic sealed bags litter the ground underneath.</p> <p>These bags are found in other places in the park, and needles on litter picks.</p> <p>The area around North Lodge house, around the back has been used as a sleeping place or dumping ground as personal possessions, including children’s toys have been found there when litter picking.</p> <p>The park is the only green space for residents of this area.</p>

Theme:	Comment:
	<p>Around 2000 homes in the immediate vicinity have no gardens whatsoever, in the most densely populated area of town.</p> <p>The park is our garden.</p> <p>I very much hope this Order will be enacted and the park become a safe place for all to enjoy and respect.”</p>
	<p>“I think that the creation of a public space protection order is a good idea to reduce the anti-social behaviour in the town. However, I would like to see the area increased to include South Park and Victoria Embankment. As a resident of Victoria Embankment I am tired of the anti-social behaviour we receive from teenagers coming down the street to go to the park. Since moving in I have had damage caused to my car on 4 separate occasions from teenagers, 3 times I have had my wing mirror kicked and once my door kicked. Something needs to be done to stop this anti-social behaviour from a small minority of teenagers in the town.</p>
	<p>“A reasonable start but the introduction of the PSPO need to coincide with additional law enforcement patrols covering the whole of the town. Anti-Social behaviour is no way limited to the town centre”.</p>
	<p>“I fully support this proposal. I work in the town centre &amp; witness anti-social behaviour on a daily basis in &amp; around the town centre. Anything that can be done to make the town centre better place has my support.</p> <p>Currently, gangs of teenagers outside the Dolphin Centre shouting, swearing and generally intimidating the public is unacceptable. Groups of teens are often gathered outside the Dolphin Centre when families are trying to access swimming lessons etc. I believe this puts families off using these facilities.</p> <p>The gangs of adults drinking alcohol, and shouting abuse in &amp; around St Cuthbert’s Church is also unacceptable. What could be a nice seating area at the bottom of the market square is currently labelled a ‘no go’ area for the fear of abuse or intimidating behaviour from adults who are drinking alcohol on a daily basis.</p> <p>We need to do all we can to make Darlington a place people want to visit. We need to make it a pleasant experience for locals. As much as I have some sympathy for addicts, the poor, bored teens...we have to draw a line and start to lay down some ground rules to bring about the changes needed for our Town Centre.”</p>
	<p>“I am fully supportive of the PSPO as it will enhance Darlington Town Centre and make the Town a safer place for the public to visit”.</p>

Theme:	Comment:
	<p>"I don't like religious zealots obstructing High Row with their leaflet stand. Will they be asked to move on?"</p>
	<p>"I have read the draft wording of the order and agree with every element of it.</p> <p>Darlington town centre has become an intimidating place to be.</p> <p>During business hours there are alcohol-related issues in the town centre, as well as begging. This should be rectified.</p> <p>During evening hours there are large groups of intimidating youths who tend to loiter mostly outside the Dolphin Centre, but not exclusively in that location. I would suggest that the order also provide scope for dealing with large groups of loitering youths – unless the "threatening behaviour" element would cover this. The town centre does not feel like a safe place to be once the shops and offices have closed for the day.</p> <p>I only hope that if the order is implemented, there will be sufficient numbers of police officers available to enforce the order. There is no point having an order in place if there are no police officers or PCSOs are in the immediate vicinity. If I were to feel intimidated by gangs of youths in the town centre and there are no police officers present, what is the point in the order? I would have to call the police and wait for them to come to the town centre to move the culprits on. By that time, the damage is done and any decent person who reported them will have long since disappeared and had their evening spoiled".</p>
	<p>"yes I agree with tackling the anti-social behaviour in the town centre</p> <p>the alcoholics :</p> <p>there should be a zero tolerance on drinking alcohol in public places - signs should be put in place they should be moved on from there perch beside the boot and shoe on the arched seats -as the weather gets colder they move to the shelters of the coach stop opposite the town hall what must travellers think coming to Darlington and leaving Darlington when you wouldn't feel safe sitting waiting for your coach they sit outside the banks waiting for hand out .</p> <p>Today they are sat on the wall in the entrance of st Cuthbert's ( sunday 16th sept)as the market square holds a music festival - this shows they hold no respect for anything . the lane behind the boot and shoe which has an entrance to st Cuthbert's is also used as a toilet it stinks</p>

Theme:	Comment:
	<p>youths no cycling signs need to be erected in the town centre to curb the youths. You are talking of issuing fines - but how can you fine people who don't have any money to start with.?</p> <p>also this youth problem spills just out of the town centre ie gladstone street which has a number of off licenses / run down shops that cater to youths where they can send someone older in to buy there alcohol and cigarettes and hang around on their bikes."</p>
	<p>"I am in complete support of this order, something like this is needed for the Town."</p>
<b>Begging</b>	<p>"I am writing to input 2 comments into the consultation".</p> <ol style="list-style-type: none"> <li>1) It is dreadful to criminalise people driven to begging on the streets, due to hardship &amp; poverty. When did our Labour Council start caring so little about the citizens that it chooses to persecute desperation and poverty? Shameful.</li> <li>2) How do you propose to implement this order – a raft of PSCO's looking for people swearing!! Haven't you got more important things to do with the limited funding available? I would have thought in the current woefully underfunded era of public spending – money could be better directed towards providing services rather than persecuting what is likely to be the young, the desperate and substance dependant amongst us.</li> <li>3)</li> </ol>
	<p>"Whilst I think measures to reduce anti-social behaviour and threatening behaviour in the town are a good idea I am shocked to see begging included in this category. People beg out of desperation and proposing to fine them and criminalise them is heartless and has no place in civilised society. We should be introducing measures to help them not make their lives even more miserable. All of the people I have given assistance to have been appreciative and very well-mannered towards me, we do not need 'protecting' from people who are so unfortunate. There but for the grace of God go any of us."</p>
	<p>"I think this is a great idea as I'm sick of seeing 'homeless' people asleep in the town centre looking like they are dead! It's not nice walking past them with my 7 year old daughter getting scared thinking they are dead! And all the drunks who sit around town makes me want to move. It's disgusting when they shout &amp; swear, falling asleep wherever they want to."</p>

Theme:	Comment:
	<p>“Growing numbers of vulnerable homeless people are being fined, given criminal convictions and even imprisoned for begging and rough sleeping for up to FIVE YEARS.</p> <p>Yet Home Office guidance a year ago instructed councils not to target people for being homeless and sleeping rough. Now there are more than 50 local authorities with public space protection orders (PSPOs) in place.</p> <p>Homeless people are banned from town centres, routinely fined hundreds of pounds and sent to prison if caught repeatedly asking for money. Local authorities have issued hundreds of fixed-penalty notices and pursued criminal convictions for “begging”, “persistent and aggressive begging” and “loitering”.</p> <p>In Gloucester, a man was jailed for four months for breaching a PSPO issued for begging – about which the judge admitted “I will be sending a man to prison for asking for food when he was hungry” – and a man was fined £100 after a child dropped £2 in his sleeping bag.</p> <p>Lawyers, charities and campaigners have described PSPOs as “grotesque inhumanity”, saying disadvantaged groups were fined for being poor. They said civil powers were being used by overzealous councils who wanted to sweep inconveniences off their streets and sanitise town centres.</p> <p>Rosie Brighouse, a lawyer for Liberty: “Now we see dozens of local authorities using them to target marginalised groups and fine people for being poor. This approach just pushes people into debt or the criminal justice system.”</p> <p>Last December, then Home Secretary Rudd, a Conservative, told councils not to misuse antisocial behaviour laws by targeting homeless people. New guidance says PSPOs “should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community’s quality of life which justifies the restrictions imposed”.</p> <p>Some charities have called on the government to scrap PSPOs entirely, arguing they are an example of abuse of power and do not help take people off the streets, but push them further into debt and the criminal justice system.</p> <p>The Home Office has said: “We are clear that PSPOs should be used proportionately to tackle antisocial behaviour, and not to target specific groups or the most vulnerable in our communities.”</p> <p>What is particularly concerning to us, though, are four things:</p> <ol style="list-style-type: none"> <li>1) Rough sleepers are vulnerable to attack by “vigilantes”. We met one this week who had been taken to A&amp;E after around ten lads set on him. Our fear is that PSPOs give official credence to such bigotry, legitimising hatred of homeless people. And god knows we could do with less of that. Demonising all beggars this way ... not just those who are not as hard-up as they claim ... makes it seem OK for some people to take what they see as vigilante action.</li> <li>2) Our council is currently controlled by the Labour Party, for God’s sake. The party of the poor, powerless and destitute. The party of the downtrodden. Not the party that treads down the poorest.</li> </ol>

Theme:	Comment:
	<p>3) often, by companies with an incentive to hand out as many PSPOs as possible.</p> <p>4) Those issued with PSPOs receive no real justice. The case is not tested in a court. They are at the mercy of the individual who issues the order. With no public scrutiny. They are guilty and do not have the chance to plead innocence. Yes, they can appeal a fine, but who pays their legal fees and how long does that take? These are largely people without the capacity to take such action. If “an agent of the council” says they are guilty, off they have to trot.</p> <p>We have been accused of being naïve because of our opposition to PSPOs. On the contrary: we are extremely cynical about the reasons behind someone at Darlington Council, either official or elected member, putting PSPOs on the agenda. We suspect it has little to do with justice but much more to do with “tidying up” the central area. Because beggars don’t look very nice, do they? If it’s not about hiding beggars from view in the centre, why are Yarm Road and Victoria Road outside the prohibited area? Are people around the Hippodrome and the station not important enough to protect from harassment? What about people in Cockerton? For, under the proposed PSPO map, beggars will be allowed to continue operations there.</p> <p>Most importantly, though, the plan does not address the underlying causes of rough sleeping. It fails to take into account the steep rise in homelessness and the policy of austerity which feeds that. It just hides the scandal from the public’s view and therefore the public’s concern for the individuals. It will legitimise the kind of bigotry that resulted in Middlesbrough man [<i>name deleted to protect anonymity</i>] being spray painted as he sat in the street this summer. Next time, it might not be a paint gun, but a shotgun”.</p>
<b>Alcohol/Adults</b>	<p>“I have a small business in the town centre, I also live in the town centre [<i>text deleted to protect anonymity</i>] Skinnergate, in both areas I feel unsafe and vulnerable despite the CCTV. The relentless loud music this summer coming from the Old English Gentleman and the Turks Head pubs, although not in the market these pubs bring their fair share of undesirable prolonged drinkers, that then bring people who fight, argue, unsociable and very often violent behaviour outside my home where the taxi’s trade all night long much to my disapproval.</p> <p>We have had men using our doorway as a public convenience, and kicking the door in once they are kicked out of the Turks Head because they are so drunk &amp; disorientated. As I sit and write this to you one person is sat opposite in the Up &amp; Running doorway and another man has bounced off the window several times too drunk to walk and it is only 9pm. I would also like to add that the abuse associated with alcohol is unbelievable I cannot bring myself to repeat what I have heard, sobbing young women, which I am sure they will be damaged and many suffer from PTSD.</p> <p>So I support whole heartedly the implementation of PSPO. Although your plan may be a challenge, I look forward to a more safer and pleasant place to live and work, with a less rough, down trodden, scary town centre”.</p>

Theme:	Comment:
	<p>“I support the proposed PSPO. The snicket/wynd between the Boot &amp; Shoe pub and the church hall is regularly used as a toilet by the resident ‘drinkers’. I would also include a small parcel of land behind Halfords down to the River Skerne, including under Russell Street bridge. The bushes, grass lawn, concrete bank and space under the bridge are regularly used by substance abusers to consume their substance of choice and occasionally a place to go to the toilet.</p> <p>There also needs to be measures to ensure that substance abusers do not just ‘relocate’ to residential areas and public spaces in the town fringe area. Be aware that the proposed PSPO includes residential areas to the west of the town centre but not to the east across the ring road. This could be interpreted as neglect to the town fringe area, an area which is being ‘talked up’ as a ‘cultural hub’ being left to fend for itself. This issue needs to be addressed.</p>
	<p>“I have considered the Draft proposal for the proposed Public Spaces Protection Order, and feel it necessary to respond.</p> <p>I am a [<i>deleted to protect anonymity</i>] Solicitor based in the town centre. I deal routinely with people who are the subject of the suggested Order. I have to say that I find the proposal mean-spirited in part, unnecessary, and likely to create increased problems of criminality.</p> <p>For example:</p> <ol style="list-style-type: none"> <li data-bbox="528 831 2011 938">i. Does the prohibition on public drinking take into account the “pavement cafe” culture previously encouraged, and events from time to time put on in the town centre? Or is it the case that it is designed to victimise certain known individuals? There is potential for challenge if not administered fairly.</li> <li data-bbox="528 951 2011 1058">ii. Taking alcohol from a person in drink is liable to aggravate, rather than ameliorate, a situation. I can foresee greater Public Order offences being committed in response to such demands, particularly if the demands are made by ill-trained Council employees.</li> <li data-bbox="528 1070 2040 1370">iii. The prohibition on begging is a draconian way of dealing with vulnerable people. I have personal knowledge of some beggars, who are genuinely homeless and seek to raise funds for B and B accommodation. One, in particular, has spent the last few nights sleeping rough in significantly cold weather. Begging for this purpose, often where Benefits are sanctioned or delayed, is a “necessary evil”. Where the Council denies opportunities to accept donations from willing contributors, you will inevitable see a rise in town centre shoplifting and crimes of acquisition, if people are desperate to raise cash. In addition, there are offences in existence, under both the Vagrancy and Fraud Acts, that cover any concerns raised regarding begging.</li> </ol>

Theme:	Comment:
	<p data-bbox="526 164 1998 231">iv. Threatening/intimidating Behaviour is an offence under s.4 Public Order Act, making this prohibition pointless.</p> <p data-bbox="526 240 1323 272">v. Obstructing a Public Highway is also an offence.</p> <p data-bbox="479 320 2042 467">I think Due process is also important, and I have serious concerns about the increase of such powers to Officers and untrained employees. I suspect, as is often the case when powers are extended to Police and other bodies, they become a sledgehammer to crack a nut. As indicated above, I can foresee an escalation in town centre offending by virtue of attempts to enforce the Order.</p> <p data-bbox="479 515 1162 547">I am happy to discuss this further if the need arises.”</p>



**CABINET  
5 FEBRUARY 2019**

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**PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING  
QUARTER THREE 2018/19**

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

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

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## **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 £186.368m against an approved programme of £186.385m. 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 29 live projects currently being managed by the Council with an overall project outturn value of £69.819m. 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 October 2018

Brian Robson : Extension 6608  
Claire Hayes : Extension 5404

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 £82.118m.
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 October 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 & Neighbourhood Services	6	68,315,439	66,289,208	(2.97)	(2,026,231)
(b) People	23	3,530,550	3,530,550	0.00	0
<b>TOTAL</b>	<b>29</b>	<b>71,845,989</b>	<b>69,819,758</b>	<b>(2.82)</b>	<b>(2,026,231)</b>




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 & Neighbourhood Services	0	5	2	4	9	3	23
People	0	0	0	3	3	0	6
<b>TOTAL</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>12</b>	<b>3</b>	<b>29</b>

- (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 & Neighbourhood Services & Resources	0	21	2
People	0	6	0
<b>TOTAL</b>	<b>0</b>	<b>27</b>	<b>2</b>

- (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
<b>Live Projects from Project Position Statement</b>	<b>69.820</b>
Schemes closed or on hold within CP but awaiting PPS post project review.	25.346
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	23.867
Annualised Schemes excluded from PPS - Highways Maintenance	14.654
Annualised Schemes excluded from PPS - Children's Services School Maintenance	0.098
Non Construction excluded from PPS	22.497
Capital Investment Fund excluded from PPS	21.439
Projects under £75k are excluded from PPS reporting.	4.385
Schemes Included with PPS & CM Reporting	(0.490)
Capital schemes not yet integrated into PPS reporting.	4.325
<b>Capital Programme</b>	<b>186.368</b>

### 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**

<b>Department</b>	<b>Scheme</b>	<b>Value £</b>	<b>Reason for adjustment</b>	<b>Resource type adjusted</b>
Children Families & Learning	Multi use games area (MUGA) - Heathfield & St Teresas	(35,694)	Virement	Nil Effect
Children Families & Learning	George Dent Conservatory Works	(2,332)	Virement	Nil Effect
Children Families & Learning	General Capital works	38,026	Virement	Nil Effect
<b>Total</b>		<b>0</b>		

**Adjustments needing approval release**

<b>Department</b>	<b>Scheme</b>	<b>Value £</b>	<b>Reason for adjustment</b>	<b>Resource type adjusted</b>
Economic Growth & Neighbourhood Services	Indoor Market refurbishment	(12,832)	Resources no longer required	Funds moved back to centre
Economic Growth & Neighbourhood Services	Neasham Road Hurworth	15,000	S106 Neasham Road Hurworth	S106
Economic Growth & Neighbourhood Services	Darlington Arena	35,000	RCCO 17/18 Contribution to Neasham Road - Darlington Arena	RCCO
<b>TOTAL</b>		<b>37,168</b>		

**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 ▲ = Triangle ● = Circle ★ = 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	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					●	L	Economic Growth & Neighbourhood Services	Economic Growth	Ian Thompson	Brian Robson	L0115	£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					●	L	People	People	Tony Murphy	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					●	L	People	People	Tony Murphy	Rebecca Robson	E1850	£260,000	£260,000	£270,000	£270,000	£270,000	0	0	02-Oct-15	02-Oct-15	02-Oct-15	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					●	L	People	People	Tony Murphy	Julia McCabe	Various	£618,550	£618,550	£618,550	£618,550	£618,550	0	0	01-Sep-16	01-Sep-16	01-Sep-16	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 therefore this project was started within the holidays and reprogrammed for completion on 30th September.	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					●	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	Complete	An additional £150,000 has been 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 as the contractor had difficulties with the steel beam insulation and design.	DLO Delivery	DBC standard T&C. Total construction value tbc	Building Services	£708,117
170	Summer Works 17/2018					●	L	People	People	Tony Murphy	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	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 on Red Hall Primary School.	Regular valuations provided by Building Design Services. Awaiting Final Accounts.	Awaiting snagging lists on all jobs.	DLO Delivery	DBC standard T&C	Building Services	£332,965
171	MUGA's					●	L	People	People	Tony Murphy	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 run over by 3 weeks.	Final account agreed	Awaiting end of defects checks and sign off	DBC standard T&C	DBC standard T&C	Total Construction Value:	£279,977
211	Town Centre Fringe- Master Planning					●	L	Economic Growth & Neighbourhood Services	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 whole area, with masterplanning to be progressed in future years subject to availability of external funding. External funding from Single Programme has been secured for the masterplan. Workstreams allocated with regular project meetings both process and creative all instigated. Public engagement will be in spring /summer 2010 for scoping. Public engagement commenced - tenders have been issued for technical reports and some have been commissioned. PFR training has been undertaken for team members. TT events planned and completed. Publicised widely - link use with green infrastructure	ESK 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. Awaiting final invoices from highways feasibility work.	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, situation being monitored. Timetable and programme has slipped as outlined pending market recovery and revised consultation plan. Economic appraisal work will inform viability and any shortfall in funding. Has been delayed by NPPF and new Govt legislation on TIF's that would have affected deliverability and planning context. Town Centre Work has been prioritised, sets the context for the Fringe at points where these areas meet. Some issues around deliverability in the context of the need to develop housing sites quickly.	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					●	L	Economic Growth & Neighbourhood Services	Economic Growth	Paul Wildsmith	Brian Robson	L0118	£9,337,476		£9,337,476	£9,337,476	0	0	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					●	L	Economic Growth & Neighbourhood Services	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					●	L	Economic Growth & Neighbourhood Services	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	

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 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	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																													
226	Ingenium Parc Masterplan + Infrastructure						L	Economic Growth & Neighbourhood Services	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 arceological 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						L	Economic Growth & Neighbourhood Services	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				
228	Feethams House						L	Economic Growth & Neighbourhood Services	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 & Neighbourhood Services	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 - New Rail Accessway						L	Economic Growth & Neighbourhood Services	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	Economic Growth & Neighbourhood Services	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
437	Red Hall Courts Anfield and Aintree New Build Housing						L	Economic Growth & Neighbourhood Services	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	Economic Growth & Neighbourhood Services	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	The pre contract programme was delayed and the project didn't start on site until 5th Aug 16. On site the project slipped due a combination of delay in agreeing the Section 258 and workforce issues.	Under budget	Apartments handover April 17				
443	Allington Way New Housing						L	Economic Growth & Neighbourhood Services	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	Heavy ground conditions froma period of significant rainfall led to poor working conditions and delayed groundworks. During the site works an accident on site and subsequent HSE investigation led to a suspension of work and further delays.	significantly under budget. Further savings realised from drainage alterations.	Apartments to commence earlier in programme to ensure 2017 completion				
448	Jedburgh Drive New Housing						L	Economic Growth & Neighbourhood Services	Economic Growth	Pauline Mitchell	Richard Storey	H6738	£883,010	£930,755		£899,000	£936,101	4.1%	£37,101	26-Jan-18	26-Jan-18	04-May-18	98		YES	Clark Morrison	The price received from Building Services was higher than expected. Value engineering and a reduction in budget costs ensure the project could proceed although contingencies were significantly reduced. The project slipped during the pre contract phase. The contract was delayed on site over the winter period.						
449	Whitby Way						L	Economic Growth & Neighbourhood Services	Economic Growth	Pauline Mitchell	Richard Storey	H6739	£1,011,428	£975,000		£1,125,000	£1,109,562	-1.4%	£-15,438	18-May-18	18-May-18	30-Sep-18	135	Yes	YES	Clark Morrison	start on site 2/1/18 - Delay starting on site due to heavy ground conditions and a suspension of works in light of previous project problems.			Internal	Internal	DLO	£1,064,562
622	Central Park Junction and Spine Road						L	Economic Growth & Neighbourhood Services	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	



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 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	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																													
623	Parkgate Footbridge D&B						L	Economic Growth & Neighbourhood Services	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-Jan-19	21-Jan-19	0	YES	YES	Todd Milburn	Project CP3 signed. Tender process complete and tender awarded June 2017 £551k (now amended to two-stage £61k design, £552k construction including variation). Commenced on site 28/08/2010, completion date extended to January 2019 due to variation to works. Project now at CP4 stage.	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. Planned date of bridge installation postponed from 25th October 2018 due to high winds forecast. Proposed date Thursday 1st November (weather permitting).	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	Contract Awarded to Esh Construction	£613,613, incorporates revision to construction phase. Excludes Compensation Events.
626	Feethams Crossing						L	Economic Growth & Neighbourhood Services	Economic Growth	Andy Casey	Noel Walecki	TP802/TP0605	£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 & Neighbourhood Services	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 & Neighbourhood Services	Economic Growth	Andy Casey	Noel Walecki	TP722	£1,367,433			£1,367,433	£1,367,433	0	0				0	NO	YES	Noel Walecki							
629	Waters Lane Cycle Route						L	Economic Growth & Neighbourhood Services	Economic Growth	Andy Casey	Noel Walecki		£172,000			£172,000	£172,000	0	0				0	NO	YES	Noel Walecki							
630	Network Rail Crossway Road						L	Economic Growth & Neighbourhood Services	Economic Growth	Dave Winstanley	Brian Robson	R0145	£495,000			£495,000	£495,000	0	0	31-Mar-19	31-Mar-19		0	YES	YES	Noel Walecki				DBC	Agreed Contract Rates	Internal Bulding Services	
															£71,845,989	£69,819,758																	

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### 2018/19 Capital Resources Summary

Row Ref.		Approved Commitments £M	Virement of Resources £M	Variance £M	Total £M
1	<b>Capital Commitments</b>				
2	Brought forward from 2017/18	21.561			
3	2018/19 Capital Programme (released by Cabinet)	60.557			<b>82.118</b>
4	Projected (Under)/Over Spend				
5	<b>Total Commitments</b>	<b>82.118</b>	<b>0.000</b>	<b>0.000</b>	<b>82.118</b>
	<b>To Be Funded By:</b>				
	<b>External and Departmental Resources</b>				
6	External Funding and Departmental Supported Borrowing	0.000	-	-	<b>0.000</b>
7	Departmental Unsupported Borrowing	0.000	-	-	<b>0.000</b>
8	Capital Grants	24.004	-	-	<b>24.004</b>
9	Capital Contributions	6.125	-	-	<b>6.125</b>
10	Revenue Contributions	18.452	-	-	<b>18.452</b>
11	Capital Receipts - HRA	0.198	-	-	<b>0.198</b>
	<b>Total</b>	48.779	0.000	0.000	<b>48.779</b>
	<b>Corporate Resources</b>				
12	Capital Receipts (General Fund)/ Prudential Borrowing	33.339	-	-	<b>33.339</b>
	<b>Total</b>	33.339	0.000	0.000	<b>33.339</b>
13	<b>Total Resources</b>	<b>82.118</b>	<b>0.000</b>	<b>0.000</b>	<b>82.118</b>

### Corporate Resources Analysis

	£M	
14	Required Resources to fund 2018/19 expenditure (see above)	33.339
15	Other approved Capital Expenditure not included above see (1) below	4.377
16	<b>Total Planned Use of Corporate Resources</b>	<b>37.716</b>
	Less:	
17	Total Projected Capital Receipts (as per Appendix 3)	(5.897)
18	<b>Prudential Borrowing required to Fund Capital Programme</b>	<b>31.819</b>

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

	<u>£M</u>
Lump Sum PSD Payment pension fund	2.218
Highway Maintenance - Bridge maintenance	0.500
Capitalisation utilisation as per MTFP	0.687
Economic Growth Investment Fund	0.310
West Cemetery Extension	0.400
Slippage from previous years	0.262
<b>Total</b>	<b>4.377</b>

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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
<b><u>Less (as per approved capital programme)</u></b>				
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  
5 FEBRUARY 2019**

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## **REVENUE BUDGET MONITORING 2018-19 – QUARTER 3**

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

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

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### **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 £2.689m, an increase of £1.573m from the position reported at Quarter 2. The most significant changes are within Adult Services where there is a reported improvement of £1.193m and Corporately Managed Resources showing a £0.653m positive, movement. Details of which are explained further in this report.
3. The figures in this report increase projected balances at 31 March 2019 to £18.179m and will be reflected in the revised MTFP to Cabinet and Council in February.

#### **Recommendation**

4. It is recommended that :-
  - (a) The forecast revenue outturn for 2018-19 be noted.
  - (b) The proposed carry forward of resources referred to in paragraphs 14 to 19 be noted and approved.
  - (c) Further regular reports be made to monitor progress and take prompt action if necessary.

## Reasons

5. 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

6. 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 third 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.
7. The information in this report has been taken from the financial records for April to November and managers' projections for the remainder of the year, using their knowledge of events affecting the service they manage.
8. Overall the projected General Fund reserves position at 31<sup>st</sup> March 2019 is £18.179m.

### Departmental Resources

9. Departmental Resource projections are summarised in **Appendix 2** and detailed in **Appendices 2(a) to 2(d)**.
10. The **Children and Adult Services Group** is forecasting a year-end under spend, after carry forward requests, of £0.375m, an improvement of £0.807m from Quarter 2.
11. **Children's Services** – has a projected year end pressure of £2.209m, an increase of £0.316m on that reported for quarter two. Significant changes are as follows:
  - (a) The Assessment Care Planning and Looked After Children budgets are projected to be over spent by an additional £0.244m. This increased pressure has mainly resulted from the required use of agency workers to cover vacant posts that have either been recruited to but are awaiting the employee to start in post or to cover vacant posts arising from staff turnover, maternity and sickness absence. There is also agency provision to provide additional support to cover increased demand on the service. There continues to be a high demand for support payments to prevent children coming into care (Section 17 funding) and also a continuing requirement for legal and external professional services associated with children under a supervision order or an interim care plan.
  - (b) Adoption and Placements budgets are projected to be overspent by a further £0.070m. Whilst overall external placements have remained static expenditure has reduced by £0.090m due to changes in the needs of the children and the management of new placements. However this reduction has been offset by cost associated with the introduction of a new in-house foster carer offer which will support Darlington carers and potentially provide more capacity in-house to prevent further external placements. There has also been additional expenditure in Darlington's own residential homes following staffing changes and the use of agency staff to provide required vacancy cover.

## Development and Commissioning

- (c) The Development and Commissioning budget is projected to be under spent by £0.302m, however, once carry forwards are taken into account, this service areas budgets are projected to be on target.

## Education

- (d) The Education budgets are expected to be over spent by £0.063m, an increase of £0.016m from Quarter 2. Additional savings are projected within the Education budgets of £0.061m which arise from additional staff turnover and the use of grant funding. These savings have been offset by additional costs within school transport of £0.077m following the confirmation of routes for the 2018/19 academic year.

## Public Health

- (e) The Public Health budget is projected to be under spent by £0.104m in relation to the digital platform for health, however this amount is being carried forward as previously approved

### 12. **Adult Social Care and Health** – is forecasting an under spend, after a carry forward request, of £2.683m, an improvement of £1.193m.

- (a) The success of the adults transformation work in reviewing clients residential and nursing placements to ensure they are receiving the correct support has led to a further saving of £0.172m. There has also been a reduction in demand for placements in a residential setting, the work ongoing to support individuals remain in their own home has reduced anticipated demand in this area releasing funds of £0.500m.
- (b) We continue to be successful in the assessment of client contributions towards care packages which has increased by £0.330m and there has also been a recovery of monies from service users in regard to unrequired direct payments of £0.177m where packages have changed or finished.
- (c) Members will recall the Council was allocated additional improved better care fund (iBCF) funding over a three year period as part of the 2018 spring budget, conditions were attached to the allocation and approval required by the Health and Wellbeing Board. This funding is being utilised to reduce future demand and assist with sustainability. The programme of work falls over a couple of years and as such it is requested £1.213m is carried forward to 2019/20 as detailed in paragraph 18.

### 13. The **Economic Growth and Neighbourhood Services Group** is forecasting an under spend, after carry forward requests, of £0.063m, an improvement of £0.046m from Quarter 2.

- (a) Planning fees are expected to be £0.100m below target. Applications continued to be submitted from developers but it is anticipated there will be some slippage into 2019/20 for a number of larger applications. This can be managed from within existing Economic Growth resources.

- (b) While Highways is expecting to break even, overall there is some variation within service. Maintenance for both highways and street lighting is anticipated to over spend, this will however be offset by savings in staffing due to vacant posts, utilities as a result of the street lighting LED replacement programme and additional income from fees and higher than expected surpluses from the DLO.
  - (c) Building Services is anticipated to be £0.400m better than target. The improved position is partially due to cost saving as well as following the financial completion of a number of major construction projects during the year and the subsequent release of prudent contractor provisions.
  - (d) Corporate Landlord is expected to over spend by £0.185m, an increase of £0.085m from Quarter 2. The additional cost is due in part to further increases in utilities as well as increases in some material spends.
  - (e) Housing is forecasting an under spend of £0.054m, an improvement of £0.041m from Quarter 2 mainly due to a revision in the net income forecast from council tax costs.
14. The **Resources Group** is forecasting after carry forwards an over spend of £0.076m, an increase of £0.032m from Quarter 2.
- (a) There continues to be pressures for children's legal fees arising from increased cases with the projected pressure increasing by £0.075m, however these have been offset by savings in supplies and services budgets and staff turnover within Finance, Administration and HR.

15. The School balances and allocations are shown in **Appendix 2(e)**.

### **Carry Forward Requests**

16. Workforce Development £0.056m – to support the implementation of Signs of Safety Training and developing Strengths Based Approaches across Adults Services. A main focus of 2019/20 will be providing enhanced training across Adults Services as identified in Training Needs Analysis. Carry forwards will also be utilised to ensure that the training is effectively Impact Analysed. Additional spend will help to bring Adults Services in line with training provided for Children's Services.
17. Members will recall a carry forward request from last year underspend for equalities training, this programme is being developed and will cover the whole of the workforce and initial quotes from training providers indication additional funding will be required. It is therefore requested that £0.050m is carried forward from the under spend in the communications and engagement budget.
18. Economy £0.036m – to support the work carried out by the Economy team in the delivery of the economic growth agenda including continuing the Sector Proposition work.

19. Community Safety £0.080m – to provide resilience for the new Community Safety service as it becomes embedded following its launch in 2018/19. The funding will be used to support the work carried out by the enforcement teams to allow them to achieve the goals and objectives of the service.
20. Adults are requesting approval to carry forward £1.213m to support a review of the First Point of Contact to focus on demand management and the reablement teams following an Intermediate Care review to enable an improved reablement pathway, performance and business intelligence, changes to the assessment process and improved commissioning arrangements.
21. Prevention/Voluntary £0.111m – to protect the current allocation for prevention type services provided. The prevention budget supports some of the most vulnerable adults in the borough and these services help to manage demand further down the system, where people then may require more complex support. The voluntary sector budget provides support to community and voluntary organisations that work with vulnerable people which again reduces the requirement for people to need to access more complex services.

### **Council Wide and Corporately Managed Resources**

22. The Council Wide and Corporately Managed Resources projections show an improved position of £0.752m from quarter two. This is the result of additional one off government grant for Adults services of £0.313m that can be released to general reserves together with a one-off rebate from the Levy Account that the Government announced in December 2018 would be released to all authorities, our share of which is £0.346m. Council Wide budgets are projected to be under spent by £0.128m, an increase of £0.099m from Quarter 2, mainly due to the amount required for the additional pay award for 2018/19 being less than the estimated provision originally set aside in the MTFP.

### **Housing Revenue Account**

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

### **Collection Fund**

24. 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 and Rescue precept authorities and Central Government. At this stage in the year, no surplus or deficit is forecast.

### **Conclusion**

25. The Council's projected revenue reserves at the end of 2018-19 are £18.179m, £2.689m more than the initial 2018-22 MTFP position and includes a brought forward amount of £0.530m from 2017/18, a rebasing exercise of £0.425m, with the departmental/corporate resources forecast to be £1.734m better off.

26. Of the £18.179m projected reserves, we have a risk reserve balance of £4.350m and a commitment to use £11.932m to support the draft 2019–2023 MTFP, leaving £1.897m one off funding to further support the general fund moving forward.
27. Whilst the improved position is helpful it does not change the financial context in which the Council is currently planning.

### **Outcome of Consultation**

28. 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
<b>Medium Term Financial Plan (MTFP) :-</b>	
MTFP Planned Opening Balance 01/04/2018	20,233
Approved net contribution from balances	(4,743)
<b>Planned Closing Balance 31/03/2019</b>	<b>15,490</b>
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	128
Financing Costs	591
Adult Social Care Support Grant	307
Levy Account Surplus	346
<b>Projected General Fund Reserve (excluding Departmental) at 31st March 2019</b>	<b>17,817</b>
<b>Planned Balance at 31st March 2019</b>	<b>15,490</b>
<b>Improvement</b>	<b>2,327</b>

**Departmental projected year-end balances**

	Improvement / (decline) compared with 2018-22 MTFP £000
Children & Adults Services	375
Economic Growth & Neighbourhood Services Resources	63 (76)
<b>TOTAL</b>	<b>362</b>

**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)	1,372
Quarter 1 budget claw back	425
Departmental - Improvement / (Decline)	362
Improvement / (Decline) compared with MTFP	<b>2,689</b>
<b>Projected General Fund Reserve at 31st March 2019</b>	<b>18,179</b>

**GENERAL FUND REVENUE BUDGET MANAGEMENT 2018/19**

	Budget			Expenditure	Variance
	Original 2018/19	Approved Adjustments	Amended Approved Budget	Projected Outturn	
	£000	£000	£000	£000	
<b>Departmental Resources</b>					
Children & Adults Services	55,458	323	55,781	55,406	(375)
Economic Growth & Neighbourhood Services	18,448	1,495	19,943	19,880	(63)
Resources	9,468	360	9,828	9,904	76
<b>Total Departmental Resources</b>	<b>83,374</b>	<b>2,178</b>	<b>85,552</b>	<b>85,190</b>	<b>(362)</b>
<b>Corporate Resources</b>					
Council Wide	769	(705)	64	(64)	(128)
Financing Costs	915	0	915	324	(591)
<b>Contingencies Budget</b>					
Pensions	(2,370)	0	(2,370)	(2,370)	0
Apprentice Levy	195	0	195	195	0
<b>Futures Fund</b>	<b>(400)</b>	<b>2,900</b>	<b>2,500</b>	<b>2,500</b>	<b>0</b>
<b>Mid-Year Savings</b>					
Adult Social Care & Health based savings	0	400	400	0	(400)
Resources based savings	0	25	25	0	(25)
Adult Social Care Support Grant	0	0	0	(307)	(307)
Levy Account Surplus	0	0	0	(346)	(346)
<b>Total Corporate Resources</b>	<b>(891)</b>	<b>2,620</b>	<b>1,729</b>	<b>(68)</b>	<b>(1,797)</b>
<b>Net Expenditure</b>	<b>82,483</b>	<b>4,798</b>	<b>87,281</b>	<b>85,122</b>	<b>(2,159)</b>
<b>Contributions To / (From) Reserves</b>					
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
<b>General Fund Total (excluding 2017-18 b/f)</b>	<b>80,640</b>	<b>0</b>	<b>80,640</b>	<b>78,481</b>	<b>(2,159)</b>

**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 November £000	Projected Spend £000	Total Projection £000	
<b><i>Council Wide</i></b>							
Salary Pay Award	916	(825)	91	0	0	0	(91)
Airport	27	0	27	0	10	10	(17)
Senior Management Savings	(152)	120	(32)	0	(10)	(10)	22
Procurement Savings	(22)	0	(22)	0	(64)	(64)	(42)
	<b>769</b>	<b>(705)</b>	<b>64</b>	<b>0</b>	<b>(64)</b>	<b>(64)</b>	<b>(128)</b>
<b>In Year Over/(Under) Spend</b>	<b>769</b>	<b>(705)</b>	<b>64</b>	<b>0</b>	<b>(64)</b>	<b>(64)</b>	<b>(128)</b>

**REVENUE BUDGET MANAGEMENT UPDATE 2018/19**

	<b>Budget</b>			<b>Expenditure</b>			<b>(Under)/ Over Spend £000</b>
	<b>Original Budget £000</b>	<b>Approved Adjustments £000</b>	<b>Amended Approved Budget £000</b>	<b>Expenditure to November £000</b>	<b>Projected Spend £000</b>	<b>Total Projection £000</b>	
<b><u>Children &amp; Adults Services</u></b>							
<b><u>Director of Adults &amp; Children</u></b>	179	2	181	146	55	201	20
<b><u>Children &amp; Adult Services</u></b>							
Transformation & Performance	498	13	511	339	164	503	(8)
Business Support	1,186	33	1,219	827	416	1,243	24
	<b>1,684</b>	<b>46</b>	<b>1,730</b>	<b>1,166</b>	<b>580</b>	<b>1,746</b>	<b>16</b>
<b><u>Children's Services</u></b>							
Children's Services Management & Other Services	487	5	492	354	178	532	40
Assessment Care Planning & LAC	2,852	160	3,012	2,366	1,094	3,460	448
First Response & Early Help	2,269	(159)	2,110	356	1,675	2,031	(79)
Youth Offending / ASB	228	23	251	40	203	243	(8)
Adoption & Placements	11,416	(75)	11,341	9,120	4,049	13,169	1,828
Quality Assurance & Practice Improvement	452	2	454	228	206	434	(20)
	<b>17,704</b>	<b>(44)</b>	<b>17,660</b>	<b>12,464</b>	<b>7,405</b>	<b>19,869</b>	<b>2,209</b>
<b><u>Development &amp; Commissioning</u></b>							
Commissioning	1,943	140	2,083	1,466	577	2,043	(40)
Voluntary Sector	282	142	424	223	(5)	218	(206)
Workforce Development	183	26	209	(132)	285	153	(56)
	<b>2,408</b>	<b>308</b>	<b>2,716</b>	<b>1,557</b>	<b>857</b>	<b>2,414</b>	<b>(302)</b>
<b><u>Education</u></b>							
Education	2,046	68	2,114	(6,512)	8,406	1,894	(220)
Schools	0	0	0	508	(508)	0	0
Transport Unit	0	0	0	551	(268)	283	283
	<b>2,046</b>	<b>68</b>	<b>2,114</b>	<b>(5,453)</b>	<b>7,630</b>	<b>2,177</b>	<b>63</b>
<b><u>Public Health &amp; Community Safety</u></b>							
Public Health	99	0	99	209	(110)	99	0
Community Safety	0	0	0	0	0	0	0
Healthy New Towns	0	243	243	(24)	163	139	(104)
	<b>99</b>	<b>243</b>	<b>342</b>	<b>185</b>	<b>53</b>	<b>238</b>	<b>(104)</b>
<b><u>Adult Social Care &amp; Health</u></b>							
External Purchase of Care	25,223	(43)	25,180	8,271	12,789	21,060	(4,120)
Intake & Reablement	892	(248)	644	1,274	(651)	623	(21)
On-going Long Term Care - Older People	1,336	10	1,346	992	370	1,362	16
On-going Long Term Care - Physical Disability	5	0	5	27	(22)	5	0
On-going Long Term Care - Learning Disability	1,691	(73)	1,618	1,096	496	1,592	(26)
On-going Long Term Care - Mental Health	888	46	934	737	386	1,123	189
On-going Long Term Care - Children's	443	4	447	329	163	492	45
Service Development & Integration	860	4	864	635	250	885	21
<b>Total Adult Social Care &amp; Health</b>	<b>31,338</b>	<b>(300)</b>	<b>31,038</b>	<b>13,361</b>	<b>13,781</b>	<b>27,142</b>	<b>(3,896)</b>
<b>In Year Over/(Under) Spend</b>	<b>55,458</b>	<b>323</b>	<b>55,781</b>	<b>23,426</b>	<b>30,361</b>	<b>53,787</b>	<b>(1,994)</b>
<b><u>Carry Forward Requests</u></b>							
<b><u>Previously agreed (for information)</u></b>							
Futures Fund - Voluntary Sector							50
Futures Fund - Public Sector							85
Healthy New Towns Digital Platform							104
							<b>239</b>
<b><u>Requiring approval</u></b>							
Workforce Development - To provide additional training							56
Adults - First Point of Contact review							1,213
Development & Commissioning - Prevention Services							111
							<b>1,380</b>
<b>Revised In Year Over/(Under) Spend</b>							<b>(375)</b>

## 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 November £000	Projected Spend £000	Total Projection £000	
<b><u>Economic Growth &amp; Neighbourhood Services</u></b>							
Director of Economic Growth & Neighbourhood Services	164	2	166	90	78	168	2
<b><u>Planning, Economic Initiatives &amp; Asset Management</u></b>							
AD Economic Initiative	128	3	131	88	(3)	85	(46)
Building Control	134	13	147	85	68	153	6
Built & Natural Environment	145	22	167	114	32	146	(21)
Consolidated Budgets	152	(39)	113	0	112	112	(1)
Development Management	(112)	26	(86)	33	(30)	3	89
Economy	294	(36)	258	16	189	205	(53)
Environmental Health	270	12	282	82	162	244	(38)
Experience Darlington	40	(5)	35	15	20	35	0
Place Strategy	296	89	385	218	134	352	(33)
Property Management & Estates	(606)	3	(603)	(510)	(52)	(562)	41
	<b>741</b>	<b>88</b>	<b>829</b>	<b>141</b>	<b>632</b>	<b>773</b>	<b>(56)</b>
<b><u>Capital Projects, Transport &amp; Highways</u></b>							
<b><u>Planning</u></b>							
AD Transport & Capital Projects	121	1	122	81	40	121	(1)
Building Design Services	28	5	33	(68)	102	34	1
Capital Projects	173	33	206	103	80	183	(23)
Car Parking R&M	577	(34)	543	505	23	528	(15)
Concessionary Fares	3,221	38	3,259	2,148	1,111	3,259	0
Flood & Water Act	82	0	82	(31)	113	82	0
Highways	2,400	218	2,618	1,497	1,289	2,786	168
Highways - DLO	(504)	55	(449)	559	(1,108)	(549)	(100)
Investment & Funding	(23)	422	399	59	181	240	(159)
Regeneration Projects	139	3	142	91	21	112	(30)
Sustainable Transport	189	8	197	135	62	197	0
	<b>6,403</b>	<b>749</b>	<b>7,152</b>	<b>5,079</b>	<b>1,914</b>	<b>6,993</b>	<b>(159)</b>
<b><u>Community Services</u></b>							
AD Community Services	121	1	122	82	40	122	0
Allotments	9	0	9	5	6	11	2
Building Cleaning - DLO	77	34	111	(74)	180	106	(5)
Cemeteries & Crematorium	(818)	6	(812)	(587)	(239)	(826)	(14)
Dolphin Centre	479	(21)	458	76	350	426	(32)
Eastbourne Complex	(21)	2	(19)	5	(28)	(23)	(4)
Emergency Planning	94	0	94	42	52	94	0
Head of Steam	231	1	232	181	51	232	0
Hippodrome	(41)	122	81	90	19	109	28
Indoor Bowling Centre	13	8	21	4	17	21	0
Libraries	827	20	847	493	354	847	0
Markets	2	0	2	2	0	2	0
Move More	0	0	0	(108)	108	0	0
Outdoor Events	174	53	227	203	24	227	0
School Meals - DLO	23	8	31	81	(52)	29	(2)
Strategic Arts	101	18	119	106	13	119	0
Street Scene	4,701	184	4,885	3,438	1,447	4,885	0
Transport Unit - Fleet Management	(12)	(7)	(19)	(741)	723	(18)	1
Waste Management	2,745	0	2,745	1,475	1,245	2,720	(25)
Winter Maintenance	416	1	417	364	57	421	4
	<b>9,121</b>	<b>430</b>	<b>9,551</b>	<b>5,137</b>	<b>4,367</b>	<b>9,504</b>	<b>(47)</b>

## 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 November £000	Projected Spend £000	Total Projection £000	
<b><u>Economic Growth &amp; Neighbourhood Services</u></b>							
<b><u>Community Safety</u></b>							
AD Regulatory Services	114	(98)	16	16	0	16	0
CCTV	200	34	234	83	141	224	(10)
Community Safety	100	161	261	79	112	191	(70)
Environmental Crime Team	45	(23)	22	20	2	22	0
General Licensing	0	0	0	(47)	47	0	0
Parking	(2,011)	2	(2,009)	(1,407)	(640)	(2,047)	(38)
Private Sector Housing	8	32	40	(31)	55	24	(16)
Stray Dogs	53	(5)	48	36	12	48	0
Taxi Licensing	0	0	0	(108)	108	0	0
Trading Standards	221	2	223	117	99	216	(7)
Youth Offending	12	(56)	(44)	43	(83)	(40)	4
	<b>(1,258)</b>	<b>49</b>	<b>(1,209)</b>	<b>(1,199)</b>	<b>(147)</b>	<b>(1,346)</b>	<b>(137)</b>
<b><u>Building Services</u></b>							
Construction - DLO	(443)	26	(417)	(2,789)	1,972	(817)	(400)
Maintenance - DLO	(344)	(35)	(379)	960	(1,339)	(379)	0
Other - DLO	0	55	55	29	21	50	(5)
Corporate Landlord	2,549	145	2,694	1,990	889	2,879	185
	<b>1,762</b>	<b>191</b>	<b>1,953</b>	<b>190</b>	<b>1,543</b>	<b>1,733</b>	<b>(220)</b>
<b><u>General Support Services</u></b>							
Works Property & Other	105	0	105	101	4	105	0
<b><u>Joint Levies &amp; Boards</u></b>							
Environment Agency Levy	105	0	105	78	27	105	0
Outside Contributions	51	0	51	0	49	49	(2)
	<b>156</b>	<b>0</b>	<b>156</b>	<b>78</b>	<b>76</b>	<b>154</b>	<b>(2)</b>
<b><u>Housing</u></b>							
Local Taxation	344	99	443	622	(185)	437	(6)
Rent Rebates / Rent Allowances / Council Tax	(132)	0	(132)	14,040	(14,172)	(132)	0
Housing Benefits Administration	141	34	175	285	(148)	137	(38)
Customer Services	470	(149)	321	296	15	311	(10)
Homelessness	301	2	303	(11)	314	303	0
Service, Strategy & Regulation and General Services	130	0	130	(763)	893	130	0
	<b>1,254</b>	<b>(14)</b>	<b>1,240</b>	<b>14,469</b>	<b>(13,283)</b>	<b>1,186</b>	<b>(54)</b>
<b>In Year Over/(Under) Spend</b>	<b>18,448</b>	<b>1,495</b>	<b>19,943</b>	<b>24,086</b>	<b>(4,816)</b>	<b>19,270</b>	<b>(673)</b>
<b><u>Carry Forward Requests</u></b>							
<b><u>Previously agreed (for information)</u></b>							
Dolphin Centre - Softplay income reduction (due to refurbishment) - previously agreed in 2017/18							32
Strategy - Balance of resources earmarked for Local Plan (previously agreed)							22
Economic Growth - Long Term Resilience & Longevity (previously agreed)							420
Community Safety - Initiatives (previously agreed)							20
							<b>494</b>
<b><u>Requiring approval</u></b>							
Economy - Business Engagement (incl. sector proposition, etc.)							36
Community Safety - Support service delivery							80
							<b>116</b>
<b>Revised Over/(Under) Spend</b>							<b>(63)</b>

**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 November £000	Projected Spend £000	Total Projection £000	
<b><u>Resources</u></b>							
<b>Managing Director</b>	391	(140)	251	224	22	246	(5)
<b>Darlington Partnership</b>	16	1	17	(59)	76	17	0
<b><u>AD Resources</u></b>							
Finance & Governance	1,349	26	1,375	1,046	287	1,333	(42)
Financial Assessments & Protection	208	3	211	154	57	211	0
Communications & Engagement	839	95	934	588	288	876	(58)
Systems	657	72	729	563	204	767	38
Xentrall (D&S Partnership)	1,461	32	1,493	976	518	1,494	1
Human Resources	527	57	584	450	97	547	(37)
Health & Safety	141	(15)	126	92	14	106	(20)
	<b>5,182</b>	<b>270</b>	<b>5,452</b>	<b>3,869</b>	<b>1,465</b>	<b>5,334</b>	<b>(118)</b>
<b><u>AD Law &amp; Governance</u></b>							
Complaints & FOI	168	2	170	128	66	194	24
Democratic Services	1,203	48	1,251	640	582	1,222	(29)
Registrars	(40)	5	(35)	(37)	36	(1)	34
Administration	720	(27)	693	478	182	660	(33)
Legal & Procurement	1,069	10	1,079	814	396	1,210	131
Coroners	182	15	197	(12)	209	197	0
	<b>3,302</b>	<b>53</b>	<b>3,355</b>	<b>2,011</b>	<b>1,471</b>	<b>3,482</b>	<b>127</b>
<b><u>AD ICT</u></b>	577	176	753	105	640	745	(8)
<b>In Year Over/(Under) Spend</b>	<b>9,468</b>	<b>360</b>	<b>9,828</b>	<b>6,150</b>	<b>3,674</b>	<b>9,824</b>	<b>(4)</b>
<b><u>Carry Forward Requests</u></b>							
<b><u>Previously agreed (for information)</u></b>							
Human Resources - Equality & Diversity training (previously agreed)							30
<b><u>Requiring approval</u></b>							
Communications & Engagement - Equality & Diversity training							50
							<b>76</b>

**BUDGET MANAGEMENT 2018/19**

<b>SCHOOLS PROJECTED BALANCES 2018/19</b>					
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	%
<b><u>Primary</u></b>					
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%
<b>Primary Total</b>	<b>831</b>	<b>6,860</b>	<b>7,691</b>	<b>769</b>	

# Academy application approved

**HOUSING REVENUE ACCOUNT 2018/19**

	<b>Budget</b>			<b>Expenditure</b>			<b>(Under)/ Over Spend £000</b>
	<b>Original Budget £000</b>	<b>Approved Adjustments £000</b>	<b>Amended Approved Budget £000</b>	<b>Expenditure to November £000</b>	<b>Projected Spend £000</b>	<b>Total Projection £000</b>	
<b><u>Housing Revenue Account</u></b>							
<b><u>Income</u></b>							
Working Balance Brought Forward	0	0	0	(13,884)	0	(13,884)	(13,884)
Rents Of Dwellings (Gross)	(19,619)	0	(19,619)	(13,380)	(6,440)	(19,820)	(201)
Sundry Rents (Including Garages & Shops)	(446)	0	(446)	(280)	(179)	(459)	(13)
Charges For Services & Facilities	(3,055)	0	(3,055)	(341)	(2,795)	(3,136)	(81)
Contribution towards expenditure	(290)	0	(290)	0	(304)	(304)	(14)
Interest Receivable	(25)	0	(25)	0	(25)	(25)	0
<b>Total Income</b>	<b>(23,435)</b>	<b>0</b>	<b>(23,435)</b>	<b>(27,885)</b>	<b>(9,743)</b>	<b>(37,628)</b>	<b>(14,193)</b>
<b><u>Expenditure</u></b>							
Management	5,442	0	5,442	3,863	1,269	5,132	(310)
Maintenance	3,917	0	3,917	1,056	2,861	3,917	0
Capital Financing Costs	3,525	0	3,525	0	3,525	3,525	0
Revenue Contribution to Capital Outlay	14,681	0	14,681	0	14,681	14,681	0
Rent Rebate Subsidy Limitation	30	0	30	50	0	50	20
Increase in Bad Debt Provision	350	0	350	0	350	350	0
Working Balance Carried Forward	(4,510)	0	(4,510)	22,916	(12,943)	9,973	14,483
<b>Total Expenditure</b>	<b>23,435</b>	<b>0</b>	<b>23,435</b>	<b>27,885</b>	<b>9,743</b>	<b>37,628</b>	<b>14,193</b>
<b>(Surplus)/Deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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