

Cabinet Agenda



5.00 pm Tuesday, 10 September 2019
Firthmoor Community Centre, Burnside
Road, Darlington. DL1 4SU

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

1. Introductions/Attendance at Meeting.
2. Declarations of Interest.
3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.
4. To approve the Minutes of the meeting of this Cabinet held on Tuesday, 9 July 2019 (Pages 1 - 10)
5. Matters Referred to Cabinet –
There are no matters referred back for reconsideration to this meeting
6. Issues Arising from Scrutiny Committee –
There are no issues referred back from the Scrutiny Committees to this Meeting, other than where they have been specifically consulted on an issue and their comments are included in the contents of the relevant report on this agenda
7. Key Decisions:-
 - (a) Special Educational Needs and Disabilities (SEND) Capital Projects - Release of Funds – Report of the Director of Children and Adults Services (Pages 11 - 16)
 - (b) IN2 Project – Report of the Director of Economic Growth and Neighbourhood Services and the Director of Children and Adults Services (Pages 17 - 28)
8. Review of Outcome of Complaints Made to Ombudsman –
Report of the Managing Director, Director of Children and Adults Services and the Director of Economic Growth and Neighbourhood Services (Pages 29 - 34)

9. Complaints, Compliments and Comments Annual Reports 2018/19 – Report of the Managing Director, Director of Children and Adults Services and the Director of Economic Growth and Neighbourhood Services (Pages 35 - 144)
10. Public Spaces Protection Order - Darlington Town Centre – Report of the Director of Economic Growth and Neighbourhood Services (Pages 145 - 162)
11. Regulation of Investigatory Powers – Report of the Managing Director (Pages 163 - 166)
12. Investment Fund Update – Report of the Managing Director (Pages 167 - 172)
13. Release of Capital Allocation in the MTFP - Town Hall Refurbishment in Block D and Remedial Works to the Bridge Centre for Visual Arts, Hundens Lane – Report of the Director of Economic Growth and Neighbourhood Services (Pages 173 - 176)
14. Treasury Management Annual Report and Outturn Prudential Indicators 2018/19 – Report of the Managing Director (Pages 177 - 198)
15. Sale of Four Riggs Car Park, off Bondgate, Darlington – Report of the Director of Economic Growth and Neighbourhood Services (Pages 199 - 206)
16. Membership Changes - To consider any Membership Changes to Other Bodies to which Cabinet appoints.
17. 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.
18. Questions.

EXCLUSION OF THE PUBLIC AND PRESS

19. 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 of the Act.

PART III NOT FOR PUBLICATION

20. Schedule of Transactions – Report of the Director of Economic Growth and Neighbourhood Services (Exclusion Resolution No. 3) (Pages 207 - 208)

21. 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.

22. Questions.



Luke Swinhoe
Assistant Director Law and Governance

Monday, 2 September 2019

Town Hall
Darlington.

Membership

Councillors Crudass, Dulston, Howell, Johnson, Marshall, Mills, Mrs H Scott and Tostevin

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

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DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE MONDAY 22 JULY 2019

CABINET

Tuesday, 9 July 2019

PRESENT – Councillors Mrs H Scott (Chair), Crudass, Dulston, Howell, Johnson, Marshall, Mills and Tostevin

INVITEES – Councillors Curry, Harker, K Nicholson and Snedker

ALSO IN ATTENDANCE – Councillors Culley, Donoghue, Durham, B Jones and McCollom.

C17 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C18 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.

C19 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY, 11 JUNE 2019

Submitted – The Minutes (previously circulated) of the meeting of this Cabinet held on 11 June 2019.

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

REASON - They represent an accurate record of the meeting.

C20 MATTERS REFERRED TO CABINET

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

C21 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C22 KEY DECISIONS:-

(1) SCHOOL TERM DATES 2021/22

The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children and Adults Services (previously circulated)

requesting that consideration be given to the school term date arrangements (also previously circulated) for Darlington maintained schools for the academic year 2021/22, and to publishing those arrangements by the end of July 2019.

The submitted report stated that 42 schools within Darlington, and their respective Governing Bodies, had been consulted on the proposed school term dates for the 2021/22 Academic Year and outlined the responses to that consultation.

Discussion ensued on the number of schools that responded to the consultation; to the school term dates in North Yorkshire and County Durham; and to the possibility of undertaking further consultation in order to ensure dates were co-ordinated.

RESOLVED – That the proposed school term dates for Darlington maintained schools for the academic year 2021/22, as appended to the submitted report, be agreed for publication.

REASON - The draft dates are the ones preferred by the majority of schools and Governing Bodies that responded to the consultation, which ended on 24 May 2019.

(2) DARLINGTON PREVENTING HOMELESSNESS AND ROUGH SLEEPING STRATEGY 2019/24

The Cabinet Member with the Housing, Health and Partnerships Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the Darlington Preventing Homelessness and Rough Sleeping Strategy 2019/24 (also previously circulated).

The submitted report stated that Section 1(1) of the Homelessness Act 2002 requires housing authorities to carry out a homelessness review for their area and to formulate and publish a homelessness strategy based on the results of the review every five years; the strategy consisted of four main sections; following concern from the Government about rough sleeping, homeless strategies had been rebadged as homeless and rough sleeping strategies; outlined the aim of the strategy; and stated that the Adults and Housing Scrutiny Committee had been consulted on the draft strategy.

RESOLVED - That the Preventing Homelessness and Rough Sleeping Strategy 2019/24, as appended to the submitted report, be approved.

REASON - The Strategy identifies current and future needs and how we can best meet those needs.

(3) FIXED PENALTY NOTICE CHARGES

The Cabinet Member with the Community Safety Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to updating the existing charges for Fixed Penalty Notices (FPN's) with regard to environmental crime.

The submitted report stated that new legislation had been introduced that enabled the

Council to issue FPN's for a wider range of offences, such as fly tipping and littering from vehicles; outlined the proposed charges for those offences; and arrangements that would apply for under 18's who committed offences.

Discussion ensued on the increase in charges; how they compared with other neighbouring local authorities; how any additional revenue would be spent; and the enforcement of the domestic waste receptacle offences.

RESOLVED - That the proposed charges and early discount payments, as detailed in the appendix to the submitted report, be approved, with an implementation date of October 2019.

REASON - To provide an effective deterrent against environmental crime within the Borough.

(4) BOROUGH OF DARLINGTON PROPOSED SUBMISSION LOCAL PLAN 2016-36

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the changes to the Darlington Local Plan following the consultation that had taken place between 21 June and 2 August 2018; the publication of the Proposed Submission copy of the Local Plan (incorporating the proposed changes) for the statutory six-week period to allow representations to be received prior to submission for independent examination; a number delegated powers to the Director of Economic Growth and Neighbourhood Services in consultation with the Economy and Regeneration Portfolio Holder as set out in the recommendations to the submitted report; and requesting that consideration be given to the revised timetable and process for producing the new Local Plan (including the revision of the Local Development Scheme).

A report from the Place Scrutiny Committee was circulated at the meeting to update Cabinet on the findings of the Task and Finish Review Group established to undertake a review of the draft Borough of Darlington Local Plan 2016/36. The report made a recommendation to Cabinet in respect of the removal, from the plan, of the Springfield Park access road for the Skerningham development.

RESOLVED – That as a result of the recommendation from the Place Scrutiny Committee, the decision on the Borough of Darlington Local Plan 2016/36, be deferred to a later date, to enable further traffic modelling work to be carried out for the Skerningham development.

REASON – To comply with the wishes of Cabinet.

(5) REDEVELOPMENT OF THE VICTORIAN INDOOR MARKET

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the allocation of funds for the redevelopment of the Darlington Victorian Indoor Market.

The submitted report stated that in 2017 the Council entered into a partnership

agreement with Market Asset Management Limited (MAM) for the management and refurbishment of the Victorian Indoor Market and the management and improvement of Darlington's outdoor market; outlined the aims of the partnership; the partnership agreement with MAM; the work undertaken with MAM to ensure the necessary works were delivered in a timely fashion; the main elements of the redevelopment proposals; and the financial and legal implications.

Particular references were made to the inclusion of toilets in the plans for the Indoor Market; the funds available through the Government's Future High Street Fund; and to the loss of stalls in the Indoor Market.

RESOLVED – (a) That the principle of making the additional investment, from the Tees Valley Combined Authority Indigenous Growth Fund, in the Victorian Market project for the development of the Winter Garden and food and beverage outlets, as detailed in the submitted report, be supported.

(b) That Director of Economic Growth and Neighbourhood Services, in conjunction with the Portfolio Holder for Economy and Regeneration, be given delegated authority to proceed and to bring a further update back to Cabinet when costings are finalised, planning is confirmed, and an execution plan detailed.

REASON – To contribute to the further economic wellbeing and vitality of the Town Centre.

(6) ANNUAL PROCUREMENT PLAN

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the Annual Procurement Plan (also previously circulated) and updating Cabinet on the contracts previously designated as Strategic and on the decisions taken by the Procurement Board, to waive the Contract Procedure Rules, and agree direct contract awards.

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

- (i) the contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Director, as listed in the plan at Appendix 1 of the submitted report; and
- (ii) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1 of the submitted report, be delegated to the Procurement Board to approve and report back to Cabinet.

(b) That the update on contract waiver decisions made by Procurement Board, as detailed in the submitted report, be noted.

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

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

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

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

C23 CORPORATE PARENTING PANEL - REVISED ARRANGEMENTS

The Cabinet Member with the Children and Young People Portfolio introduced the report of the Director of Children and Adults Services (previously circulated) requesting that consideration be given to the revised arrangements for the Corporate Parenting Panel and to updating the Panel's Terms of Reference accordingly.

The submitted report stated that at the request of the young people, a workshop was held at their meeting on 2 October 2018 with the aim of reviewing how the Corporate Parenting Panel worked.

RESOLVED - That the proposal to hold formal and informal meetings of the Corporate Parenting Panel, be approved, and the subsequent amendments to each of the Terms of References, as appended to the submitted report, be approved.

REASONS – (a) The role of the Corporate Parent is a statutory responsibility of all Members of Darlington Borough Council regardless of political alignment.

(b) There is a need to ensure that corporate parenting responsibilities are fulfilled in an open and transparent manner.

(c) Members need to be assured that a high standard of provision and service to children looked after is maintained.

(d) Members are aware of the work the Corporate Parenting Panel undertakes on the wider Council's behalf.

C24 DARLINGTON TOWN CENTRE STRATEGY 2019-2030

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously

circulated) requesting that consideration be given to commencing public consultation on the draft Darlington Town Centre Strategy 2019/30 (also previously circulated).

The submitted report stated that the Town Centre was a key element in the economic, social and environmental fabric of the town; given the changes in both the environment of the high street and changes in peoples shopping habits there was a need to develop plans that had business investment at their heart and be focussed on transforming the place into a complete community hub incorporating health, housing, arts, education, entertainment, leisure, business/office, as well as retail; outlined the aim and vision of the Town Centre Strategy; the four geographical areas where intervention was required to deliver the strategy; the financial and legal implications; and the proposed consultation approach.

Particular reference was made at the meeting on the need to consult on the strategy in a more meaningful way how in order to gain the views and interest of the public.

RESOLVED - That the Town Centre Strategy 2019/30, as appended to the submitted report, be supported, and a consultation exercise on the Strategy be undertaken with stakeholders, partners and communities.

REASONS – (a) To ensure that the Council has an established and agreed vision for the future of Darlington 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.

C25 RELEASE OF CAPITAL PROGRAMME FUNDING FOR LAND ASSEMBLY, SITE DESIGN AND DEVELOPMENT IN THE TOWN CENTRE

The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the release of £10m of capital funding from the Tees Valley Indigenous Growth Fund, for land assembly, site design and development, and bring forward regeneration projects and prepare sites for development within Darlington Town Centre which supports the delivery of the Town Centre Strategy 2019/30.

The submitted report stated that the funding was required for up front expenditure to purchase land/buildings, prepare sites and stimulate development to enable the Council to deliver its priorities and to meet income targets in the Medium Term Financial Plan, through attracting new business, delivering new homes and growing the economy; the developed sites were expected to achieve either capital receipts and / or lead to new business rates income, new jobs and new homes within the Town Centre; and stated that additional funding was also likely to be available through the Government's Future High Street Fund.

RESOLVED – (a) That the £10m of funding from the Tees Valley Combined Authority (TVCA) Indigenous Growth Fund, be released, subject to the completion of due diligence and release by TVCA, which will be targeted in key intervention areas

within the Town Centre which will have the greatest impact and aligned to the Town Centre Strategy, those interventions to include:

- (i) strategic site assembly including purchase of land and buildings;
- (ii) ensuring sites are 'development ready'; and
- (iii) public realm improvements and infrastructure investment.

(b) That £150,000 of advanced design fees allocated in the 2019/20 Medium Term Financial Plan to support the economic objectives of the Council, be released.

(c) That delegated authority be given to the Director of Economic Growth and Neighbourhood Services, in consultation with the relevant Portfolio Holder(s), for expenditure of the TVCA Indigenous Growth Fund for individual projects, land acquisitions and commitments of up to £1,000,000 in value.

(d) That individual projects acquisitions and commitments of over £1,000,000, be brought back to future Cabinet meetings for agreement which will detail specific interventions and funding required.

REASONS – (a) To provide funding for regeneration projects and bring sites forward for development.

(b) Ensure decisions can be made in a timely manner to bring sites and building forward for development.

C26 DISPOSAL OF LAND AT FAVERDALE EAST BUSINESS PARK

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) seeking approval to the sale of approximately 2.525 acres of land at Faverdale East Business Park, Darlington, as shown hatched on the plan appended to the submitted report, subject to the grant of planning permission for development.

The submitted report stated that the Council owned land at Faverdale East Business Park which was available for inward investment/industrial development; a number of plots had already been sold; and that an enquiry had been received to purchase a plot of land.

RESOLVED – (a) That the leasehold sale of 2.525 acres of land at Faverdale East Business Park, as shown on the plan appended to the submitted report, be approved on the terms as set out in Appendix B Part III of the submitted report.

(b) That the Assistant Director for Law and Governance be authorised to document the sale of the property accordingly.

REASONS – (a) To achieve a capital receipt for the Council.

(b) To assist business development and job creation in Darlington.

C27 XENTRALL SHARED SERVICES ANNUAL REPORT 2018-19

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to reviewing the progress and performance of Xentrall Shared Services, the Stockton and Darlington Partnership.

The submitted report stated that Xentrall Shared Services, the Stockton and Darlington Partnership, was established in May 2008 and had just celebrated its twelfth year; the agreement covered ICT (strategy and operations), Transactional HR, Transactional Finance and Design and Print; the initial savings that were identified were £7.4 m over a ten year period; and that those savings had been achieved plus additional efficiencies and benefits totalling £14.6m of savings; and that in recognition of the success of the partnership it had been amended from the original ten year period into an on-going rolling agreement

RESOLVED - That Cabinet note the report and acknowledge the continuing success of Xentrall Shares Services and the £14.6m savings it has achieved over the eleven years since it was formed.

REASON - To allow Members to receive information about the progress of the partnership.

C28 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER ONE 2019/20

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director and the Director of Economic Growth and Neighbourhood Services (previously circulated) providing a summary of the latest Capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme; an update on the current status of all construction projects currently being undertaken by the Council; and seeking approval to a number of changes to the programme.

The submitted report stated that the projected outturn of the current Capital Programme was £175.806m against an approved programme of £175.533m; the investment was delivering a wide range of improvements to the Council's assets and services; the programme remained affordable; the Council had 27 live projects, with an overall project outturn value of £52.005m, the majority of which were running to time; and that the projects were managed either by the Council's in-house management team, a Framework Partner or by Consultants source via an open/OJEU tender process.

RESOLVED – (a) That the status position on construction projects, as detailed in the submitted report, be noted.

(b) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 20 of the submitted report, be noted.

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.

C29 REVENUE BUDGET MONITORING 2019-20 - QUARTER 1

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director (previously circulated) providing an early forecast of the 2019/20 revenue budget outturn as part of the Council's continuous financial management process and informing Cabinet of the budget rebasing exercise carried out following the 2018/19 outturn results.

The submitted report stated that the latest projections following the budget rebasing exercise showed an overall improvement of £0.679m, which was primarily due to the rebasing exercise which returned £0.511 to general reserves, along with £0.168m of balances following the 2018/19 outturn underspend; the risk contingency established in the Medium Term Financial Plan (MTFP) for Children's Services of £0.308m had been required and utilised; and that overall departmental expenditure, taking into account the rebasing exercise, was forecasting a break-even position.

RESOLVED – (a) That the forecast revenue outturn for 2019/20, as detailed in the submitted report, be noted.

(b) That further regular reports be made to monitor progress and take prompt action if necessary.

REASONS – (a) To continue effective management of resources.

(b) To continue to deliver services to agreed levels.

C30 PROPOSED WRITE-OFF OF IRRECOVERABLE DEBTS 2018-19

The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Managing Director and the Director of Economic Growth and Neighbourhood Services (previously circulated) seeking approval from Cabinet for the write-off of former Housing tenant rent arrears, Housing Benefit overpayments, Non-Domestic Rates, Council Tax and Sundry Debtor invoices with individual values greater than £500 that are considered to be irrecoverable.

Particular references were made to the need for more information as to the 'other reasons' for the writing off of Housing Benefit overpayments and on the way the recoverable debts information was recorded.

RESOLVED - That a total amount of £77,315 of former Housing tenant arrears, £262,305 of Housing Benefit overpayments, £1,017,702 of Non-Domestic Rates and Council Tax, and £155,749 of Sundry Debtor invoices be written-off, subject to steps for recovery being taken, wherever possible, if and when contact is made.

REASONS – (a) It is considered all practical steps have been made to recover the

debts.

(b) To enable the Council's accounts to be maintained in accordance with the Financial Procedure Rules.

C31 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

**DECISIONS DATED –
FRIDAY 12 JULY 2019**

CABINET
10 September 2019

**SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) CAPITAL PROJECTS
– RELEASE OF FUNDS**

**Responsible Cabinet Member -
Councillor Paul Crudass, Children and Young People Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. To seek Members' agreement to:-
 - (a) the proposed Special Educational Needs (SEND) capital projects; and
 - (b) releasing the capital funds in relation to this programme.

Summary

2. This report seeks Cabinet approval for the release of £3,099,209 of schools capital funding to support the development of two special educational needs resource bases for pupils with Social, Emotional and Mental Health (SEMH) needs. These projects were proposed as part of the SEND Strategy which was approved by Cabinet on 5 March 2019.
3. The proposed projects are a primary SEMH unit at Red Hall Primary School for 16 pupils at a cost of £1,572,289 and a secondary SEMH unit at Rise Carr College for 15 pupils plus 4 assessment places at a cost of £1,526,920.
4. The Council has been allocated £848,837 by DFE from the Special Provision Fund and it is proposed to use £700,000 from that fund for these two projects. The remainder is to be retained to support the development of a secondary SEND resource base for pupils with Moderate Learning Difficulties (MLD). It is proposed that the remainder of the funding, £2,399,209, is drawn down from the Basic Need Capital allocation.
5. All projects will be managed in line with the Corporate Capital Process procedures.

Recommendation

6. It is recommended that Members:
 - (a) agree to support the development of the SEMH units at Red Hall Primary School and Rise Carr to meet the need identified in the SEND Strategy.
 - (b) agree to release £700,000 from the Special Provision Fund allocation and £2,399,209 from the Basic Need Capital allocation, with delegated authority to the Director of Children and Adult Services to manage the authorisation of this funding.

Reasons

7. The recommendations are supported by the following reasons:
 - (a) Release of the funds will enable capital investment to be undertaken in the SEND areas identified with the greatest need; and
 - (b) Development of the SEMH units will provide an important link in the escalation process for children and young with SEND. Hopefully reducing the number who eventually progress into specialist provision often out of area.

Suzanne Joyner
Director of Children and Adults Services

No background papers were used in the preparation of this report

Paul Richardson: Extension 6015

S17 Crime and Disorder	Capital investment to improve local facilities will contribute to the reduction of crime and disorder.
Health and Well Being	The capital projects outlined in this report will continue the Council's drive to provide buildings that enhance children's life chances and opportunities to thrive.
Carbon Impact	All work undertaken will be designed and constructed with sustainability in mind and aim to reduce the carbon footprint, and re-use energy and environmental resources.
Diversity	These projects will allow children with special educational needs to be educated in the local community.
Wards Affected	Schools located in: North Road and Red Hall & Lingfield.
Groups Affected	Children and young people of school age (5-16) in Darlington.
Budget and Policy Framework	This report does not recommend a change to the budget and policy framework.
Key Decision	This is a key decision due to the amount of funding Members are requested to release.
Urgent Decision	For the purpose of the 'call-in' procedure this does not represent an urgent matter.
One Darlington: Perfectly Placed	The Capital Programme is consistent with Aspiring Darlington: providing high quality facilities that support modern approaches to education in schools and for lifelong learning.
Efficiency	These projects should reduce the number of pupils travelling outside of the borough to specialist placements
Impact on Looked After Children and Care Leavers	The proposed projects have no specific impact on Looked After Children or Care Leavers

MAIN REPORT

Background

8. The SEND Strategy that was approved by Cabinet in March 2019 identified a number of key priorities these included:
 - (a) Ensuring that young people are in the right placement with the right support
 - (b) Building capacity in mainstream settings to enable children and young people to be education in appropriate settings locally
 - (c) Achieving 'Best Value' (human, physical and financial resources) from all our services
9. The SEND Strategy also identified a need to commission local provision to meet need and manage demand. This included a primary SEMH base, a secondary SEMH base and a secondary MLD base.
10. The increased place capacity which the introduction of the new bases will support, will help the Local Authority to address the pressures on the High Needs block which is significantly overspent. The introduction of the bases will contribute to the High Needs block recovery plan to bring the budget back into line. It is anticipated that each child placed in the new bases will save an average of £43K per pupil per academic year on the cost of an external placement to an independent special school.
11. Following a tendering exercise Red Hall Primary School came out as the successful bidder for the SEMH primary base and Rise Carr College for the SEMH secondary base. No bids were received for the secondary MLD base; however a second tendering round is underway for that provision.

Proposed Capital Works

12. Following the successful bids colleagues from the council have been working with the two schools to develop the projects and designs are now complete.
13. The Red Hall project will be made up of two classrooms with a central communal area and three 'break-out' rooms. The additional space will be an extension to the existing school building with a separate entrance for pupils but with direct access to the main school for staff.
14. The Rise Carr project will be a separate building on the site made up of two classrooms, a communal area and four 'break-out' rooms. There will be a separate access for pupils, staff access to the main site will be via a covered walkway.
15. The costs for the two projects are given in the table below and in light of DFE space and building requirements for this type of provision represent value for money. All pupils will have Education, Health and Care Plans (EHCPs) and revenue funding for the pupils will come from the high needs block.

	Total Cost	SEND Grant	Basic Need
Red Hall	£1,572,289	£350,000	£1,222,289
Rise Carr	£1,526,920	£350,000	£1,176,920
Total	£3,099,209	£700,000	£2,399,209

16. Subject to Cabinet approval it is proposed to submit planning applications for the two projects week commencing 16th September with a planned construction start date of January 2020 and occupation by September 2020.
17. A four week statutory consultation will also need to be undertaken, following Cabinet approval, for the establishment of special educational needs provision at the schools concerned. This is required under DfE statutory guidance – [‘Making significant changes \(prescribed alterations\) to maintained schools’ – October 2018](#).

Risks

18. There are a number of risks to completing these two projects on programme as the timescale is tight. These include:
- (a) Planning, highways and other statutory body requirements impacting on the proposed projects
 - (b) Potential objections to the ‘prescribed alteration’ during the consultation
 - (c) Unforeseen site specifics or adverse weather
19. The local authority has taken a number of actions to mitigate these risks including undertaking environmental surveys and initial discussions with statutory bodies.
20. Expenditure on feasibility costs and design and survey fees to date is around £187,000. These costs have been funded ‘at risk’ from education capital.
21. A checkpoint has been put in the delivery programme for April 2020 to review the proposed completion date in case of slippage. This will allow sufficient time to reschedule the recruitment of staff and the review of placement process for potential pupils if required. The April date will also mean that any impacts of adverse weather over the winter or unforeseen site issues have been identified.

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**CABINET
10 SEPTEMBER 2019**

IN2 PROJECT

**Responsible Cabinet Member -
Councillor Paul Howell, Leisure and Local Environment Portfolio
Councillor Paul Crudass, Children and Young People Portfolio**

**Responsible Directors -
Ian Williams, Director of Economic Growth and Neighbourhood Services
Suzanne Joyner, Director of Children and Adults Services**

SUMMARY REPORT

Purpose of the Report

1. This report seeks Cabinet approval to commit the remaining budget of £208,000 secured from the capital receipts for Darlington Arts Centre and from Eastbourne School to deliver an inclusive cultural programme working with Darlington schools over three years. The proposed In2 programme would work with six schools and is informed by a successful pilot which ran from May to July 2019. It will encourage wellbeing and focus on the impact of arts and sports engagement in encouraging a successful transition from primary to secondary schools, which has been identified as a key issue in Darlington.

Summary

2. Darlington Borough Council secured capital receipts from the sale of the Darlington Arts Centre site and the Eastbourne School site and Cabinet has considered recommendations in previous reports on how these were utilised. A proportion of these capital receipts, £90,000 from Darlington Arts Centre and £118,000 from Eastbourne School, remains unallocated.
3. Darlington Borough Council supported a pilot programme working with a cohort of pupils from Corporation Road Primary School and Longfield Academy between May 2019 and July 2019. This ten-week pilot programme, titled In2, aimed to use sport and the arts as early intervention tools to address aspiration, behavioural and health and wellbeing challenges in school age children.
4. The pilot programme included engagement with both art (Corporation Road Community Primary School) and sports (Longfield Academy) and was well received by both schools. Both were actively involved in programme delivery and would welcome opportunities to be involved in an extended programme.

5. This report proposes to apply learning from the pilot to a three-year programme involving four primary schools and two secondary schools in Darlington with particular focus on the transition from Year 6 to Year 8 and recommends that the remaining capital receipt from Darlington Arts Centre and Eastbourne School is allocated to this.
6. The extended programme would be managed by Darlington Borough Council and expects to work with a variety of organisations and services who have relevant expertise in working with children, including Theatre Hullabaloo.
7. Should Cabinet agree to utilise the unspent capital receipt for this three-year programme, fundraising work will be undertaken in 2019/20 to extend the programme budget.
8. Evaluation of impact on the children participating will continue throughout the programme and may present opportunities to apply learning from the Durham Commission research supported by Arts Council England and expected in September 2019 which “aims to identify ways in which creativity, and specifically creative thinking, can play a larger part in the lives of young people from birth to the age of 25, both within and beyond the current education system.”
9. Dialogue with the NHS, including local Children and Adolescent Mental Health Services (CAMHS), and the council’s Children and Young People Services around aligning with their evaluation methods and approach to supporting good mental health and general health and wellbeing in school-age children has begun. Continued inclusion in the Darlington Local Transformation Plan (LTP) Steering Group is expected to support delivery of this collaborative approach. The LTP is a statutory document, refreshed on an annual basis, which outlines collective progress by partners, including the council and Darlington CCG, to improve children and young people’s mental health.
10. The proposed programme will commence in 2019/20 subject to Cabinet approval.

Recommendations

11. It is recommended that:-
 - (a) Cabinet agree to allocate uncommitted capital receipt from Darlington Arts Centre of £90,000 and Eastbourne School site of £118,000 to support a three-year programme of activity, which will work with Darlington schools through art and sport to encourage wellbeing and a successful transition from primary to secondary school. This will be utilised as per paragraph 36 in the financial implication.
 - (b) Cabinet agree to receive annual update reports on the three-year programme if recommendation (a) is agreed.

Reasons

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

- (a) Over the last decade there has been significant research which demonstrates the health and wellbeing benefits derived from engagement with the arts and sport, including the Arts and Culture in Health and Wellbeing and in the Criminal Justice System, research released by Arts Council England earlier this year, which makes a compelling argument for using the arts and physical activity as tools to tackle mental health and health and wellbeing challenges across the community.
- (b) The proposed three-year programme will focus on work with a small cohort of pupils in depth and seeks to support those children engaged through the transition from Year 6 to Year 8. This focus has been informed by learning taken from the In2 pilot programme which ran from May to July 2019 and responds to longstanding challenges facing North East schools around the transition from primary to secondary, including scoring poorly on KS4 progress.

Ian Williams
Director of Economic Growth and
Neighbourhood Services

Suzanne Joyner
Director of Children and Adults
Services

Background Papers

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

Ian Thompson/Stephen Wiper : Extension 6628/6051
CD

S17 Crime and Disorder	The intention of this programme is to engage children and young people in diversionary activities to improve their opportunities and wider wellbeing outcomes. A reduction in crime and disorder therefore may therefore be a secondary outcome.
Health and Well Being	The proposal aims for positive impact on the wellbeing of participants. Impact on wellbeing will be a component of programme evaluation
Carbon Impact	No direct impacts
Diversity	No direct impacts
Wards Affected	The proposed programme will involve 4 primary schools and 2 secondary schools Primary: <ul style="list-style-type: none"> • Corporation Road Community Primary School - Northgate Ward • Firthmoor Primary School - Eastbourne Ward • Northwood Primary School - North Road Ward • The Rydal Academy – Bank Top and Lascelles Ward Secondary: <ul style="list-style-type: none"> • Longfield Academy – Harrowgate Hill Ward • St Aidan's Church of England Academy – Stephenson Ward
Groups Affected	The proposed programme is focused on children aged ten to thirteen attending the above schools.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework
Key Decision	This is a key decision.
Urgent Decision	No
One Darlington: Perfectly Placed	The proposal aims to deliver the outcome of Giving Children the Best Start in Life outlined in One Darlington Perfectly Placed.
Efficiency	No adverse impact on the efficiency of Darlington Borough Council. Fundraising will be undertaken to expand the proposed programme if the recommendation is supported and the project is scalable
Impact on Looked After Children and Care Leavers	The proposal is not focused on Looked After Children and Care Leavers

MAIN REPORT

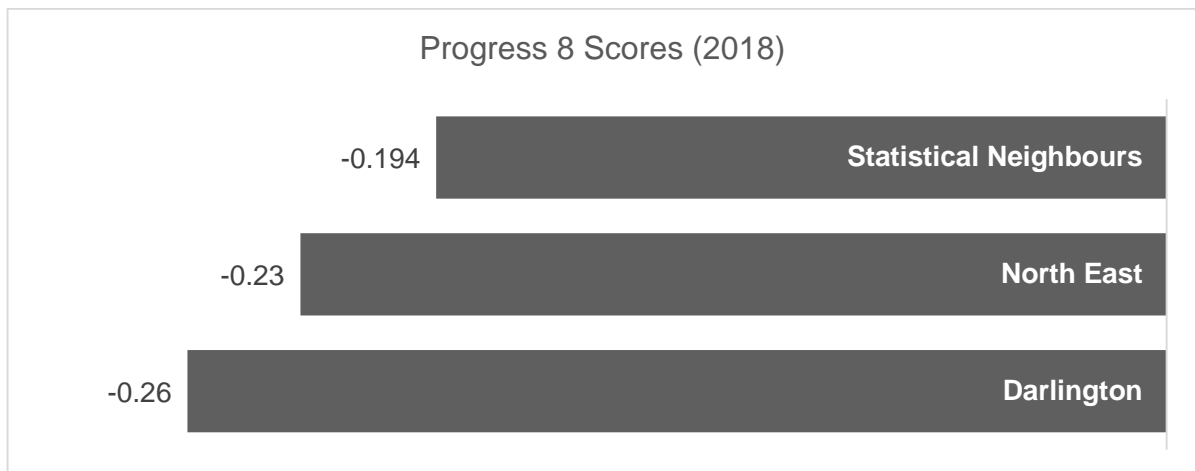
Information and Analysis

13. The Marmot Review stated that children from disadvantaged backgrounds are three times more likely to develop mental health problems, including depression, than the rest of the population, and it is now generally accepted that the most deprived communities also have the poorest health and wellbeing.
14. Children from the most disadvantaged communities also generally have the lowest access to leisure activities outside of school and this is compounded by the increasing disappearance of arts and sports from the academic curriculum. A survey of 500 schools by Sussex University in 2018 showed that there had been almost a 50% drop in music being taught as a compulsory subject for 13 and 14 year olds over the previous 5 years and 18% of schools didn't offer GCSE music at all.
15. In the last decade there has been a significant amount of research demonstrating health and wellbeing benefits derived from engagement with the arts and sport, including positive impacts on educational attainment in Maths and English¹. The Arts and Culture in Health and Wellbeing and in the Criminal Justice System, released by Arts Council England in 2019, makes a compelling argument for using the arts and physical activity as tools to tackle mental health, and health and wellbeing challenges across the community. This research notes that where focus has shifted from more traditional medical models to social models based on early intervention, prevention and community, involving activities such as social prescribing, significant improvements in health and wellbeing can be observed.
16. From May to July 2019 Darlington Borough Council supported the In2 pilot programme working with Corporation Road Community Primary School and Longfield Academy. This ten-week pilot programme used sport and the arts as early intervention tools to address aspiration, behavioural and health and wellbeing challenges in school age children and explored what methodologies might best be applied to have a positive impact on participating children.
17. The In2 pilot programme enabled participants to access and engage with a wide range of cultural and sporting activity including school based and off site provision. It was managed by Darlington Borough Council and involved Year 3 pupils (ages 7 and 8 years) from Corporation Road Community Primary School and Years 7 and 8 (ages 11 and 12) from Longfield Academy. Considerable thought was given to an approach around working with schools around selecting those children who would engage with the pilot so as not to create any stigma around participation.

¹ Cultural Learning Alliance, *The Case for Cultural Learning: Key Research Findings*, www.culturallearningalliance.org.uk/

18. Within the In2 pilot programme the whole Year 3 group at Corporation Road Community Primary School initially took part in a school based interactive theatre piece and workshop with Zest Theatre and were then taken to Darlington Hippodrome to watch Joseph and the Amazing Technicolour Dreamcoat, a first trip to that venue for some and a first trip to theatre for others. A cohort of 15 selected pupils were identified using a combination of approaches. These included:
 - (a) The Stirling Scale, a test designed specifically to measure health and wellbeing in children
 - (b) Boxall (administered by the school's SENCO) - an assessment tool for social emotional and behavioural difficulties for children and young people
 - (c) The Head Teacher, Year 3 teachers and support staff identified pupils who may not register on the above scales, but who they felt would benefit from inclusion in the programme
19. The cohort of 15 pupils at Corporation Road Primary then attended Spirits of the Sea, an immersive piece at The Hullabaloo telling a story about the damaging effects of bottling up feelings and emotions and joined a facilitated arts workshop and completed a Discover Arts Award. They attended a performance of Horrible Histories: Awesome Egyptians at Darlington Hippodrome, joined the street band Back Chat Brass and learned how to play colourful plastic brass instruments then performed with the band to the whole school, joined Back Chat Brass and families from the Redhall Estate and marched on the Darlington Community Carnival 2019 parade, worked with OddManOut Theatre exploring themes from the play Daffodil Scissors (mental health, bullying, loss) through two daylong workshops in the school and a visit to The Hullabaloo to see the play performed by the Hippodrome Youth Theatre. The cohort then attended a graduation and celebratory party, and were filmed talking about their experiences and what they may like to do more of, and were awarded certificates by The Mayor of Darlington.
20. A slightly different approach was adopted at Longfield Academy to select participants. Input from the Head Teacher, Year teachers and health and wellbeing support staff was key to the selection of pupils, but Pupil Premium eligibility was also a major factor in the decision-making process. With the children there being slightly older, it was possible to carry out some research to identify what kind of activities they had already participated in and what they might be interested in trying and this informed their In2 pilot programme provision. At Longfield Academy pupils from Year Group 7 and Year Group 8 visited Darlington Hippodrome to participate in the First Person, interactive theatre piece and workshop led by Zest Theatre. Pupils from both year groups then engaged in team building activities at Hamsterley Forest, with cookery classes led by Junior Kitchen, had trips to South Shields for a beach clean and surfing sessions, took part in raft building in the Lake District, and had ongoing access to Junior Gym facilities, with the pupils encouraged to participate with their wider families to build this activity into their daily lives. Year 7 pupils also engaged with 4Motion to access urban sports opportunities such as BMX biking, skateboarding and scootering.

21. Both of the schools were fully committed to the programme and took on much of the organisation and paperwork required to facilitate off-site activity. Staff members also attended out-of-hours elements, ensuring pupils could participate without parents or guardians being required to chaperone. This buy-in was essential to the success of the pilot, especially given the tight lead-times and concentrated programme. The Head Teachers were interviewed at the end of the pilot and both stated that, even in the short term, the impact on the participants was visible. They were keen for continued involvement in the programme and were clear that the pupils involved were highly unlikely to get access to the range of cultural and sporting activities they had experienced without outside intervention.
22. Darlington Borough Council secured capital receipts from the sale of the Darlington Arts Centre and Eastbourne School sites. The majority of the capital receipt from the Arts Centre contributed to the development of The Hullabaloo and from Eastbourne School, work at Eastbourne Sports Complex and a number of school sites. Of these capital receipts £118,000 remains uncommitted from the Eastbourne School site and £90,000 from the Arts Centre site.
23. Given the appetite of participating schools to engage further we are proposing a three-year programme, utilising various approaches tested in the In2 pilot, which will focus on the transition of pupils from Year 6 to Year 7 and Year 8. This age range has been identified as a key target demographic for support. In line with the regional trend, Darlington primary school pupils perform relatively well - performing above the national average at both foundation stage and Key Stage 2 - however their performance at secondary level then fails to keep up with their counterparts elsewhere. The Progress 8 measure aims to capture the progress that pupils make from the end of primary school to the end of key stage 4, compared to other pupils nationally with similar prior attainment. As can be seen in the below table, Darlington's performance for this measure is significantly below all comparator groups, starkly demonstrating why primary to secondary transition is such a major priority for the borough.



24. Following consultation with the schools involved in the pilot programme, the suggestion is to move forward with a cohort of 100 students from Year 6 across four primary schools and to start working with them in the autumn term 2019, delivering activity across the school year and then through the summer holidays, linking in with existing holiday enrichment programmes. Work would continue with this group in Year 7, their first year in secondary school. We would then begin a hand-over process in Year 8 where we support the pupils to focus on a sport or arts genre they have shown a particular aptitude or interest in. They would be encouraged to build activity into their lives outside of school, with support to access funding where appropriate, thereby making the programme sustainable by creating pathways for long-term engagement.
25. The rationale for this three-year approach is to support the pupils through the difficult transition period from primary to secondary school. National statistics show that the North East, including Darlington, falls short compared to the rest of the country around delivery of this crucial period. Where there are already challenges in a child's life, an unstructured and unsupported six-week break from school, followed by a dramatic change in educational environment can be quite distressing, leading to anxiety, poor behaviour and occasionally exclusion. This three-year model would also allow for a longitudinal study to take place, affording the opportunity to document the longer-term impact of the programme on the health and wellbeing of participants, including wider outcomes such as educational attainment, youth offending etc.
26. The proposed three-year programme would involve six Darlington schools; four primary and two secondary. These have been identified as a result of a comprehensive data analysis exercise, which took into account measures relating to deprivation, attainment, attendance, as well as the appetite of individual schools to get involved in the project, in order to help ensure that the project delivers its aim of delivering a meaningful and significant impact.
27. The two secondary schools identified, Longfield Academy and St. Aidan's Church of England Academy, have both been selected as a result of having higher than average numbers of pupils in receipt of free school meals and persistent absentees, and lower than average proportion of pupils achieving a Grade 5 or above in English and Maths at GCSE. They also perform well below average for the Key Stage 4 measures of Attainment 8 and Progress 8.
28. The suggested participating primary schools would be Corporation Road Primary School, Firthmoor Primary School, Northwood Primary School and The Rydal Academy as they are feeder schools to the secondaries and, following a further data analysis exercise of measures relating to deprivation, attendance and educational and language needs, have been identified as those whose pupils are most likely to be in need of support.,.
29. All of the four schools, accordingly, have a higher than average proportion of pupils eligible for and receiving free school meals and a higher proportion of the children living in deprivation their local area than the average for Darlington. Moreover, at an individual level these schools have specific challenges. Corporation Road Community Primary School, for example, has the highest proportion of pupils in the borough whose first language is not English (56% compared to 7% for Darlington) and Northwood Primary School has the highest absence rates for the borough (8% overall compared to a borough average of 5%, and 24% persistent absence

compared to 10% for Darlington). Early discussion and consultation will be held with the schools to gain their buy-in and support in the In2 project.

30. The future roll-out of In2 beyond the pilot programme will give participants access to both sport and arts activities, with a minimum of two activities/contact sessions each month across the three-year programme. After consultation with the Head Teachers of the two schools involved in the pilot programme, it has also been agreed that further programming will seek, where possible, to address the specific challenges faced by the school communities. Should funding be secured for the full roll-out specific areas of concern will be identified in the six schools.
31. Existing festivals, events and activities delivered in Darlington and the wider Tees Valley will be built into the programme as opportunities to attend or as showcases for work carried out in the schools arise. For example, during the pilot, the Corporation Road Community School pupils joined Back Chat Brass at the Darlington Community Carnival 2019 as part of their music workshop experience. An audit of potential arts and sporting events is currently underway. This approach provides opportunities for participating children to extend their social networks and value their participation in an extended In2 programme as part of wider community engagement in culture and leisure.
32. Areas currently being explored for the proposed three-year In2 programme include:
 - (a) Urban arts and sports: BMX biking, skateboarding and scootering, street dance (in collaboration with Darlington Hippodrome and Dance City) and street art.
 - (b) Music: discussions have been held with Durham and Darlington music service around brass given its relevance to the railway industry and the upcoming 2025 celebrations as well as the prevalence of jazz in Darlington. The programme will explore opportunities which may give participants something to aim towards with local success stories and pathways into long-term activity.
 - (c) Literature and literacy: a meeting is scheduled in September 2019 with New Writing North, the new writing agency for the North and a National Portfolio Organisation of Arts Council England and will explore potential links here to the library service.
 - (d) Theatre: performances and workshops at the Hippodrome and Hullabaloo will feature heavily in the proposed three-year programme and OddManOut Theatre will continue to work with the schools providing a route into the Youth Theatre and The Foundry.
 - (e) Junior Kitchen: the cookery sessions at Junior Kitchen were extremely popular and can be complemented by work with Love Food, Hate Waste. There are a number of food and drink festivals and programmes in Darlington and the wider region to visit and collaboration with Festival of Thrift might provide creative educational opportunities around sustainable eating and living.
 - (f) Outdoor activities: surfing, den building and raft making were all very popular and could feature as day trips or longer retreats.

- (g) Festival of Ingenuity and Little Inventors which would provide opportunities for creative thinking, and to address the STEAM agenda (Science, Technology, Engineering, Art and Maths).
 - (h) Visual arts: there are potential links with MIMA, the Northern School of Art and its Northern Festival of Illustration and the gallery programme at Darlington Library.
 - (i) Life skills: ongoing discussions with NHS and CAMHS around workshops covering coping mechanisms, expressing feelings in a positive and constructive way, etc.
 - (j) Swimming and life guarding: a positive life skill and potentially a qualification.
 - (k) A range of sport activities.
33. The proposed programme also aims to build on existing relationships and extend engagement with best practice from across the region. Darlington Borough Council expects to work with organisations within Arts Council England's National Portfolio, so as to deliver the best possible experience for participants. Offering activity away from the school and the known environment will be core to the proposed programme. The proposed programme could include day trips to venues or events but also, where possible, taking participants away for a number of days. Both Head Teachers involved in the pilot programme agreed that removing children from their usual environment and immersing them in totally new surroundings had a significant impact during the pilot through changing their frame of reference and encouraging them to socialise and work with different people.
34. Dialogue has started with the NHS Children and Young People Services and CAMHS around aligning with their evaluation methods and approach to supporting good mental health and general health and wellbeing in school-age children. Continued inclusion in the LTP Steering Group will also enable the project to keep abreast of the current approaches and programmes across Darlington involving children and young people, ensuring a collaborative approach. An annual report on the progress of the programme will be presented to Cabinet. The programme will be evaluated throughout the three years to secure better understanding of the impact of engagement with the arts and sports during the transition from Year 6 to Year 8.

Financial Implications

35. Darlington Borough Council secured capital receipts from the sale of the Darlington Arts Centre site and Eastbourne School. As of 2019/20 £90,000 from the Darlington Arts Centre capital receipt and £118,000 from the Eastbourne School capital receipt remains. This report recommends this £208,000 is allocated to progress a three-year programme which seeks to make a positive impact on the wellbeing of children in Darlington through arts and sports activity.
36. Although the capital receipts cannot be used directly to fund the revenue project, through overall management and realignment of the Council's resources it is possible to finance the scheme by utilising existing RCCO's.

Legal Implications

37. Funding agreements will be drawn up with the schools that participate in the programme.
38. Subject to Cabinet agreement, a fundraising campaign will be undertaken which aims to generate additional budget for the programme. The Council has secured both Arts Council England and Sport England funding for a range of projects in recent years. The proposed three-year In2 programme can be linked to the priorities for both organisations and it is hoped that with successful bids, the programme can be extended. The Durham Commission, a new study around creativity and learning commissioned by Arts Council England and delivered by Durham University, is due to be launched in September 2019. Given the subject matter covered, the expertise within Darlington including Theatre Hullabaloo, and positive delivery of the In2 pilot programme from May to July 2019, we are well placed to submit a strong application for Arts Council England project funding for a three-year In2 programme.
39. The proposed three-year programme is in development and is scalable dependent on available budget. The majority of expenditure is expected to be undertaken in the first two years of the programme, wherein the transition from participating primary to secondary schools will take place. Reduced annual expenditure is expected in the final year of the programme, wherein more work to signpost participants to opportunities for further engagement will take place.

Consultation

40. Consultation has taken place with the two head teachers involved in the pilot scheme, which has helped to identify the most appropriate year groups to work with through the full programme.

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**CABINET
10 SEPTEMBER 2019**

REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Members

**Councillor Charles Johnson – Efficiency and Resources Portfolio
Councillor Rachel Mills – Adult Social Care Portfolio
Councillor Paul Crudass - Children and Young People Portfolio
Councilor Lorraine Tostevin - Housing, Health and Partnerships Portfolio**

Responsible Directors

**Paul Wildsmith, Managing Director
Suzanne Joyner, Director of Children and Adults Services
Ian Williams, Director of Economic Growth and Neighbourhood Services**

SUMMARY REPORT

Purpose of the Report

1. To provide Members with an update of the outcome of cases which have been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) since the preparation of the previous report to Cabinet on 11 December 2018.

Summary

2. This report sets out in abbreviated form the decisions reached by the LGSCO and the HO since the last report to Cabinet and outlines actions taken as a result.

Recommendation

3. It is recommended that the contents of the report be noted.

Reasons

4. The recommendation is supported by the following reasons :-
 - (a) It is important that Members are aware of the outcome of complaints made to the LGSCO and the HO in respect of the Council's activities.
 - (b) The contents of this report do not suggest that further action, other than detailed in the report, is required.

**Paul Wildsmith
Managing Director**

Background Papers

Note: Correspondence with the LGSCO and HO is treated as confidential to preserve anonymity of complainants.

Lee Downey- Extension 5451

S17 Crime and Disorder	This report is for information to members and requires no decision. Therefore there are no issues in relation to Crime and Disorder.
Health and Well Being	This report is for information to members and requires no decision. Therefore there are no issues in relation to Health and Well Being.
Carbon Impact	This report is for information to members and requires no decision. Therefore there are no issues in relation to Carbon Impact.
Diversity	This report is for information to members and requires no decision. Therefore there are no issues in relation to Diversity.
Wards Affected	This report affects all wards equally.
Groups Affected	This report is for information to members and requires no decision. Therefore there is no impact on any particular group.
Budget and Policy Framework	This report does not recommend any changes to the Budget or Policy Framework.
Key Decision	This is not a Key Decision.
Urgent Decision	This is not an Urgent Decision.
One Darlington: Perfectly Placed	This report contributes to all the delivery themes.
Efficiency	Efficiency issues are highlighted through complaints.

MAIN REPORT

Background

5. Cabinet has previously resolved that they would consider reports on the outcome of cases referred to the LGSCO and HO during the Municipal Year on a bi-annual basis.
6. The opportunity is normally taken to analyse the areas of the Council's functions where complaints have arisen. It is appropriate to do that in order to establish whether there is any pattern to complaints received or whether there is a particular Directorate affected or a type of complaint which is prevalent. If there were a significant number of cases in any one particular area, that might indicate a problem which the Council would seek to address.

Information

7. Between 1 October 2018 and 31 March 2019, 10 cases were the subject of decision by the LGSCO.
8. Between 1 October 2018 and 31 March 2019, two cases were the subject of decision by the HO.
9. The outcome of cases on which the LGSCO reached a view is as follows:

LGSCO Findings	No. of Cases
Closed after initial enquiries: no further action	1
Closed after initial enquiries: out of jurisdiction	1
Not upheld: No maladministration	2
Premature	2
Upheld: Maladministration Injustice	4

10. The outcome of cases on which the HO reached a view is as follows:

HO Findings	No. of Cases
No Maladministration	2

Local Government and Social Care Ombudsman (LGSCO)

Closed after initial enquiries: no further action

11. This complaint concerned Children's Services response to the complainant's allegations about the care of some children. The LGSCO concluded the complainant could not complain on the children's behalf and had not suffered a significant personal injustice.

Closed after initial enquiries: out of jurisdiction

12. This complaint was for Legal Services and concerned the Council's refusal to pay the complainant's company for legal fees incurred during an adjudication procedure. The LGSCO determined that they cannot investigate complaints where the complainant has taken legal action and advised that it remained open to the

complainant to ask the court (adjudicator) if the Council was responsible for their legal costs.

Not upheld: No maladministration

13. The first of these complaints was for Development Management. The LGSCO concluded part of this complaint was outside jurisdiction as it related to a complaint regarding windows the complainant had been aware of since 2010. The other part of the complaint related to the lack of planning enforcement over a fence and was not upheld because there was no fault leading up to the final decision taken by the Council, although it did give some wrong information at first, which it corrected.
14. The second of these complaints was also for Development Management and concerned planning decisions taken since 2003 about the development of a farm close to the complainant's property, a lack of enforcement action taken by the Council and a more recent decision to grant planning permission for a grain silo to be moved. The Ombudsman found there was no evidence of fault in the Council's substantive decisions, that we had given reasons why we could not take enforcement action and why we granted the more recent planning application despite the complainant's objections.

Premature

15. The first of these was for Adult Services and alleged the Council had mishandled a safeguarding concern involving the complainants. As the Council was investigating the complaint, the LGSCO determined it as premature on the basis the law says they must normally be satisfied the Council knows about the complaint and has had an opportunity to investigate and to reply.
16. The second of these was for Arboriculture and again as the Council was investigating the complaint the LGSCO determined it as premature on the basis the law says they must normally be satisfied the Council knows about the complaint and has had an opportunity to investigate and to reply.

Upheld: Maladministration Injustice

17. The first of these was for Children's Services. The complaint concerned the Council failing to ensure the complainant's safety at a meeting about the welfare of their children. The complainant said they warned the Council of a risk to their safety prior to the meeting and in response the Council stated it would put adequate measures in place to reduce the risk, but did not. The LGSCO investigated whether the Council properly considered and acted on the findings and recommendations of the stage two investigation and stage three panel which considered the complaint. The LGSCO found the Council was at fault because it did not properly implement some of the recommendations that were made and there was a risk that the faults identified may reoccur. The LGSCO recommended the Council amend its procedures, increase the financial payment made to the complainant for putting them at risk of harm and offer a further payment for the time and trouble the complainant was put to in having to make the complaint. The Council agreed to implement the recommendations.
18. The second of these was Financial Assessments. The complaint concerned the Council's decision to include the value of the property owned by the complainant's

mother in its financial assessment. The complainant said the Council had not explained its change of policy. The Ombudsman found the Council was at fault on the basis the change in charging policy should have been clear and transparent to those affected by it. The Council had amended its policy documents by the time the LGSCO reached a decision. The LGSCO recommended the Council remove any extra charges that were applied up to the date the amendments were made.

19. The third of these was also for Financial Assessments. The complaint was dissatisfied with the outcome of an assessment which led the Council to asking them to pay more money towards their care. The LGSCO upheld the complaint having several concerns about the assessment procedure followed by the Council, some of which lead them to find fault. As a result, the LGSCO considered the Council had caused the complainant unnecessary uncertainty. The Council accepted the findings and agreed actions to remedy the complaint, including completing a review of its procedure followed by a review of the complainants assessed contribution.
20. The fourth of these was for Commissioning & Contracts and concerned the lack of appropriate care given to the complainant's mother, at a care home arranged by the Council. There was no fault by the care home or Council in terms of the care provided. However, the care home did not keep adequate records of the concerns the complainant raised during their mother's stay. The Council agreed to apologise for this fault and require the Care Home to improve its record keeping. The Council was not able to share important evidence of its investigation with the LGSCO and agreed to remind officers conducting interviews to share them with the Complaints and Information Governance Team.

Housing Ombudsman (HO)

No Maladministration

21. The first of these complaints concerned the way the Council dealt with reports about outstanding repairs to the entrance door to the block and the Council's use of communal space to store building materials and provide welfare facilities to workmen. The HO concluded the Council gave a satisfactory explanation as to why there was a delay in completing the work and the need to provide welfare facilities. The HO recommended the Council review its internal processes to ensure that in the future residents are updated about delays to major works in communal areas.
22. The second of these complaints concerned the Council's decision to replace rather than repair the complainant's boiler. The complainant did not feel the Council had properly considered their health concerns and support needs in reaching the decision and that communication was poor. The Housing Ombudsman concluded, in accordance with paragraph 42 of the Housing Ombudsman Scheme there has been no maladministration.

Analysis

23. During the second half of 2018/19 the Council received four Upheld: Maladministration Injustice decisions from the LGSCO, compared to one for the same period in 2017/18.

24. Three of the four Upheld: Maladministration Injustice decisions related to matters associated with the provision of adult social care services i.e. two relating to financial assessments and one to a contracted care service. The other Upheld: Maladministration Injustice decision related to children's social care services.
25. The most common complaints were policy and procedural issues in relation to financial assessments. The Council has now implemented the LGSCO's recommendations which should prevent a re-occurrence.

Outcome of Consultation

26. The issues contained within this report do not require formal consultation.

**CABINET
10 SEPTEMBER 2019**

**COMPLAINTS, COMPLIMENTS AND COMMENTS
ANNUAL REPORTS 2018/19**

Responsible Cabinet Members

**Councillor Charles Johnson – Efficiency and Resources Portfolio
Councillor Rachel Mills – Adult Social Care Portfolio
Councillor Paul Crudass - Children and Young People Portfolio
Councilor Lorraine Tostevin - Housing, Health and Partnerships Portfolio**

Responsible Directors

**Paul Wildsmith, Managing Director
Suzanne Joyner, Director of Children and Adults Services
Ian Williams, Director of Economic Growth and Neighbourhood Services**

SUMMARY REPORT

Purpose of the Report

1. To provide Cabinet with the 2018/19 Complaints, Compliments and Comments Annual Reports for:
 - (a) Adult Social Care (**Appendix 2**);
 - (b) Children’s Social Care (**Appendix 3**);
 - (c) Corporate (**Appendix 4**);
 - (d) Housing (**Appendix 5**); and
 - (e) Public Health (**Appendix 6**).

Summary

2. The Council received a total of 825 complaints during 2018/19, a decrease from 871 complaints during 2017/18.
3. The Council received a total of 280 compliments during 2018/19, an increase from 116 in 2017/18.
4. The Council received a total of 240 comments during 2018/19, an increase from 224 in 2017/18.
5. A summary table is provided at **Appendix 1**.
6. The production of an annual report in respect of representations received under the Adult Social Care Complaints, Compliments and Comments Procedure is a

requirement of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

7. The production of an annual report in respect of representations received under the Children's Social Care Complaints, Compliments and Comments Procedure is a requirement of the Children Act 1989 Representation Procedure (England) Regulations 2006.
8. The production of an annual report in respect of representations received under the Public Health Complaints, Compliments and Comments Procedure is a requirement of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

Recommendation

9. It is recommended that Cabinet :-
 - (a) notes the content of the attached reports; and
 - (b) endorses the further recommendations made in the Adult Social Care, Children Social Care, Corporate and Housing Complaints, Compliments and Comments Annual Reports.

Reasons

10. The recommendations are supported for the following reasons:-
 - (a) To make Cabinet aware of the number and nature of the complaints, compliments and comments received by the Council and the organisational learning that has taken place as a result.
 - (b) To enable the Council to further improve its services as a result of the complaints, compliments and comments received and improve satisfaction with complaints handling.

Background Papers

Note: No background papers were used in the production of this report.

Lee Downey,
Complaints and Information Governance Manager
Extension 5451

S17 Crime and Disorder	There is no specific impact on Crime and Disorder.
Health and Well Being	The purpose of the Adult Social Care Complaints, Compliments and Comments Annual Report is to improve the service we provide to service users and their carers.
Carbon Impact	There are no specific recommendations contained within the attached reports concerning Carbon Reduction.
Diversity	Complaint investigations have led to service improvements for people with protected characteristics.
Wards Affected	All.
Groups Affected	All.
Budget and Policy Framework	This report does not have a direct impact on the Budget and Policy Framework.
Key Decision	This report does not constitute a Key Decision.
Urgent Decision	This report does not require an Urgent Decision.
One Darlington: Perfectly Placed	Learning as a result of complaints contributes towards all of the delivery themes.
Efficiency	The revised procedures aim to improve the efficiency with which complaints are handled. The recommendations contained within the appended reports aim to reduce risk and improve efficiency in the way we interact with our customers.

MAIN REPORT

Information and Analysis

11. There was a decrease in the overall number of representations made under the Adult Social Care Complaints, Compliments and Comments Procedure during 2018/19. There was a significant decrease in the number of complaints received, a significant increase in the number of compliments received and a small increase in the number of comments received. Full details are attached at **Appendix 2**.
12. There was an increase in the overall number of representations made under the Children's Social Care Complaints, Compliments and Comments Procedure during 2018/19. There was an increase in the number of complaints received at Stage 1 of the procedure, the same number of complaints were received at Stage 2 and there was an increase in the number of complaints received at Stage 3. There was an increase in the number of compliments received, while the number of comments received remained the same as in 2017/18. Full details are attached at **Appendix 3**.
13. There was an increase in the overall number of representations made under the Corporate Complaints, Compliments and Comments Procedure during 2018/19. There was a slight decrease in the number of complaints received at Stage 1 and Stage 2 of the procedure. There was a significant increase in the number of compliments received and an increase in the number of comments received. The Council received a significant amount of positive feedback in relation to a number of services for a range of reasons. Full details are attached at **Appendix 4**.
14. There was a decrease in the number of representations made under the Housing Complaints, Compliments and Comments Procedure during 2018/19. There was a decrease in the number of complaints received at Stage 1 and Stage 2 of the procedure. The number of complaints received at Stage 3 remained the same as in 2017/18. There was an increase in the number of compliments received and an increase in the number of comments received. Full details are attached at **Appendix 5**.
15. There was a decrease in the number of representations made under the Public Health Complaints, Compliments and Comments Procedure during 2018/19. There was a reduction in complaints, an increase in compliments and the number of comments received remained the same. Full details are attached at **Appendix 6**.
16. Some examples of organisational learning resulting from complaints have been extracted from the appended reports and are provided below.
17. *Adult Social Care Complaints:*
 - (a) Following a complaint in regard to Financial Assessments the Council carried out a new public consultation on its proposed charging policies and presented a new report to Cabinet which included an accurate summary of the relevant law and statutory guidance. The report explained that Councillors have discretion about treatment of income from benefits for people who receive care and support in a non-residential setting (apart from prescribed benefits which the law says must be disregarded).

- (b) Following a further complaint for Financial Assessments the Council revisited its guidance and policy on intermediate care and amended the guidance to explain what constitutes a short-break and what is intermediate care and in what circumstances the Council will pay for care.
- (c) Following a complaint for Safeguarding Adults it was agreed the Council would ensure all adult social care staff have up to date training in relation to Safeguarding Adults and the Mental Capacity Act. It was also agreed that the Mental Capacity Act training would be updated to include the issue of control and coercion and how this can impact on an individual's capacity to make decisions.
- (d) Following another complaint for the Ongoing Assessment and Intervention Team (OAIT) it was agreed assessments and support plans would address communication needs and finances adequately when there is any indication the person may need support in this area. It was also agreed that the Council would ensure all staff are aware to check whether the situation fits within the description of abuse set out in its own framework and ensure the principles of safeguarding are considered when a safeguarding concern is received. Furthermore, the Council agreed to ensure decisions about safeguarding are properly recorded and detailed and review its safeguarding training to ensure these matters are made clear.
- (e) Following a complaint for Short Term Assessment and Review (STAR) it was agreed the Care and Support (Charging and Assessment of Resources) for Non-Residential Services Policy would be amended to make it clear that if a person moves from their own home into extra care or supported living their property will be taken into account for financial assessments. It was also agreed that Social Workers would make it clear to families and service users at the outset of their involvement what potential discharge arrangements would be.

18. *Children's Social Care Complaints:*

- (a) Following a complaint for Fostering it was agreed the Council would review the need for a policy regarding respite provision for connected carers, which would underpin the new legislation surrounding Special Guardianship Orders. It was recommended that akin to recommendation 8 within the Ofsted report 2015: The Council should ensure that Independent Reviewing Officers (IRO) demonstrate rigour when overseeing both the quality and progress of plans. It was also recommended that akin to recommendation 10 within the Ofsted report 2015: The Council should ensure when children are looked after that decisions about their need for permanence are timely with robust oversight, including by IROs.
- (b) Following a complaint for Adoption it was agreed the Council would ensure that where any aspect of Special Guardianship Support Plans requires it to delegate the provision of support services to another Local Authority or Agent then such a support plan will be fully compliant with Regulations 3, 4 and 5 of the Special Guardianship Regulations 2005 (Amended) when submitted to the Court prior to disposal.

- (c) Following a complaint about a Special Guardianship Order (SGO) payment it was recommended the Council update its guidance and a financial system be put in place to calculate the money owed. It was also agreed the Council would ensure clear guidance and written confirmation is given to Special Guardians prior to approving the plan.
- (d) Following a complaint for LATC it was agreed the Council would ensure Social Workers within the team are keeping parents up to date regarding their children's welfare with basic details should the children not wish for their parents to attend their Looked After Review or have detailed information shared with them. It was also agreed the Council would ensure Social Workers within the team keep the best interests of the children and young people a priority, so they feel supported and empowered.
- (e) Following a complaint for Safeguarding, Team D it was agreed the Council would ensure requests to take a looked after child out of school in term time would be referred to the Director of Children's Services, as the decision maker, and the decision appropriately communicated to the family and properly recorded. It was also agreed the Council would review the authorisation budget levels in respect of Team Managers, to determine whether they are set at a realistic authorisation level.

19. *Corporate Complaints:*

- (a) Following a complaint for the Children's Access Point (CAP) it was recommended social workers be reminded that while it is good practice to encourage referrers to report any potential crimes directly to the Police, they also have a duty to pass on any information regarding potential crimes they receive to the Police. As a result of the complaint, in accordance with paragraph 19 of Working Together, the Council and Darlington Children's Safeguarding Board also provided some clearly signposted contact details so that children, parents, other family members and members of the public are aware of who they can contact if they wish to make a referral, require advice and/or support.
- (b) Following a complaint for Special Educational Needs (SEN) it was recommended that where information is shared in the interest of the child the Local Authority complies with paragraph 9.213 of the Code of Practice.
- (c) Following a complaint for Development Management it was agreed the Development Manager would review the Statement of Community Involvement. It was also recommended that officers be reminded that objectors are able to make an appointment to meet with planning officers and agreed Development Management would appoint an Equalities Advisor under the Council's revised Equalities Scheme.
- (d) Following a further complaint for Development Management it was agreed the Council should explicitly reference the section 149 duty of the Equalities Act 2010 when considering equalities issues in reports and undertake EIAs where appropriate in accordance with the Council's Equality Policy 2018 – 2022, in order to ensure a more robust analysis of the potential impacts on individuals with protected characteristics, any adverse impacts and their possible mitigation.

- (e) Following a complaint for Environmental Health it was recommended the Council review the wording included on Community Protection Notice (CPN) warnings to ensure it is clear what behaviour is unacceptable and update the advisory letters on garden bonfires to make reference to possible action under Anti-Social Behaviour (ASB) legislation.

20. *Housing Complaints:*

- (a) Following a complaint for Gas Fitters further training was undertaken to enable them to carry out a fumes investigations effectively.
- (b) Following a complaint for Housing Management Services it was recommended Housing Services consider obtaining signed confirmation that a tenant has removed all personal belongings before ordering sanitisation of the property and that their practice is line with Section 41 of the Local Government (Miscellaneous) Act 1984.
- (c) Following a Housing Ombudsman complaint for Housing Management the Council agreed that in some limited circumstances it would disclose the reasons another resident qualified for a repair when the complainant did not.
- (d) Following a complaint for Service and Repairs a section was included in the tender documentation regarding communication with residents, and how this will be effectively managed.

21. The further recommendations set out in the Adult Social Care, Children Social Care, Corporate and Housing Complaints, Compliments and Comments Annual Reports are:

- (a) The Council should ensure Adult Services complaints are responded to in a timely manner and that where an extension is required this is communicated to the complainant and properly recorded.
- (b) The Council should continue to work to improve performance against the Stage 1 and 2 timescales for Children's Social Care complaints.
- (c) The Council should work to improve performance against the Stage 2 response timescale for Corporate complaints.
- (d) The Council should work to improve performance against the Stage 1 and 2 response timescales for Housing complaints.

Outcome of Consultation

22. No consultation was required in preparing this report.

APPENDIX 1

Total Representations by Year

Type of representation	2018/19	2017/18	2016/17	2015/16	2014/15
Complaints					
Corporate					
Stage 1 complaints	623	628	402	403	744
Direct to Stage 2 complaints	1	8	10	11	13
<i>Total complaints</i>	<i>624</i>	<i>636</i>	<i>412</i>	<i>414</i>	<i>757</i>
Stage 1 escalated to Stage 2	70	80	51	47	86
<i>Total Stage 2 complaints</i>	<i>71</i>	<i>88</i>	<i>61</i>	<i>58</i>	<i>99</i>
Adult Social Care	64	92	44	49	24
Children's Social Care					
Stage 1 complaints	67	54	58	54	60
Stage 2 complaints	16	16	16	14	15
Stage 3 complaints	4	2	5	3	1
Housing					
Stage 1 complaints	69	86	86	94	105
Direct to Stage 2 complaints	1	0	0	0	1
<i>Total complaints</i>	<i>70</i>	<i>86</i>	<i>86</i>	<i>94</i>	<i>106</i>
Stage 1 escalated to Stage 2	9	18	14	15	12
<i>Total Stage 2 complaints</i>	<i>10</i>	<i>18</i>	<i>14</i>	<i>15</i>	<i>13</i>
Stage 3 complaints	0	0	0	0	2
Public Health	0	3	3	0	0
Compliments					
Corporate	199	79	106	173	185
Adult Social Care	33	6	13	33	40
Children's Social Care	19	12	4	6	12
Housing	28	19	34	31	47
Public Health	1	0	0	0	0
Comments					
Corporate	236	224	195	143	263
Adult Social Care	2	0	0	0	0
Children's Social Care	0	0	0	1	1
Housing	2	0	3	5	9
Public Health	0	0	1	0	0

Note – The Adult Social Care and Public Health Complaints procedures only have one stage.



Adult Social Care Complaints, Compliments and Comments Annual Report 2018/19

Contents

Introduction	3
Local Government and Social Care Ombudsman (Health Services Ombudsman)	4
Information and Accessibility	4
Advocacy	4
Summary	5
Review of the Year	6
- Breakdown of all Representations	6
- Total Complaints, Compliments and Comments Received 2018/19	6
- Breakdown of Compliments by Service Area/Team	7
- Breakdown of Complaints by Service Area/Team	8
- Breakdown of Complaints by Issue	10
- Complaint Outcomes	11
- Local Government Ombudsman Complaints Received 2018/19	11
- Local Government Ombudsman Complaint Outcomes 2018/19	11
Organisational Learning	12
Further Recommendations	13
Performance against the Procedure	13
Performance Indicator for 2018/19	14

Introduction

The purpose of this annual report is to inform service users, carers, the public, Council Members and staff of the effectiveness of the Adult Social Care Complaints, Compliments and Comments Procedure (the procedure).

On the 1 April 2009 the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (the regulations) came into force following the consultation 'Making Experiences Count' by the Department of Health. The consultation found that the complaints processes for people receiving both health and social care services were overly complex and inflexible.

As a result the legislation introduced altered the way in which complaints are handled introducing a single joint complaints process for both social care and health services, with one stage as opposed to the previous three stage process used in relation to adult social care services. The regulations also introduced a duty for health and social care services to cooperate.

The Council implemented a new procedure on the 1 April 2010 providing a local framework to ensure complaints are handled effectively and in line with the regulations.

The procedure aims to:

- (a) Make it as easy and accessible as possible for service users and their carers to raise complaints;
- (b) Foster an organisational culture in which complaints are accepted, owned and resolved as efficiently as possible;
- (c) Ensure high levels of customer satisfaction with complaints handling;
- (d) Resolve individual issues when they arise and reduce the number of complaints referred to the Ombudsman; and
- (e) Enable the Council to identify topics and trends in relation to adult social care complaints and improve services as a result.

The Assistant Director Adult Services is the responsible person for ensuring that the Council complies with the arrangements made under the regulations. They act as the 'Adjudicating Officer', which means they make decisions on complaints and decide what action should be taken in light of the outcome of a complaint.

The Complaints and Information Governance Manager (Complaints Manager) is the responsible person for managing the procedure for handling and considering complaints in accordance with the agreements made under the regulations.

Local Government and Social Care Ombudsman (Health Services Ombudsman)

Although complainants can refer their complaints to the Local Government and Social Care Ombudsman (LGSCO) from the outset, the LGSCO will not normally investigate until the Council has conducted its own investigation and provided a response. Where it has not been possible for the complaint to be resolved to the satisfaction of the complainant they may refer the matter to the LGSCO (or Health Services Ombudsman for some joint complaints).

Information and Accessibility

We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure the Council's complaints procedures are easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

Information is available on the Council's website. There is also an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.

The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

Advocacy

During 2018/19 the Council commissioned an advocacy service which provides RPRs (Relevant Persons Representatives), IMCAs (Independent Mental Capacity Advocates), IMHAs (Independent Mental Health Act Advocates), Court of Protection Advocacy, and Care Act Advocates. This is provided by Darlington association on Disability (DAD)

The Council also commissioned Specialist Advocacy / Welfare Rights services for adults with a sensory impairment, and NHS Complaints Advocacy on behalf of the NHS.

Summary

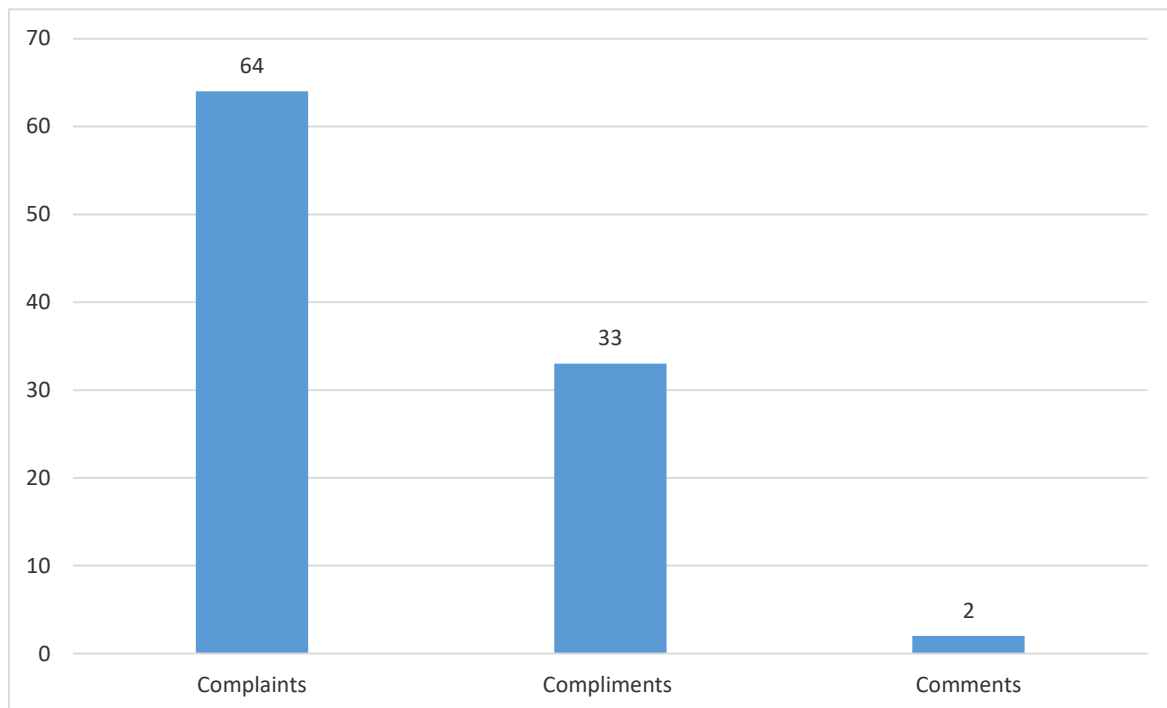
- There has been a decrease in overall feedback from 104 representations in 2017/18 to 99 in 2018/19.
- We investigated 64 complaints under the procedure during 2018/19, a decrease from 92 in 2017/18.
- We received 33 compliments under the procedure during 2018/19, an increase from six in 2017/18.
- We received two comments under the procedure during 2018/19, an increase from zero in 2017/18.
- The Council did not receive any complaints which did not qualify for investigation under the procedure during 2018/19, a decrease from five in 2017/18.
- 13 adult social care complaints were progressed to the LGSCO during 2018/19, an increase from seven in 2017/18.
- The LGSCO reached a decision on 14 complaints during 2018/19, an increase from seven in 2017/18.

Review of the Year

Breakdown of all Representations

A total of 99 representations were handled under the procedure during 2018/19. This does not include those representations responded to directly by social care providers i.e. care homes and home (domiciliary) care providers, as these fall outside the regulations.

Total Complaints, Compliments and Comments Received 2018/19



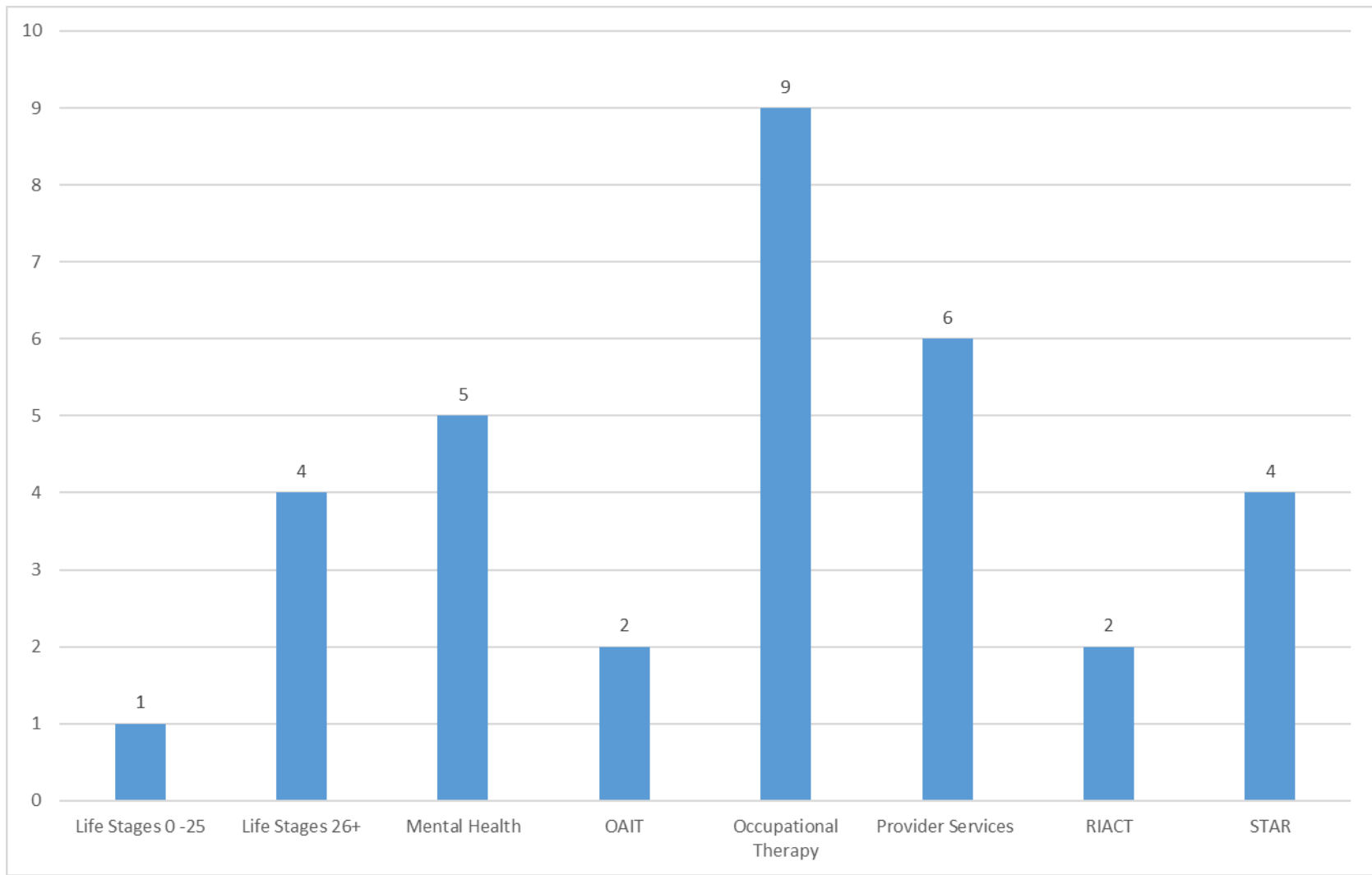
There was a decrease in the number of complaints we investigated, compared to 93 in 2017/18.

There was an increase in the number of compliments we received, compared to six in 2017/18.

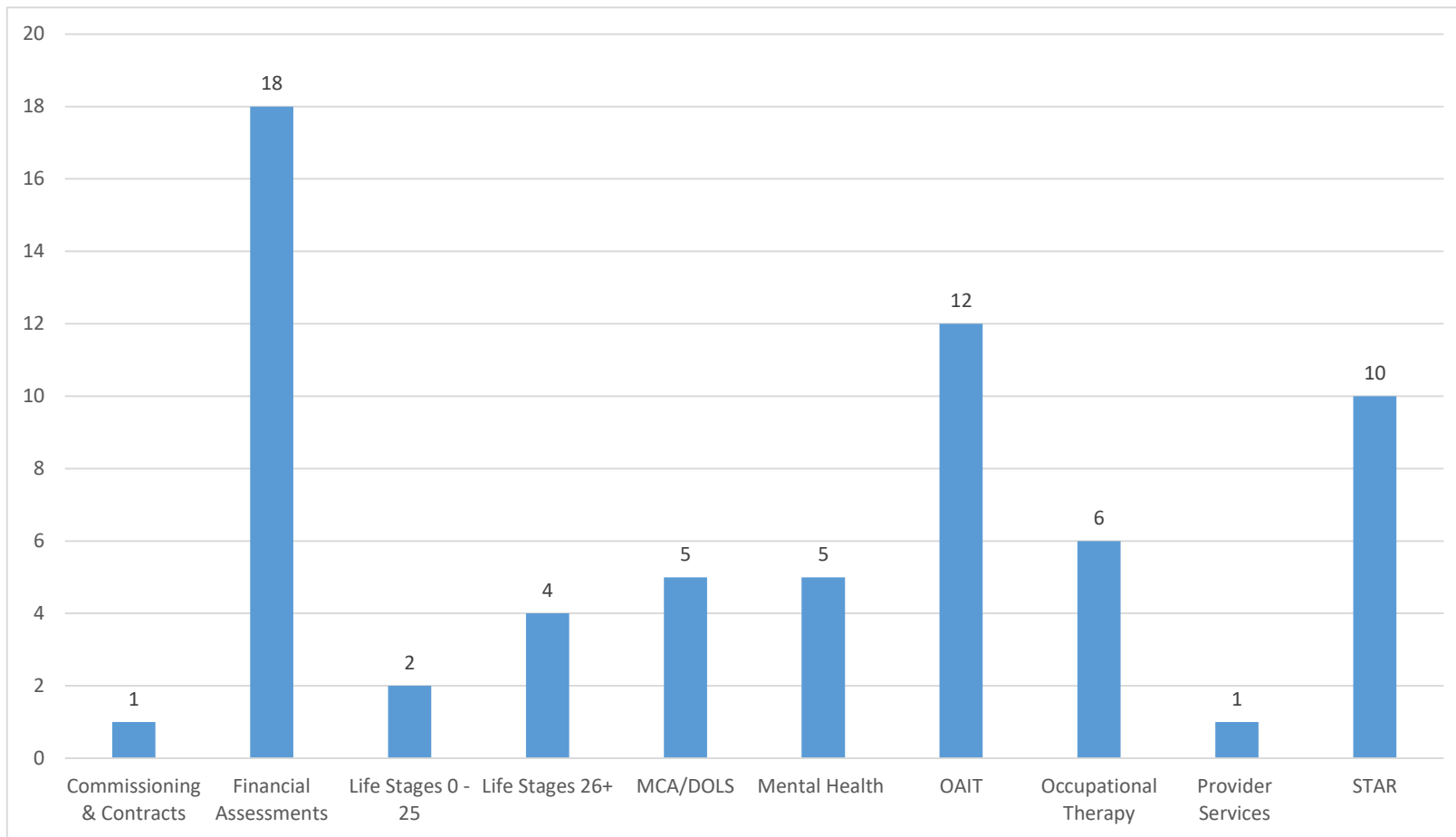
There was an increase in the number of comments we received, compared to zero in 2017/18.

There was a decrease in the number of non-qualifying complaints received, compared to five 2017/18.

Breakdown of Compliments Received by Team



Breakdown of Complaints Received by Service Area/Team



N.B. Those teams that are not listed did not receive any complaints during 2018/19.

Commissioning & Contracts received one complaints, the same number as in 2017/18. This related to a care agency.

Financial Assessments saw a reduction in complaints from 20 in 2017/18. The most common theme was dissatisfaction with the outcome of a financial assessment.

There was a decrease in complaints for the Life Stages 0 – 25 Team, compared to eight in 2017/18.

There was an increase in complaints for Life Stages 26+, compared to three in 2017/18. There was no common theme in the complaints received.

There was an increase in complaints for MCA/DOLS (Mental Capacity Act/Deprivation of Liberty Safeguards), from zero in 2017/18. There was no common theme in the complaints received.

The Mental Health Team received five complaints, an increase from three in 2017/18. There was no common theme in the complaints received.

There was a significant decrease in complaints for the Ongoing Assessment & Intervention Team, from 37 in 2017/18. The most common complaint remained people's dissatisfaction with the outcome of their assessment. Another common complaint was the time taken to undertake assessments.

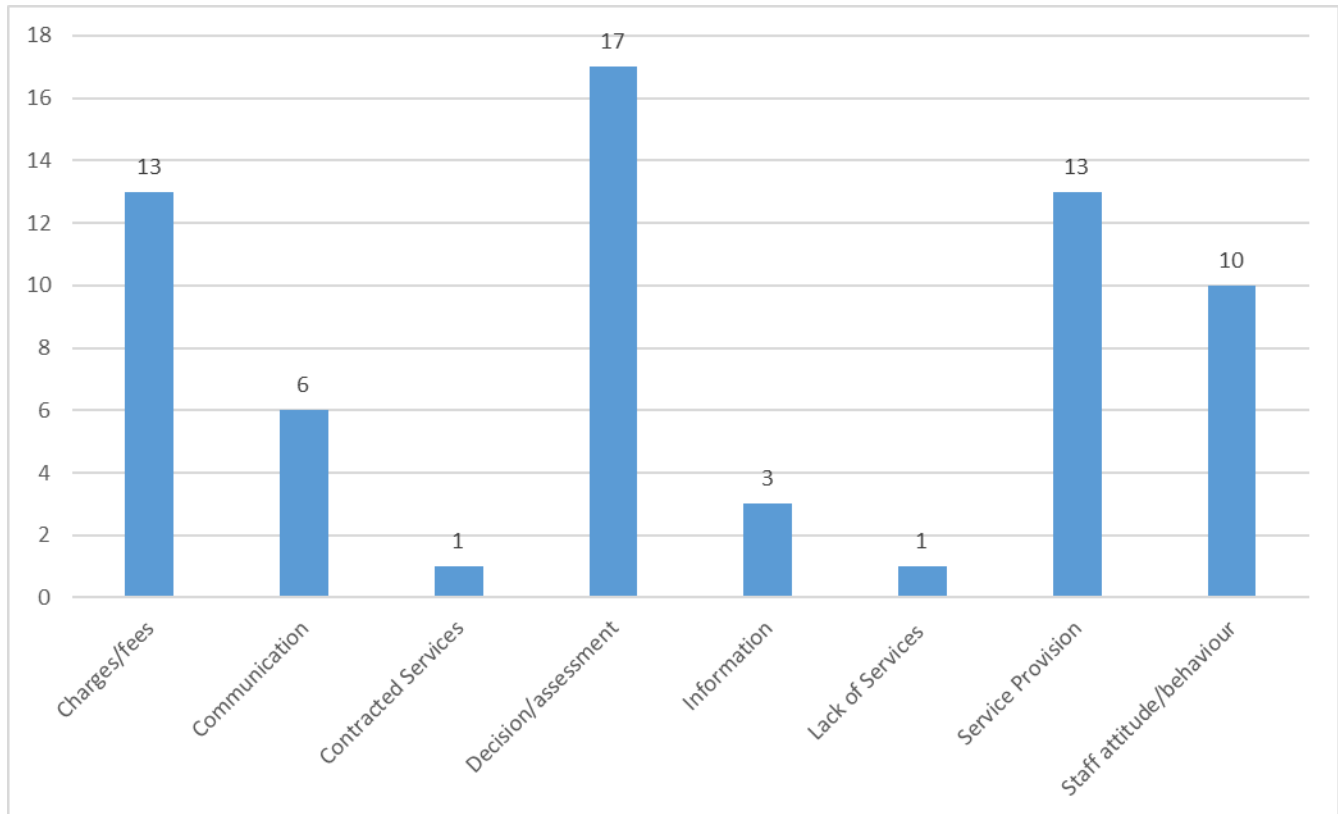
Occupational Therapy received six complaints, an increase from five in 2017/18. The most common themes were people's dissatisfaction with the outcome of their assessment and the time taken to undertake assessments.

There was one complaint for Provider Services, the same number as in 2017/18.

STAR (Short Term Assessment & Review Team) received the same number of complaints as they did in 2017/18. There was no common theme in the complaints received.

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Breakdown of Complaints Received by Issue



The most common cause of complaint remained dissatisfaction with a decision/assessment. In total the Council received 17 complaints about this issue, a significant reduction from 49 in 2017/18.

The joint second common causes of complaint were charges/fees and service provision. The Council received 13 complaints about charges/fees, an increase from 2 in 2017/18. There was a decrease in complaints about service provision from 17 in 2017/18.

The fourth most common cause of complaint was staff attitude/behavior. There was a decrease in complaints about staff attitude/behavior from 11 in 2017/18.

The fifth most common cause of complaint was communication. There was a significant decrease in complaints about communication from 12 in 2017/18.

Complaint Outcomes

77 complaint investigations were concluded during 2018/19. The outcomes of these complaints are detailed in the chart below.

Service Area/Team	Upheld	Partly Upheld	Not Upheld	Inconclusive	Withdrawn	Total
Financial Assessments	5	3	10	2	1	21
Lifeline	0	1	0	0	0	1
Life Stages 0 – 25	0	0	1	0	2	3
Life Stages 26+	1	1	0	0	1	3
Occupational Therapy	0	1	0	0	3	4
Ongoing Assessment & Intervention Team (OAIT)	5	6	5	1	5	22
Responsive Integrated Assessment Care Team (RIACT)	0	1	0	0	0	1
Short Term Assessment & Review Team	1	6	1	0	3	11
Mental Capacity Act/Deprivations of Liberty Safeguards (MCA/DOLS)	1	3	0	0	0	4
Mental Health	1	0	2	0	2	5
Contracts & Quality	0	1	0	0	0	1
Provider Services	0	0	0	0	1	1
Total	14	23	18	4	18	77

Local Government Ombudsman Complaints Received 2018/19

13 adult social care complaints were progressed to the LGSCO during 2017/18, an increase from seven in 2017/18. There were no common themes in the complaints referred to the LGSCO.

Local Government Ombudsman Complaint Outcomes 2018/19

14 adult social care complaints were determined by the LGSCO during 2018/19, compared to seven in 2017/18.

Full details of those complaints determined by the LGSCO are included in the Cabinet reports of 11 December 2018 and 10 September 2019 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

Organisational Learning

Financial Assessments

Following a complaint for Financial Assessments it was agreed a reminder to be sent to staff to discuss the financial assessment process with individuals who are requiring adult social care services and that Adult Social Care procedures need to be followed to request a financial assessment in a timely manner.

Following another complaint for Financial Assessments the Council carried out a new public consultation on its proposed charging policies and presented a new report to Cabinet which included an accurate summary of the relevant law and statutory guidance. The report explained that Councillors have discretion about treatment of income from benefits for people who receive care and support in a non-residential setting (apart from prescribed benefits which the law says must be disregarded).

Following a complaint for Financial Assessments the Council revisited its guidance and policy on intermediate care and amended the guidance to explain what constitutes a short-break and what is intermediate care and in what circumstances the Council will pay for care.

Following a further complaint, the manager reviewed the process for sending out letters to request direct payment returns.

Mental Capacity Act/Deprivations of Liberty Safeguards (MCA/DOLS)

Following a complaint for Safeguarding Adults it was agreed the Council would ensure all adult social care staff have up to date training in relation to Safeguarding Adults and the Mental Capacity Act. It was also agreed that the Mental Capacity Act training would be updated to include the issue of control and coercion and how this can impact on an individual's capacity to make decisions and that all adult social care staff who had not been on the training since this was introduced would be made aware of the impact of control and coercion through guidance and discussions at team meetings. The Council also decided to issue guidance on witnessing Deed of Revocation of Power of Attorney.

Following a further complaint for Safeguarding Adults it was agreed feedback would be provided to all parties involved where appropriate following any enquiry.

Ongoing Assessment & Intervention Team (OAIT)

Following a complaint for OAIT it was agreed that individuals would be contacted once transferred to an alternative team to inform them of the timescale for when an assessment can be expected.

Following another complaint for OAIT it was agreed assessments and support plans would address communication needs and finances adequately when there is any indication the person may need support in this area. It was also agreed that the Council would ensure all staff are aware to check whether the situation fits within the description of abuse set out in its own framework and ensure the principles of safeguarding are considered when a safeguarding concern is received. Furthermore, the Council agreed to ensure decisions about safeguarding are properly recorded and detailed and review its safeguarding training to ensure these matters are made clear.

Following a further complaint for OAIT it was agreed that wherever possible assessments should be made in person and that all complex cases must have face to face assessments.

As a result of another complaint for OAIT it was agreed

Short Term Assessment & Review Team (STAR)

Following a complaint for STAR it was agreed the policy would be amended to make it clear that if a person moves from their own home into extra care or supported living their property will be taken into account for financial assessments. It was also agreed that Social Workers would make it clear to families and service users at the outset of their involvement what potential discharge arrangements would be.

Further recommendations

Adult Services should ensure complaints are responded to in a timely manner and that where an extension is required this is communicated to the complainant and properly recorded.

Performance against the Procedure

The target for acknowledging receipt of complaints under the procedure is 3 working days.

69.4% of complaints received during 2018/19 were acknowledged within the 3 working day timescale, an increase from 63.7% in 2017/18.

There are no longer any statutory timescales for complaint responses, except that complainants should receive a response within six months. The procedure sets out a timescale for dealing with complaints solely about the Council's services i.e. 30 working days, although there are circumstances in which the investigator may agree an extension with the

complainant. It also states that for joint health and social care complaints the complaints managers from the different organisations will work together to decide a reasonable timescale and agree this with the complainant. This is to ensure investigations are completed in a timely manner and within the maximum time allowed.

12 complaints exceeded the maximum six month time limit, compared to five in 2017/18. The average length of time a complaint investigation took was 105 days, compared to 69 in 2017/18.

Performance Indicator for 2018/19

In relation to adult social care complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government Ombudsman. The Council received nine maladministration decisions during 2018/19, compared to two during 2017/18.

Full details of those complaints determined by the LGSCO are included in the Cabinet reports of 11 December 2018 and 19 September 2019 entitled [Review of Outcome of Complaints Made to Ombudsman](#).



Children's Social Care Complaints, Compliments and Comments Annual Report 2018/19

Contents

Introduction	2
The Law	2
Complaints and Information Governance Team.....	2
Public Information.....	2
Children’s Services Social Care Complaints Process	3
Stage 1 – Local Resolution.....	3
Stage 2 – Investigation	3
Stage 3 – Review Panel.....	3
The Local Government and Social Care Ombudsman.....	3
External Support to the Complaints Process	3
Total Complaints, Compliments and Comments received	4
Breakdown of Stage 1 Complaints by Service Area/Team	5
Breakdown of Stage 2 Complaints by Service Area/Team	7
Breakdown of Stage 3 complaints by Service Area/Team.....	9
Breakdown of complaints by Issue	10
Breakdown of Comments by Service Area/Team.....	10
Breakdown of Compliments by Service Area/Team.....	11
Complaint Outcomes	12
Local Government and Social Care Ombudsman Complaints.....	16
Organisational Learning	16
Performance against the Children’s Social Care Complaints, Compliments and Comments Procedure	18
Timescales.....	18
Stage 1	18
Stage 2	18
Stage 3	18
Performance against key performance indicators	19
Further recommendations.....	19

Introduction

Darlington Children's Social Care welcomes complaints, compliments and comments as a way of improving service delivery to children, young people and their families. The purpose of this report is to inform the service users, carers, the public, Council Members and Children's Social Care staff of the effectiveness of the Children's Social Care Complaints, Compliments and Comments Procedure (the Procedure). The report identifies topics and trends in relation to complaints information, makes suggestions for service improvements, where appropriate and identifies areas of organisational learning that have taken place in relation to people, policy and process.

The Law

The Council is required by law to have management arrangements in place for considering children's social care representations, including complaints, under the Children Act 1989. National legislative procedures for social care were amended in September 2006 with the introduction of the Children Act 1989 Representation Procedure (England) Regulations 2006 (the Regulations). It is a requirement of the Regulations that the Council publishes an annual report. In addition to the Regulations the Department for Education and Skills produced some comprehensive guidance for local authorities on managing complaints, called 'Getting the Best from Complaints'.

Key features of the Regulations include:

- A requirement for local authorities to appoint a Complaints Manager;
- A requirement for review panels to be retained by local authorities but with more robust arrangements for constituting and running them; and
- A 12 month time limit to make complaints.

Complaints and Information Governance Team

The Complaints and Information Governance Manager is appointed as the 'Complaints Manager' in accordance with the requirements of the Regulations. The Complaints and Information Governance (CIG) Team is independent of Children's Social Care operational line management. This ensures a high level of independence in the way children's social care complaints are managed within the Council.

Public Information

We are committed to making sure that everyone has equal access to all our services, including the Procedure. To help make the Procedure easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

Information is available on the Council's website. There is also an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish.

This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.

The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

Children's Services Social Care Complaints Process

Stage 1 – Local Resolution

This initial stage allows children's social care managers the opportunity to try and resolve complaints locally, usually within the team being complained about.

Stage 2 – Investigation

Stage 2 involves a full and formal investigation. An 'Independent Person' must also be appointed to oversee the investigation and report independently to Children's Social Care Services. Both the Investigating Officer and Independent Person produce reports, which are submitted to a senior manager who writes the final response to the complainant.

Stage 3 – Review Panel

A review panel is convened when the complainant is dissatisfied with the Stage 2 response. The panel consists of an independent chairperson and two individuals who are independent of the Council.

The Local Government and Social Care Ombudsman

Although complainants can refer complaints at any stage to the Local Government and Social Care Ombudsman (LGSCO) they will not normally investigate until the Council has conducted its own investigation and provided a response.

External Support to the Complaints Process

Advocacy

The Council commissions an advocacy service for children and young people who make a complaint. This is an independent service provided by NYAS.

Investigating Officers

While the Regulations do not require Investigating Officers to be independent of the Council, we have signed up to a contract for the provision of Independent Investigating Officers.

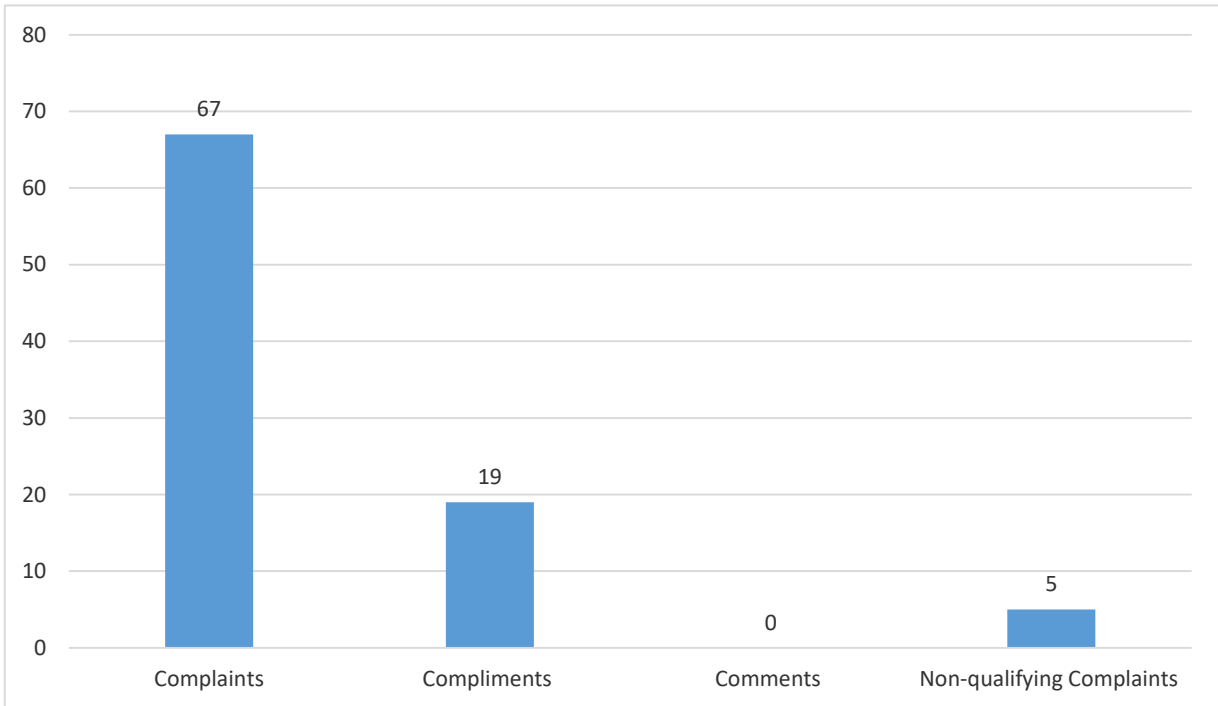
Independent Persons

The Council has signed up to a contract for the provision of Independent Persons.

Review Panels

The Council has also signed up to a contract for the provision of an Independent Chair and Independent Panellist service.

Total Complaints, Compliments and Comments received



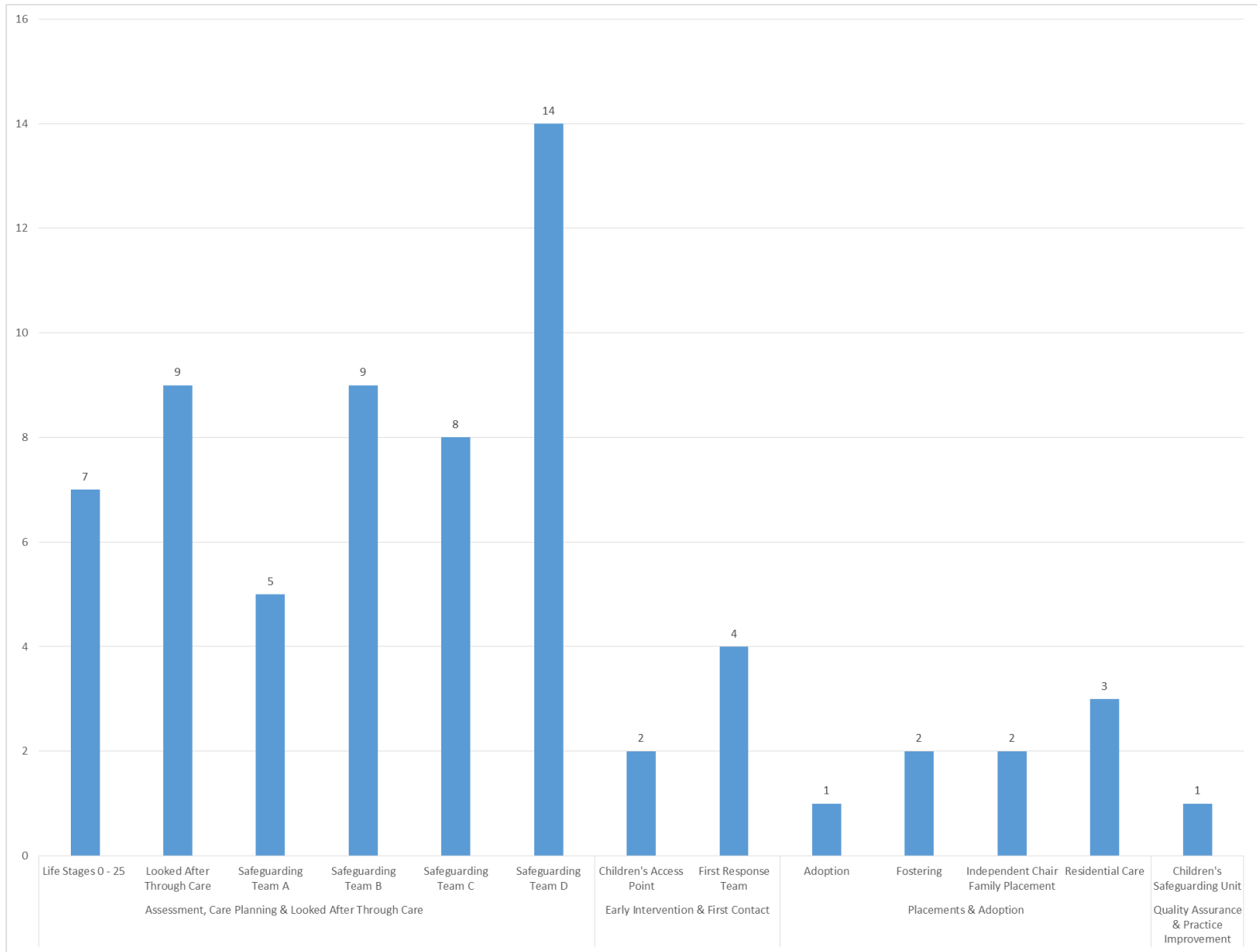
The Council received 67 complaints during 2018/19, an increase from 54 complaints during 2017/18.

The Council received 19 compliments during 2018/19, an increase from 12 during 2017/18.

The Council received zero comments during 2018/19, the same as in 2017/18.

The Council received five non-qualifying complaints during 2018/19, an increase from one during 2017/18.

Breakdown of Stage 1 Complaints by Service Area/Team



N.B. Those teams that are not listed did not receive any complaints during 2018/19.

Assessment, Care Planning & Looked After Through Care

Life Stages 0 – 25 received seven complaints, a significant increase from one in 2017/18.

Looked After Children Through Care (LATC) received the same number of complaints as in 2017/18.

Safeguarding Team A received the same number of complaints as in 2017/18.

Safeguarding Team B received nine complaints, an increase from eight on 2017/18.

Safeguarding Team C received eight complaints, an increase from seven in 2017/18.

Safeguarding Team D received 14 complaint, a significant increase from six in 2017/18.

Early Intervention & First Contact

Children's Access Point (CAP) received the same number of complaints as in 2017/18.

First Response Team (FRT) received four complaints, an increase from three in 2017/18.

Placements & Adoption

Adoption received one complaint, a reduction from two in 2017/18.

Fostering received two complaints, a decrease from four in 2017/18.

Independent Chair Family Placement received two complaints, compared to zero in 2017/18.

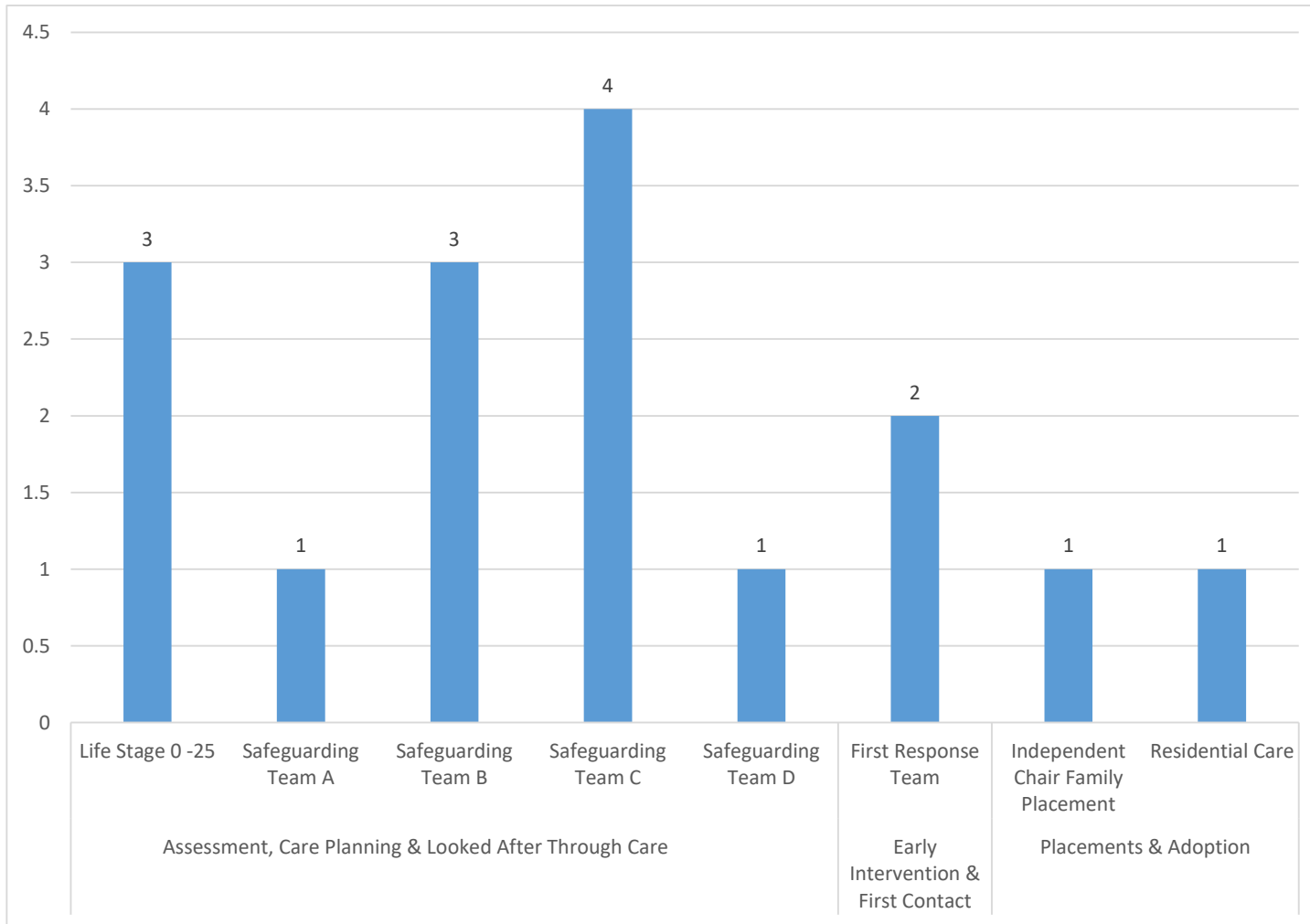
Residential Care received the same number of complaints as in 2017/18.

Quality Assurance & Practice Improvement

Children's Safeguarding Unit received the same number of complaints as in 2017/18.

Breakdown of Stage 2 Complaints by Service Area/Team

16 complaints were considered at Stage 2 during 2018/19, the same number as in 2017/18.



Assessment, Care Planning & Looked After Through Care

Life Stages 0 – 25 Team received three complaints, an increase from one in 2017/18.

Safeguarding Team A received the same number of complaints as in 2017/18.

Safeguarding Team B received the same number of complaints as in 2017/18.

Safeguarding Team C received four complaints, an increase from zero in 2017/18.

Safeguarding Team D received one complaint, a decrease from five in 2017/18.

Early Intervention & First Contact

First Response Team (FRT) received two complaints, an increase from zero in 2017/18.

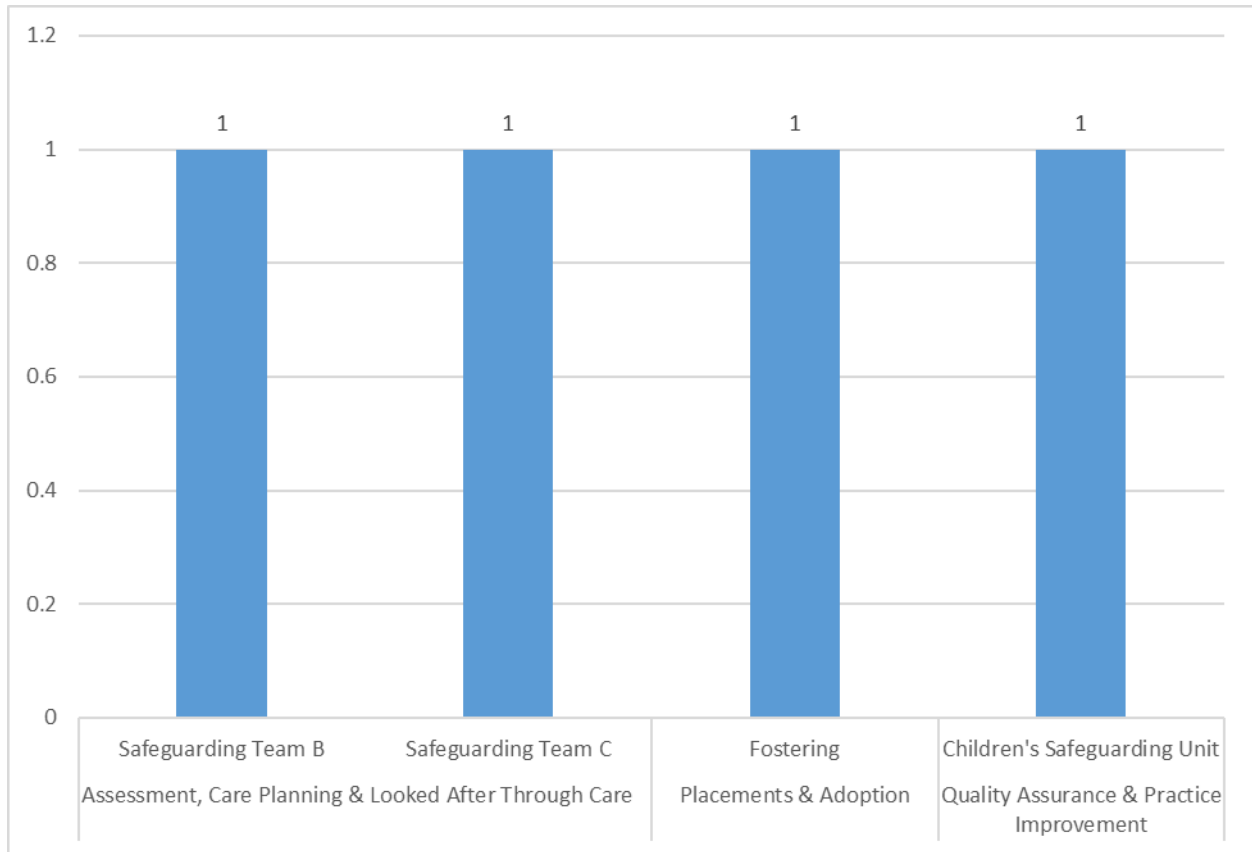
Placements & Adoption

Independent Chair Family Placement received one complaint, an increase from zero in 2017/18.

Residential Care received one complaint, an increase from zero in 2017/18.

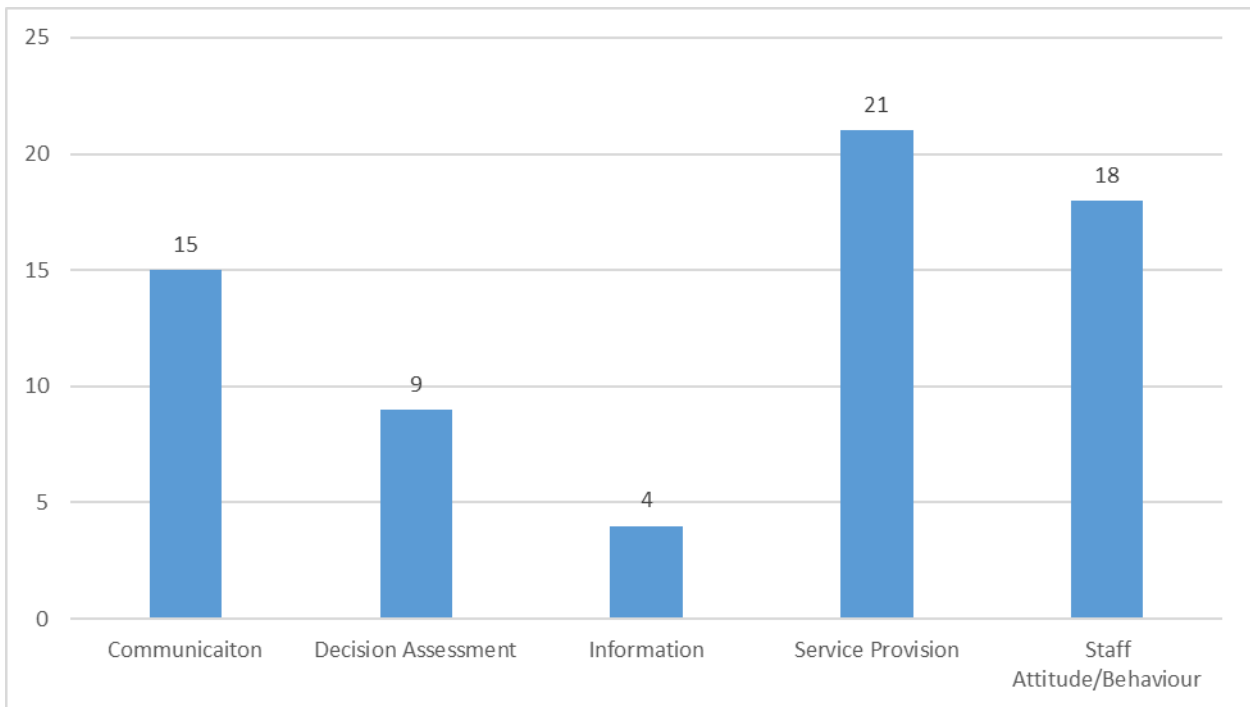
Breakdown of Stage 3 complaints by Service Area/Team

Four complaints were escalated to Stage 3 during 2018/19, compared to two in 2017/18.



None of these teams received a Stage 3 complaint during 2017/18.

Breakdown of complaints by Issue



Service provision remained the most commonly complained about issue. The Council received 21 complaints about this issue, compared to 20 in 2017/18.

The second most complained about issue remained staff attitude/behaviour. The Council received 18 complaints about this issue, the same number as in 2017/18.

The third most complained about issues remained communication. The Council received 15 complaints about this issue, an increase from 12 in 2017/18.

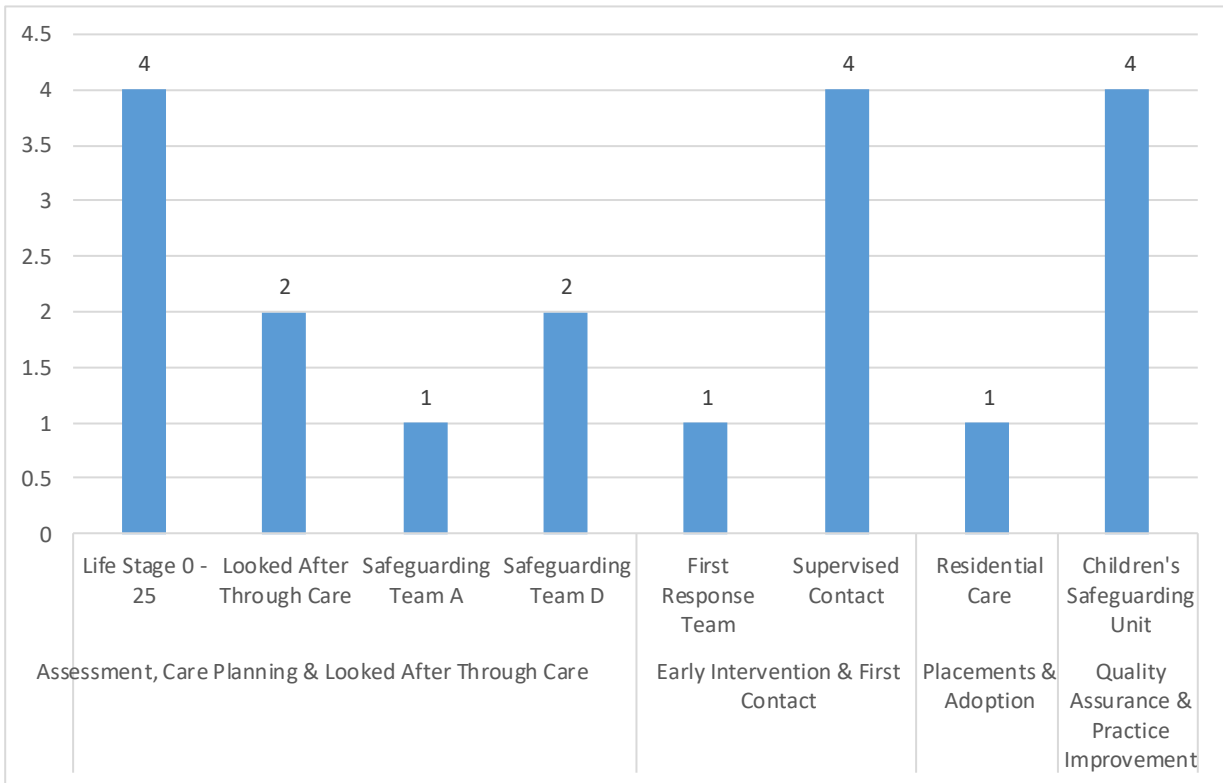
The Council saw an increase in complaints about the outcome of a decision/assessment, nine compared to two in 2017/18.

The Council also received four complaints about information, an increase from zero in 2017/18.

Breakdown of Comments by Service Area/Team

The Council did not receive any comments during 2018/19, as was the case in 2017/18.

Breakdown of Compliments by Service Area/Team



The Council saw a continued increase in compliments, 19 compared to 12 in 2017/18 and 4 in 2016/17.

Complaint Outcomes

Stage 1 - The below table shows the decisions reached on Stage 1 complaints during 2018/19.

Service Area/Team		Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Assessment, Care Planning & LATC								
	Safeguarding Team A	0	0	3	0	0	1	4
	Safeguarding Team B	0	0	4	4	1	0	9
	Safeguarding Team C	0	0	6	3	0	0	9
	Safeguarding Team D	0	0	9	2	0	0	11
	Life Stages 0 - 25	1	0	1	3	0	0	5
	Looked After Through Care (LATC)	0	1	2	3	2	0	8
Total for Assessment, Care Planning & LATC		1	1	25	15	3	1	46
Early Intervention & First Contact								
	Children's Access Point	0	0	0	2	0	0	2
	First Response Team	0	0	2	3	0	0	5
Total for Early Intervention & First Contact		0	0	2	5	0	0	7
Placements & Adoption Service								
	Adoption	0	0	0	0	1	0	1
	Fostering	0	0	0	2	1	0	3
	Independent Chair Family Placement	0	0	1	1	0	0	2
	Residential Care	0	0	2	1	0	1	4

Total for Placements & Adoption Service	0	0	3	4	2	1	10
<i>Quality Assurance and Practice Improvement</i>							
Children's Safeguarding Unit	0	0	1	0	0	0	1
Total for Quality Assurance and Practice Improvement	0	0	1	0	0	0	1
Total for Children's Services	1	1	31	24	5	2	64

Stage 2 - The below table shows the decisions reached on Stage 2 complaints during 2018/19.

Service Area/Team		Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Assessment, Care Planning & LATC							
	Safeguarding Team A	0	1	0	0	0	1
	Safeguarding Team B	0	1	1	0	2	4
	Safeguarding Team C	0	2	1	0	0	3
	Safeguarding Team D	0	1	1	0	0	2
Total for Assessment, Care Planning & LATC		0	5	3	0	2	10
Early Intervention & First Contact							
	Early Help Social Work & Edge of Care 5 - 19	0	0	1	0	0	1
	First Response Team	0	1	0	0	1	2
Total for Early Intervention & First Contact		0	1	1	0	1	3
Placements & Adoption Service							
	Fostering	0	0	1	0	0	1
	Residential Care	0	1	0	0	0	1
Total for Placements & Adoption Service		0	1	1	0	0	2
Quality Assurance & Practice Improvement							
	Children's Safeguarding Unit	0	0	1	0	0	1
Total for Quality Assurance & Practice Improvement		0	0	1	0	3	1
Total for Children's Services		0	7	6	0	3	16

Stage 3 - The below table shows the decisions reached on Stage 3 complaints during 2018/19.

Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Assessment, Care Planning & LATC						
Safeguarding Team B	0	1	0	0	0	1
Total for Assessment, Care Planning & LATC	0	1	0	0	0	1
Placements & Adoption	0	0	0	0	0	0
Fostering	0	0	1	0	0	1
Total for Placements & Adoption	0	0	1	0	0	1
Quality Assurance & Practice Improvement						
Children's Safeguarding Unit	0	0	0	0	1	1
Total for Quality Assurance & Practice Improvement	0	0	0	0	1	1
Total for Children's Services	0	1	1	0	1	3

Local Government and Social Care Ombudsman Complaints

One complaints was referred to the LGSCO during 2018/19, a decrease from three in 2017/18.

One complaints was determined by the LGSCO during 2018/19, compared to four in 2017/18.

Organisational Learning

Fostering

Following a complaint for Fostering it was agreed the Council would ensure all Social Workers formulating care plans that may result in Special Guardianship Orders provide to any potential recipients a Guidance Document containing as a minimum the legal impact of such orders upon the holders and on the parents, the rights and responsibilities attributed by such orders while they are in force and the level and duration of support measures that will be made available by the Council.

Following another complaint for Fostering it was agreed the Council would review the need for a policy regarding respite provision for connected carers, which would underpin the new legislation surrounding Special Guardianship Orders. It was recommended that akin to recommendation 8 within the Ofsted report 2015: The Council should ensure that Independent Reviewing Officers (IRO) demonstrate rigour when overseeing both the quality and progress of plans. It was also recommended that akin to recommendation 10 within the Ofsted report 2015: The Council should ensure when children are looked after that decisions about their need for permanence are timely with robust oversight, including by IROs.

Adoption

Following a complaint for Adoption it was agreed the Council would ensure that where any aspect of Special Guardianship Support Plans requires it to delegate the provision of support services to another Local Authority or Agent then such a support plan will be fully compliant with Regulations 3, 4 and 5 of the Special Guardianship Regulations 2005 (Amended) when submitted to the Court prior to disposal.

Children's Access Point

Following a complaint for CAP it was agreed the Council would always ensure fathers have the opportunity to be involved in assessments/parenting programmes.

Children's Safeguarding Unit

Following a complaint for the Children's Safeguarding Unit the Council agreed to ensure processes are in place to notify individuals when appointments cannot be kept and the relevant Social Worker is unable to make contact.

Early Help Social Work & Edge of Care 5 - 19

Following a complaint for Early Help Social Work & Edge of Care 5 – 19 it was agreed the Council would consider mandatory FASD training for officers that may be involved in undertaking early help work and that the most appropriately trained and experienced officers are allocated to these specific cases.

Independent Chair Family Placement

Following a complaint about a Special Guardianship Order (SGO) payment it was recommended the Council update its guidance and a financial system be put in place to calculate the money owed. It was also agreed the Council would ensure clear guidance and written confirmation is given to Special Guardians prior to approving the plan.

Looked After Through Care (LATC)

Following a complaint for LATC it was agreed the Council would ensure Social Workers within the team are keeping parents up to date regarding their children's welfare with basic details should the children not wish for their parents to attend their Looked After Review or have detailed information shared with them. It was also agreed the Council would ensure Social Workers within the team keep the best interests of the children and young people a priority, so they feel supported and empowered.

Safeguarding Team A

Following a complaint for Safeguarding Team A it was agreed the Council would improve case recording

Safeguarding Team D

Following a complaint for Safeguarding Team D it was agreed the Council would ensure requests to take a looked after child out of school in term time would be referred to the Director of Children's Services, as the decision maker, and the decision appropriately communicated to the family and properly recorded. It was also agreed the Council would review the authorisation budget levels in respect of Team Managers, to determine whether they are set at a realistic authorisation level.

Furthermore, it was agreed the Council would ensure Team Managers appraise themselves of case records and assessments within supervision sessions with Social Workers, to ensure that procedures are followed by Social Workers and that decision making is transparent, consistent and appropriate to the level of authority the Social Worker and Team Manager hold.

Performance against the Children's Social Care Complaints, Compliments and Comments Procedure

The below performance measures are in relation to those complaints responded to during 2018/19.

Timescales

Stage 1

The target for responding to a complaint at Stage 1 is 10 working days, with a possible extension of up to 20 working days if the complaint is complex.

- 47.5% of Stage 1 complaint responses were sent out within 10 working days. This was a significant increase in performance from 12.5% in 2017/18.
- A further 10.2% of Stage 1 complaint responses were sent out within 20 working days.
- In total 62.7% of Stage 1 complaint responses were sent out within the maximum 20 working day timescale, an increase from 42.9% in 2017/18.

Stage 2

The target for responding to a complaint at Stage 2 is 25 working days, extendable up to a maximum of 65 working days.

- 0% of Stage 2 responses were sent out within 25 working days during 2018/19, a decrease from 7.7% in 2017/18.
- 33.3% of complaints were responded to within the maximum timescale allowed (65 working days), an increase from 15.4% in 2017/18.
- 66.7% were responded to after 65 working days, a reduction from 84.6% in 2017/18.

Stage 3

- At Stage 3 the Review Panel should be held within 30 working days of the request. 100% of Review Panels were held within 30 working days.
- The Review Panel should write to the Director within 5 working days of the panel. They did so in 100% of cases.
- The Director should write to the complainant within 15 working days of receiving the Panel's response. The Director wrote to the complainant within 15 working days in 100% of cases, an increase from 66.7% of cases in 2017/18.

Performance against key performance indicators

In relation to children's social care complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government and Social Care Ombudsman. The Council received one maladministration decision during 2018/19, a decrease from two in 2017/18.

Full details of those complaints determined by the LGSCO are included in the Cabinet reports of 11 December 2018 and 19 September 2019 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

Further recommendations

Children's social care staff should continue to work to improve performance against the Stage 1 and 2 timescales.



Corporate Complaints, Compliments and Comments Annual Report 2018/19

Contents

	Page
Introduction	3
Corporate Complaints, Compliments and Comments Procedure	3
Public Information and Accessibility	3
Complaints Information and Organisational Learning	5
Overview of Complaints, Compliments and Comments	5
Children & Adults Services	8
Economic Growth & Neighbourhood Services	16
Resources	38
Performance against the Corporate Complaints, Compliments and Comments Procedure	43
Further Recommendations	45
Performance against Local Performance Indicators	45

Introduction

This report provides an analysis of the complaints, compliments and comments received by the Council during 2018/19 under the Corporate Complaints, Compliments and Comments Procedure (the corporate procedure). The purpose of the report is to identify topics and trends in relation to complaints; identify areas of organisational learning that have taken place over the past year as a result of the complaints received and make further recommendations based on trend data to improve services. The report also highlights those areas of good practice within the Council and seeks to identify topics and trends in relation to comments made by members of the public so the Council can also take action where appropriate to improve services.

In addition to the statistical information presented in this report it is important to recognise the work of the Complaints and Information Governance (CIG) Team that underpins this in terms of promoting an organisational culture in which complaints are recognised, accepted, owned and resolved as efficiently and as close to the point of service delivery as possible.

Corporate Complaints, Compliments and Comments Procedure

The corporate procedure sets out how the Council will deal with all complaints, compliments and comments received with the exception of those received in relation to adult and children's social care services, social housing, public health and Members which will be dealt with under separate procedures.

The corporate procedure has two stages. Stage 1 is a local resolution stage where we try to resolve those complaints that cannot be resolved immediately as part of our day to day business. Stage 1 complaints are dealt with locally, that is within the service being complained about. We aim to resolve the majority of complaints at Stage 1 of the corporate procedure.

Stage 2 is a formal investigation stage where complaints will usually be investigated by the Council's Complaints Investigator, the Complaints and Information Governance Manager or another officer independent of the service being complained about.

If the complainant remains dissatisfied following a Stage 2 investigation they may refer the matter to the Local Government and Social Care Ombudsman.

Public Information and Accessibility

We are committed to making sure that everyone has equal access to all our services. To help make sure the Council's complaints procedures are easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

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Council services. People may make a complaint in any format they wish. This can be in writing, email, via the web, over the phone, in person or by any other reasonable means.

The Complaints and Information Governance Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

Complaints Information and Organisational Learning

Overview of Complaints, Compliments and Comments

Between 1 April 2018 and 31 March 2019 the Council received a total of 1,064 representations under the corporate procedure, an increase from 939 in 2017/18.

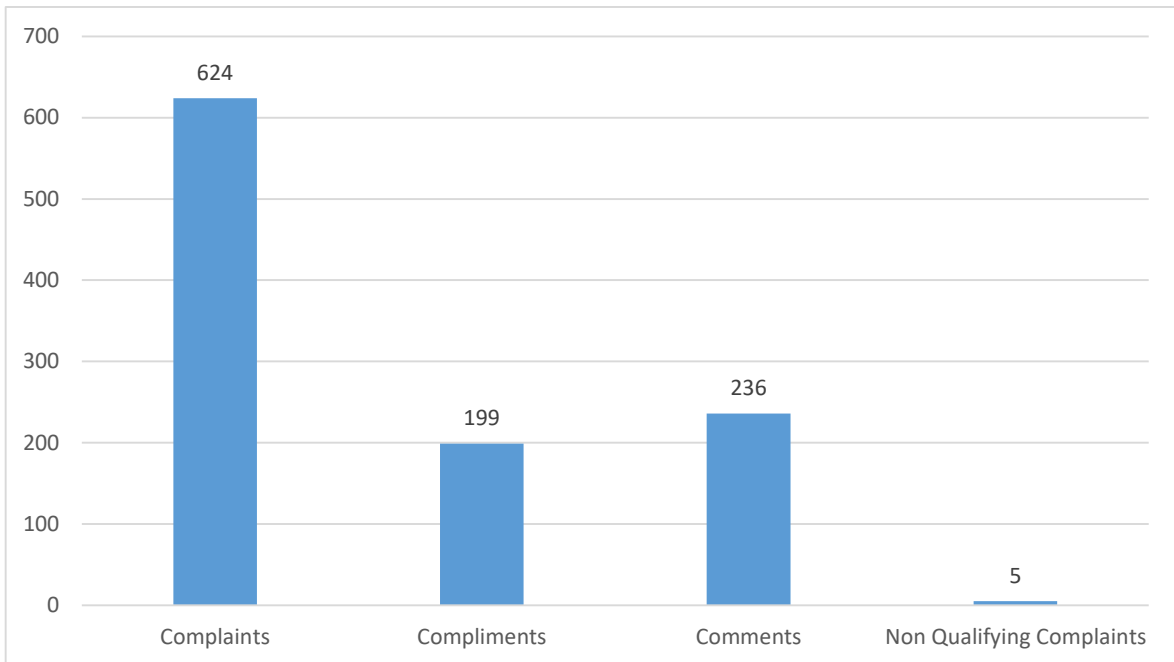
The Council received 624 complaints, a slight decrease from 636 in 2017/18. 623 complaints were initially dealt with at Stage 1 of the corporate procedure, while 1 was initially dealt with at Stage 2. 70 Stage 1 complaints were escalated to Stage 2 following a Stage 1 investigation. In total 71 complaints were investigated at Stage 2, a decrease from 88 in 2017/18.

The Council received 199 compliments, a significant increase from 79 in 2017/18. There was no one particular service area or issue responsible for the increase. The Council received a significant amount of positive feedback in relation to a number of services including, Building Cleaning & Street Cleansing, Cemetery & Crematorium, Grounds Maintenance, Highway Asset Management, the Hippodrome, Housing Options and Lifeline, Nursery & Horticulture, Refuse and Recycling Collection and Street Scene Enforcement.

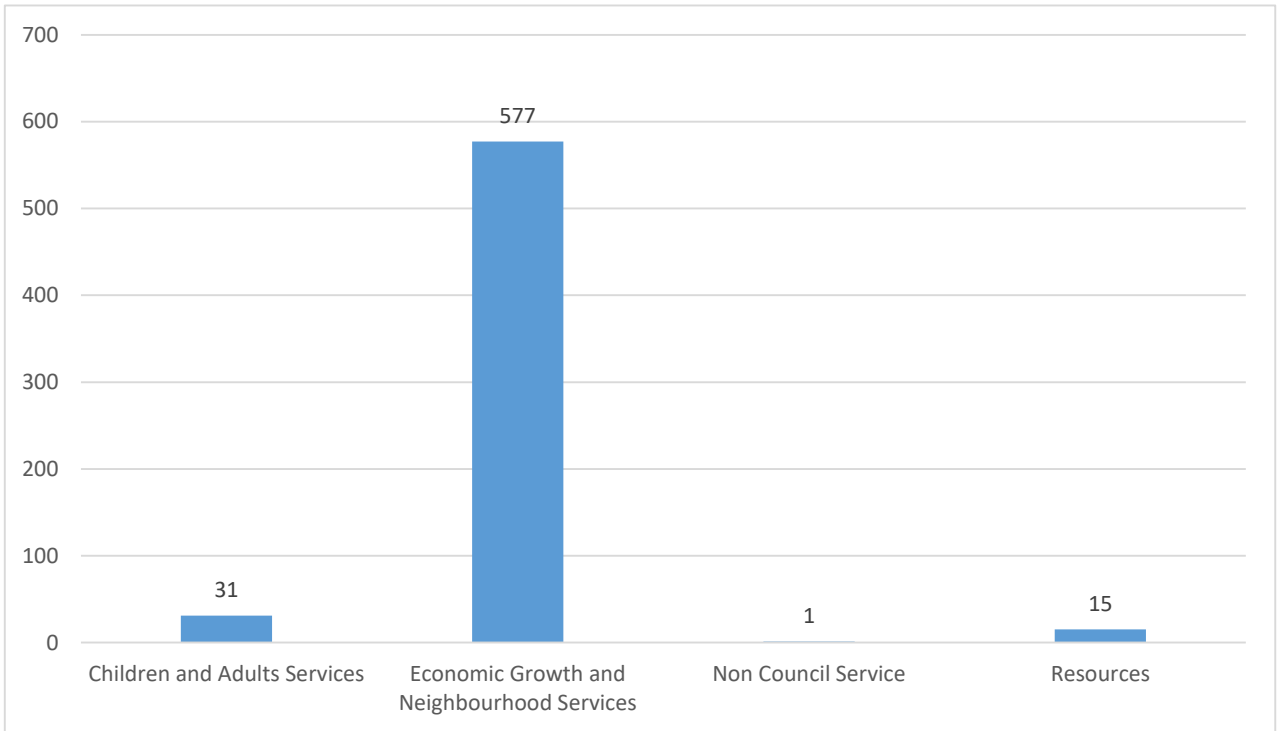
The Council also received 236 comments, a slight increase from 224 in 2017/18.

The Council also received 5 non-qualifying complaints.

Total Complaints, Compliments and Comments

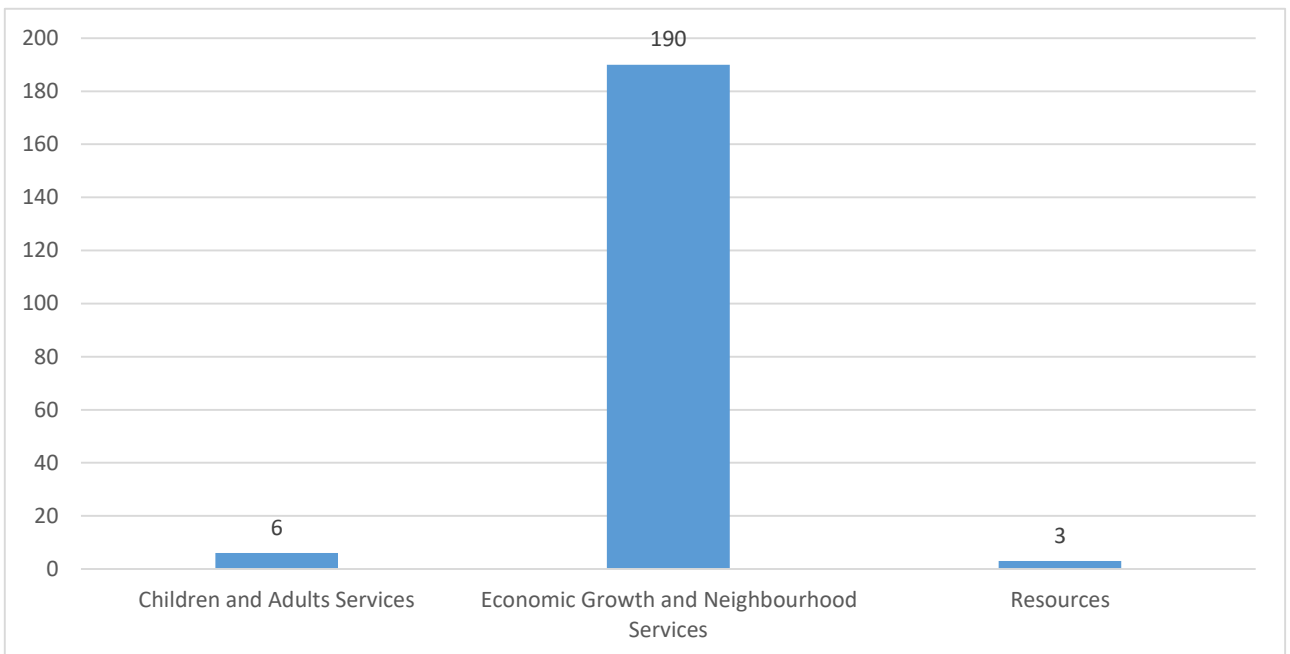


Complaints by Department



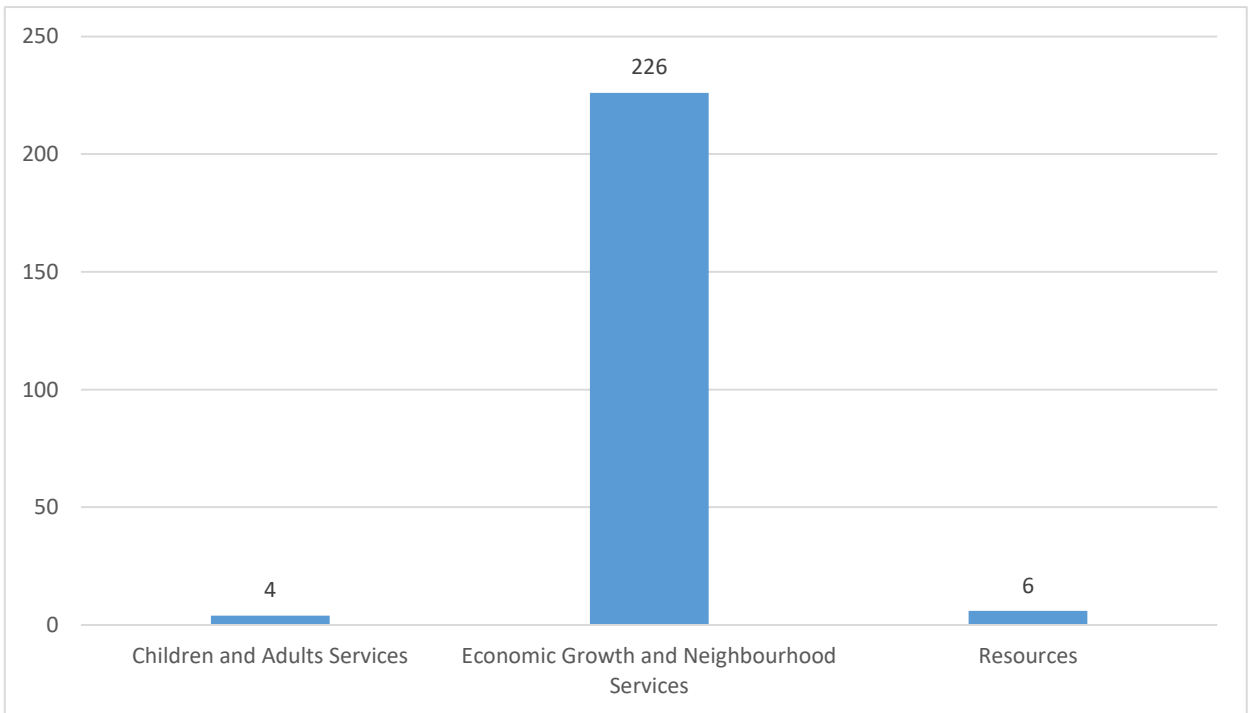
Economic Growth and Neighbourhood Services received 577 complaints, compared to 572 in 2017/18.

Compliments by Department



Economic Growth and Neighbourhood Services received 190 compliments, a significant increase from 66 in 2017/18.

Comments by Department

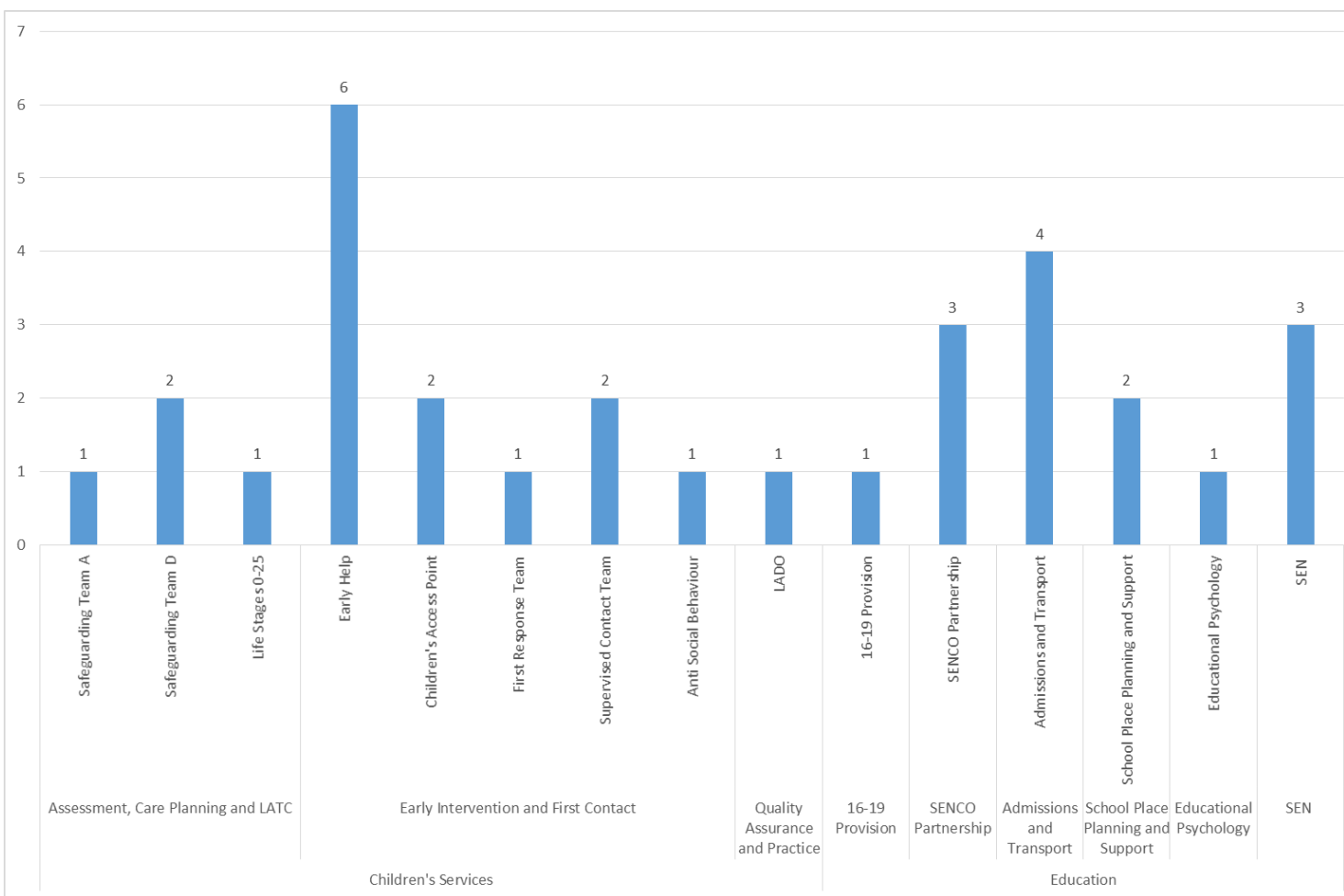


Economic Growth and Neighbourhood Services received 226 comments, compared to 212 in 2017/18.

Complaints, Compliments and Comments by Department Children and Adults Services

Complaints by Service Area/Team

Overview



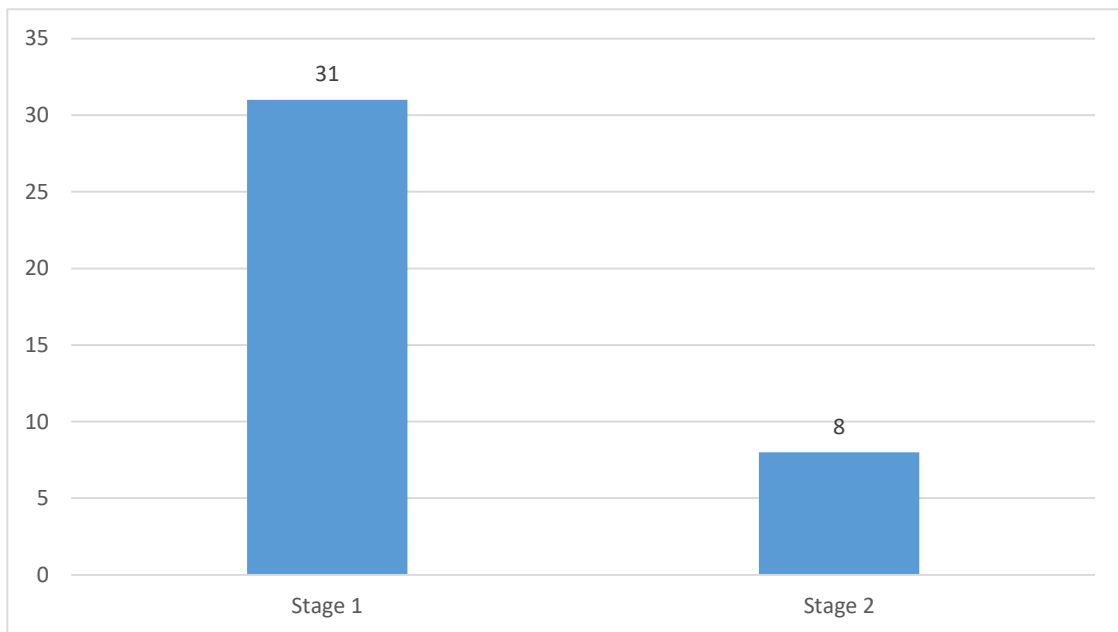
Children and Adults Services received 31 complaints, an increase from 19 in 2017/18.

Adult Services received 0 complaints, a decrease from 1 in 2017/18.

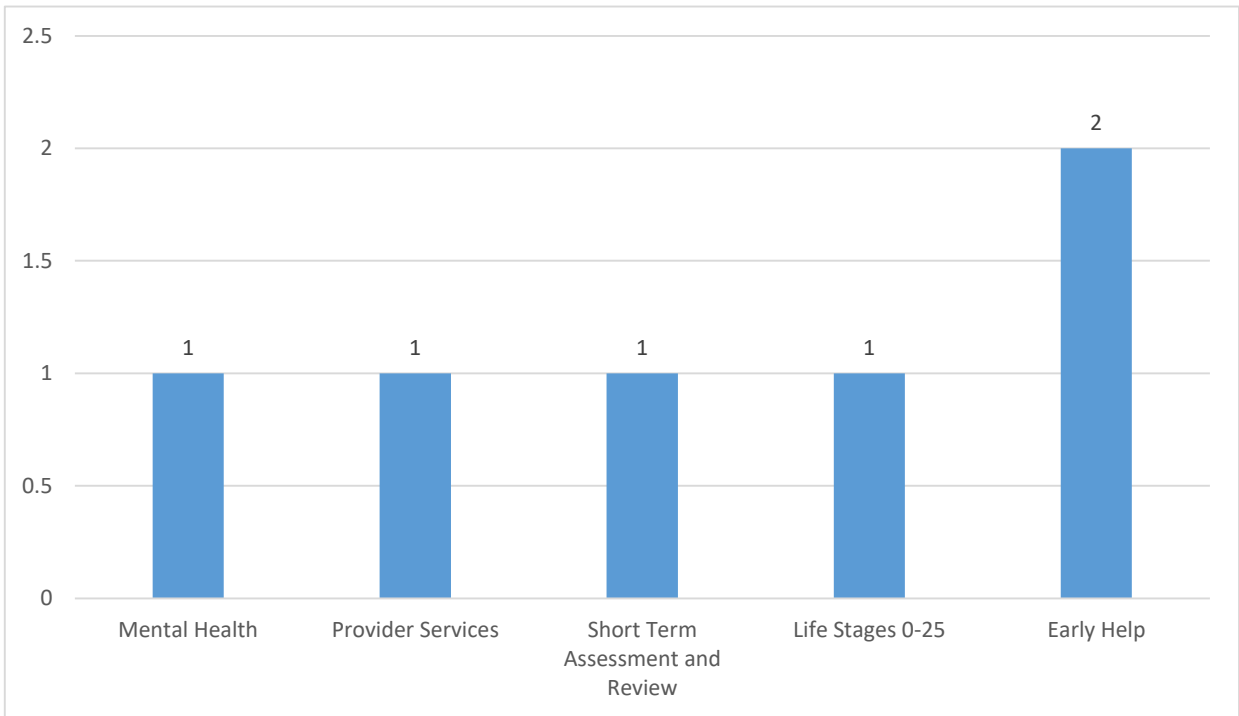
Children's Services received 18 complaints, an increase from 9 in 2017/18. Breach of confidentiality was the most common cause of complaint in Children's Services.

Education received 14 complaints, an increase from 8 in 2017/18. The most common cause of complaint was dissatisfaction with Education Health Care (EHC) Plans and School Transport.

Complaints by Stage

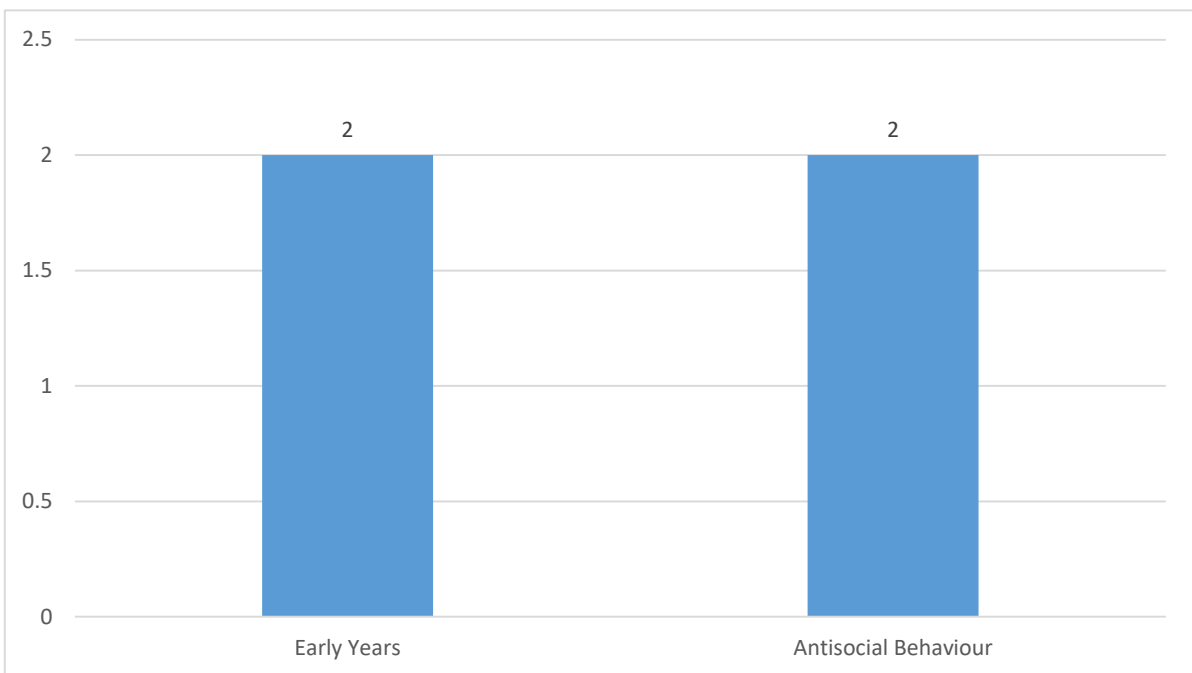


Compliments by Service Area/Team



Children and Adult's Services received 6 corporate compliments, an increase from 0 in 2017/18.

Comments by Service Area/Team



Children and Adult's Services received 4 corporate comments, an increase from 1 in 2017/18.

Complaints by Outcome

The below tables show the decisions reached on complaints during 2018/19. Some of the complaints determined during 2018/19 were received during 2017/18 and the first quarter of 2018/19, prior to the Council's structure change, hence them being logged against former services/teams.

Stage 1 Outcomes

Service Area/Team	Closed With No Response	Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
<i>Current Organisational Structure</i>								
Safeguarding Team A	0	0	0	1	0	0	0	1
Safeguarding Team D	0	0	0	1	0	0	0	1
Total for Safeguarding	0	0	0	2	0	0	0	2
Life Stages 0 - 25	0	0	0	0	1	0	0	1
Total for Safeguarding & LATC	0	0	0	0	1	0	0	1
Total for Assessment, Care Planning & LATC	0	0	0	2	1	0	0	3
Children's Access Point	0	0	0	1	0	0	0	1
Total for Children's Access Point	0	0	0	1	0	0	0	1
Early Help	0	0	0	2	0	0	0	2
Total for Early Help	0	0	0	2	0	0	0	2
First Response Team	0	0	0	1	0	0	0	1
Total for First Response Team	0	0	0	1	0	0	0	1
Total for Early Intervention & First Contact	0	0	0	4	0	0	0	4
LADO	0	0	0	0	1	0	0	1
Total for LSCB	0	0	0	0	1	0	0	1
Total for Quality Assurance and Practice Imp.	0	0	0	0	1	0	0	1
Total for Children's Services	0	0	0	6	2	0	0	8
16 - 19 Provision	0	0	0	1	0	0	0	1
Total for 16 - 19 Provision	0	0	0	1	0	0	0	1
SENCO Partnership	0	0	0	1	1	0	0	2

Total for SENCO Partnership	0	0	0	1	1	0	0	2
Total for 11 - 19 Learning & Skills	0	0	0	2	1	0	0	3
Admissions & Transport Team	0	0	0	2	1	0	0	3
Total for Admissions & Transport Team	0	0	0	2	1	0	0	3
Total for Education	0	0	0	4	2	0	0	6
Total for Children & Adult Services								
	0	0	0	10	4	0	0	14
<i>Previous Organisational Structure(s)</i>								
Children's Access Point	0	0	0	0	1	0	0	1
Total for Children's Access Point	0	0	0	0	1	0	0	1
Early Help Social Work & Edge of Care 5 – 19	0	0	0	0	1	1	1	3
Total for Early Help Social Work & Edge of Care 5 – 19	0	0	0	0	1	1	1	3
Anti Social Behaviour	0	0	0	0	0	0	1	1
Total for Youth Offending Service	0	0	0	0	0	0	1	1
Total for First Contact & Early Help Services	0	0	0	0	2	1	2	5
Total for Children's Services	0	0	0	0	2	1	2	5
School Place Planning & Support Services	0	0	0	0	2	0	0	2
Total for School Place Planning & Support Services	0	0	0	0	2	0	0	2
Admissions & Transport	0	0	0	0	0	0	1	1
Total for Admissions & Transport	0	0	0	0	0	0	1	1
Educational Psychology	0	0	0	0	0	1	0	1
Total for Educational Psychology	0	0	0	0	0	1	0	1
SEN	0	0	0	3	0	1	0	4
Total for SEN	0	0	0	3	0	1	0	4
Total for SEN	0	0	0	3	0	2	1	6
Total for Education	0	0	0	3	2	2	1	8
Total for Children and Adults Services								
	0	0	0	3	4	3	3	13
Total	0	0	0	13	8	3	3	27

Stage 2 Outcomes

Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
<i>Current Organisational Structure</i>						
Children's Access Point	0	0	1	0	0	1
Total for Children's Access Point	0	0	1	0	0	1
Total for Early Intervention & First Contact	0	0	1	0	0	1
Total for Children's Services	0	0	1	0	0	1
<i>Previous Organisational Structure(s)</i>						
Admissions & Transport Team	0	1	0	0	0	1
Total for Admissions & Transport Team	0	1	0	0	0	1
Total for Education	0	1	0	0	0	1
Total for Children & Adult Services	0	1	1	0	0	2
<i>Previous Organisational Structure(s)</i>						
Early Help Social Work & Edge of Care 5 - 19	0	0	0	1	0	1
Total for Early Help Social Work & Edge of Care 5 - 19	0	0	0	1	0	1
Anti Social Behaviour	0	0	0	1	0	1
Total for Youth Offending Service	0	0	0	1	0	1
Total for First Contact & Early Help Services	0	0	0	2	0	2
Total for Children's Services	0	0	0	2	0	2
School Place Planning & Support Services	0	0	0	0	1	1
Total for School Place Planning & Support Services	0	0	0	0	1	1
SEN	0	0	2	1	0	3
Total for SEN	0	0	2	1	0	3
Total for SEN	0	0	2	1	0	3
Total for Education	0	0	2	1	1	4

<i>Total for Children and Adults Services</i>	<i>0</i>	<i>0</i>	<i>2</i>	<i>3</i>	<i>1</i>	<i>6</i>
<i>Total</i>	<i>0</i>	<i>1</i>	<i>3</i>	<i>3</i>	<i>1</i>	<i>8</i>

Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, a number of service improvements were made following complaint investigations during 2018/19.

Following a complaint for the Children's Access Point (CAP) it was agreed CAP would ensure all contacts were recorded, that siblings would be consolidated on the system (Liquid Logic) and referrers would be contacted on receipt of a referral.

Following another complaint for the CAP it was recommended social workers be reminded that while it is good practice to encourage referrers to report any potential crimes directly to the Police, they also have a duty to pass on any information regarding potential crimes they receive to the Police. As a result of the complaint, in accordance with paragraph 19 of Working Together, the Council and Darlington Children's Safeguarding Board also provided some clearly signposted contact details so that children, parents, other family members and members of the public are aware of who they can contact if they wish to make a referral, require advice and/or support.

Following a complaint for Life Stages 0 – 25 data protection training was arranged for a social worker.

Following a complaint for Early Help Social Work & Edge of Care refresher training for staff was provided with regards to professional conduct.

Following a complaint for Early Help it was agreed managers will ensure that risk decisions taken around home visits are communicated to the involved parties.

Following a complaint for Special Educational Needs (SEN) it was recommended that where information is shared in the interest of the child the Local Authority complies with paragraph 9.213 of the Code of Practice.

Following a complaint for School Admissions and Transport it was agreed that prior to a face to face visit transport providers should make contact to introduce themselves to both the family and the child.

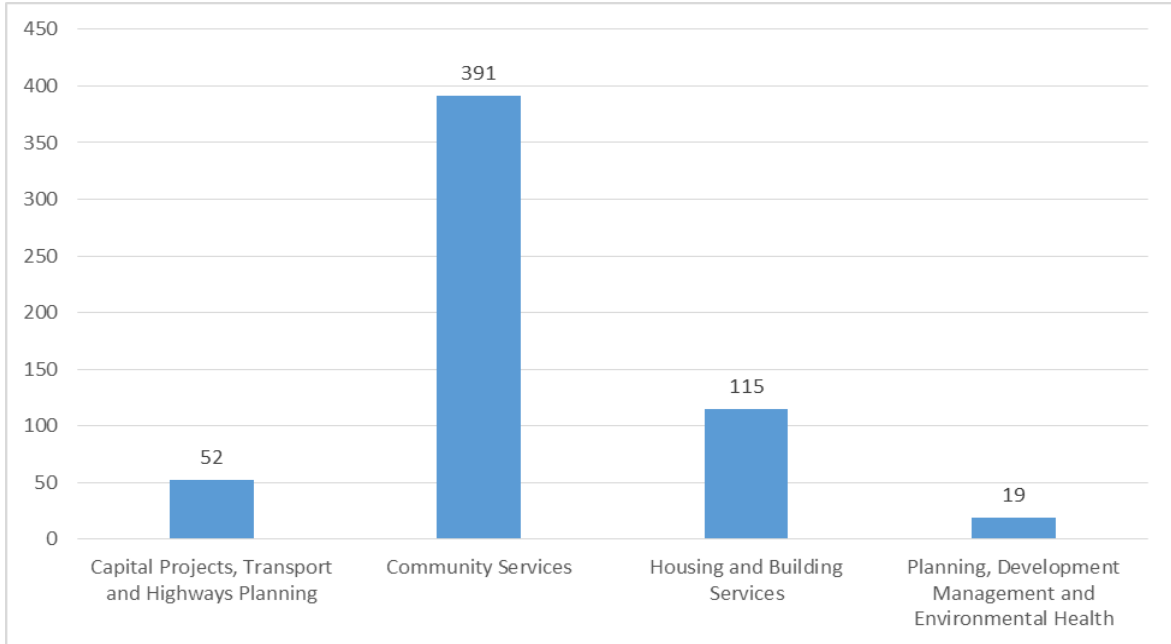
Following another complaint for School Admissions and Transport the Transport Officer was advised of how to deal with requests to appeal against a decision not to provide transport.

Following a complaint for Lifeline the CCTV Duty Manager spoke to the operator concerned to emphasise how important it is to follow the calls handling procedure.

Economic Growth and Neighbourhood Services

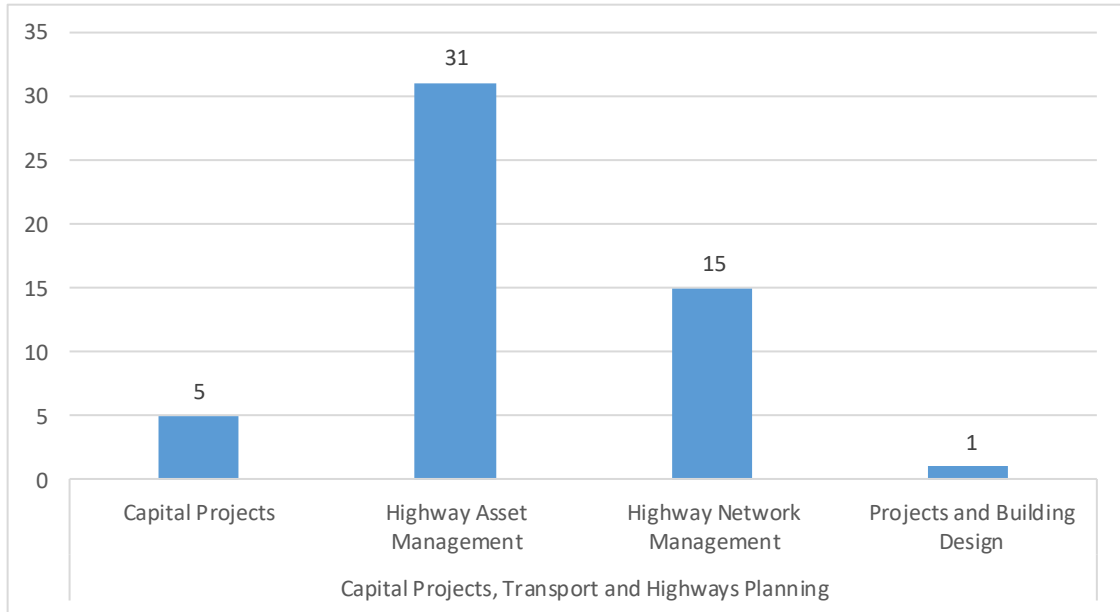
Complaints by Service Area/Team

Overview



Economic Growth and Neighbourhood Services received 577 complaints, compared to 572 in 2017/18.

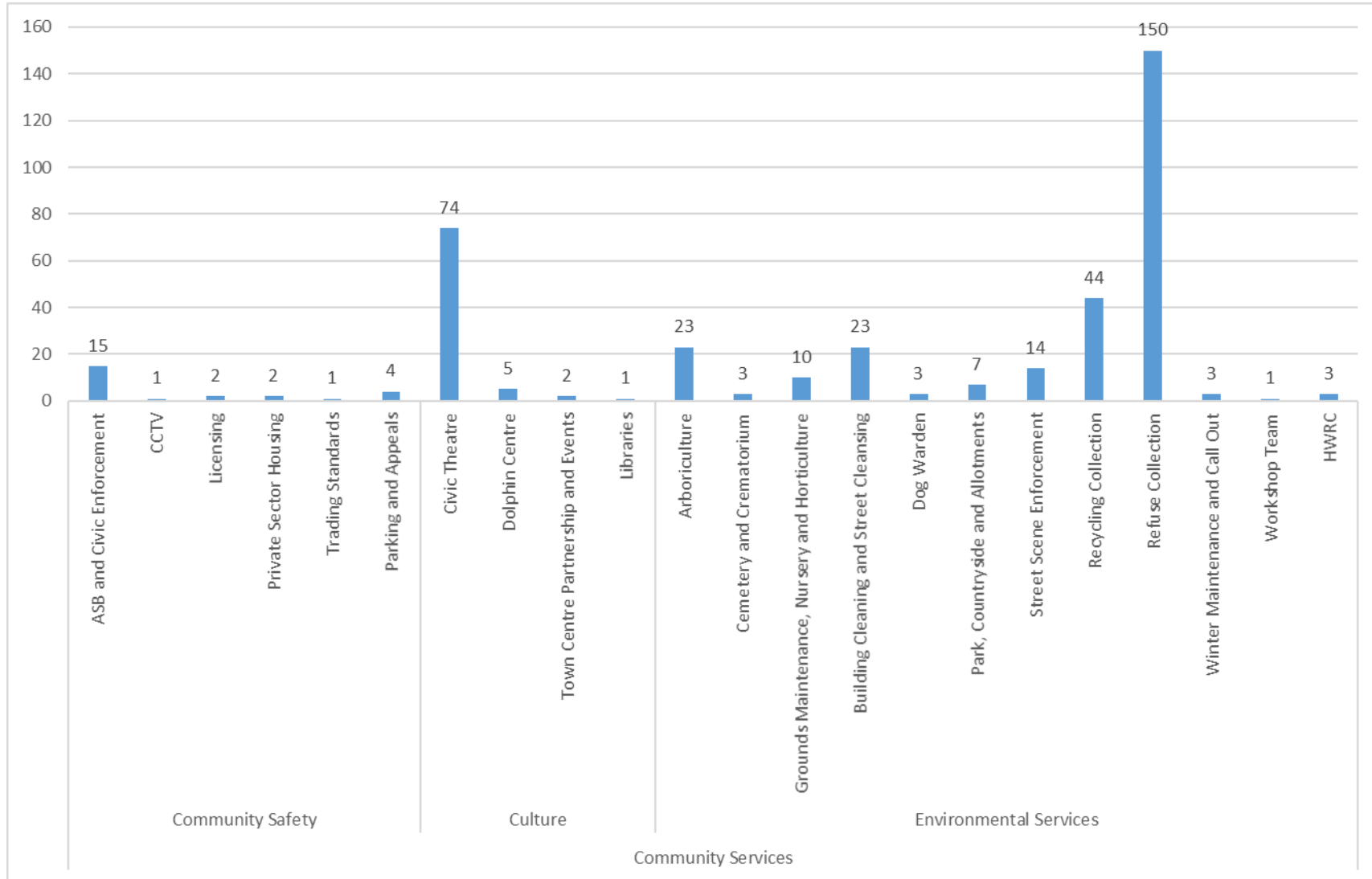
Capital Projects, Transport and Highways Planning



Highway Asset Management received 31 complaints, an increase from 22 in 2017/18. The most common themes were dissatisfaction with road resurfacing and lack of notification about road works.

Highway Network Management received 15 complaints, an increase from 11 in 2017/18. There were no common themes identified.

Community Services



Community Services received 388 complaints, an increase from 325 in 2017/18.

ASB and Civic enforcement received 15 complaints, an increase from 10 in 2017/18. Parking issues were the most common cause of complaint, particularly lack of enforcement action.

Parking and Appeals received 4 complaints, a significant reduction from 26 in 2017/18.

The Civic Theatre (The Hippodrome) received 74 complaints, a significant increase from 28 during 2017/18. Common themes included sound quality, issues with seating, dissatisfaction with the way staff dealt with customers and shows being incorrectly advertised.

The Dolphin Centre received 5 complaints, compared to 6 in 2017/18.

Arboriculture received 23 complaints, an increase from 19 in 2017/18. As in 2017/18 these complaints generally resulted from a lack of response to initial enquiries and/or dissatisfaction with a decision not to undertake works to a tree for the reasons requested.

Cemeteries and Crematorium received 3 complaints, a decrease from 6 in 2017/18.

Grounds Maintenance, Nursery and Horticulture received 10 complaints, a significant reduction from 22 in 2017/18.

Building Cleaning and Street Cleansing received 23 complaints, a significant reduction from 44 in 2017/18. These primarily related to the lack and quality of service provided.

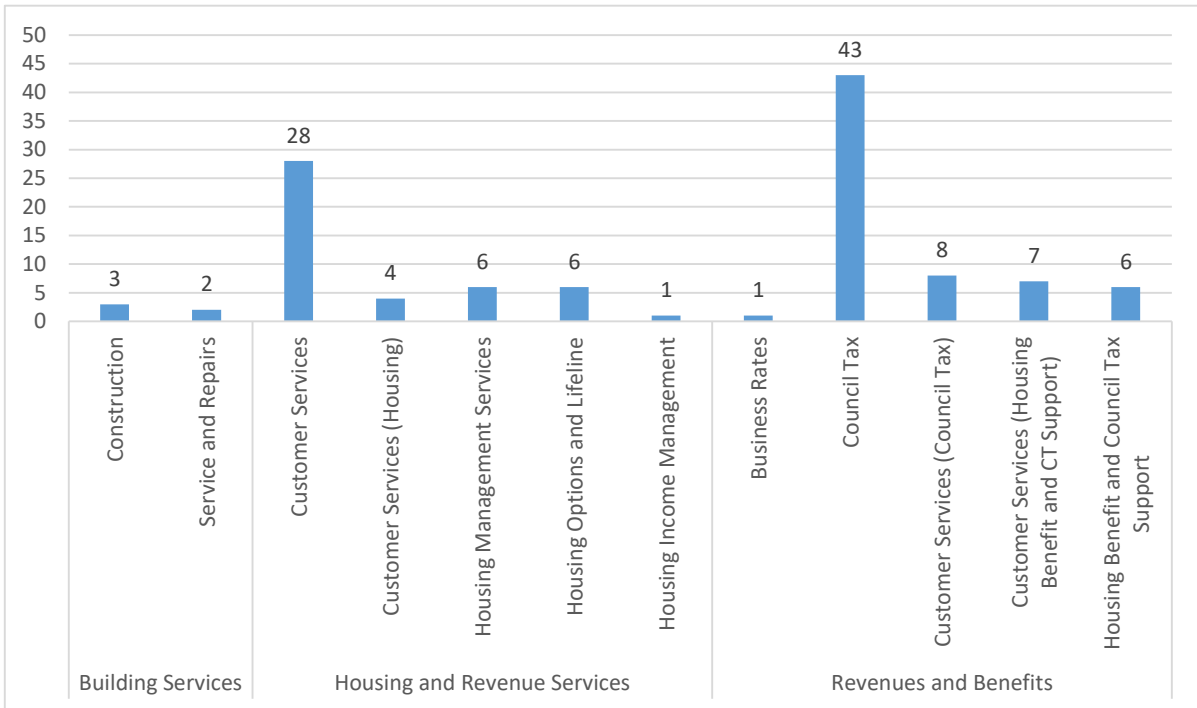
Street Scene Enforcement received 14 complaints, an increase from 6 in 2017/18.

Recycling Collection received 44 complaints, an increase from 34 in 2017/18. Complaints primarily related to collections being missed on one or more occasions.

Refuse Collection received 150 complaints, an increase from 140 in 2017/18. Complaints primarily related to collections being missed on one or more occasions. The continued high level of complaints can be attributed to people being more inclined to complain following the introduction of the Council's policy to no longer provide a recall service.

Household Waste Recycling Centre (HWRC) received 3 complaints, a decrease from 7 in 2017/18.

Housing and Building Services



Housing and Building Services received 115 complaints, a reduction from 131 in 2017/18.

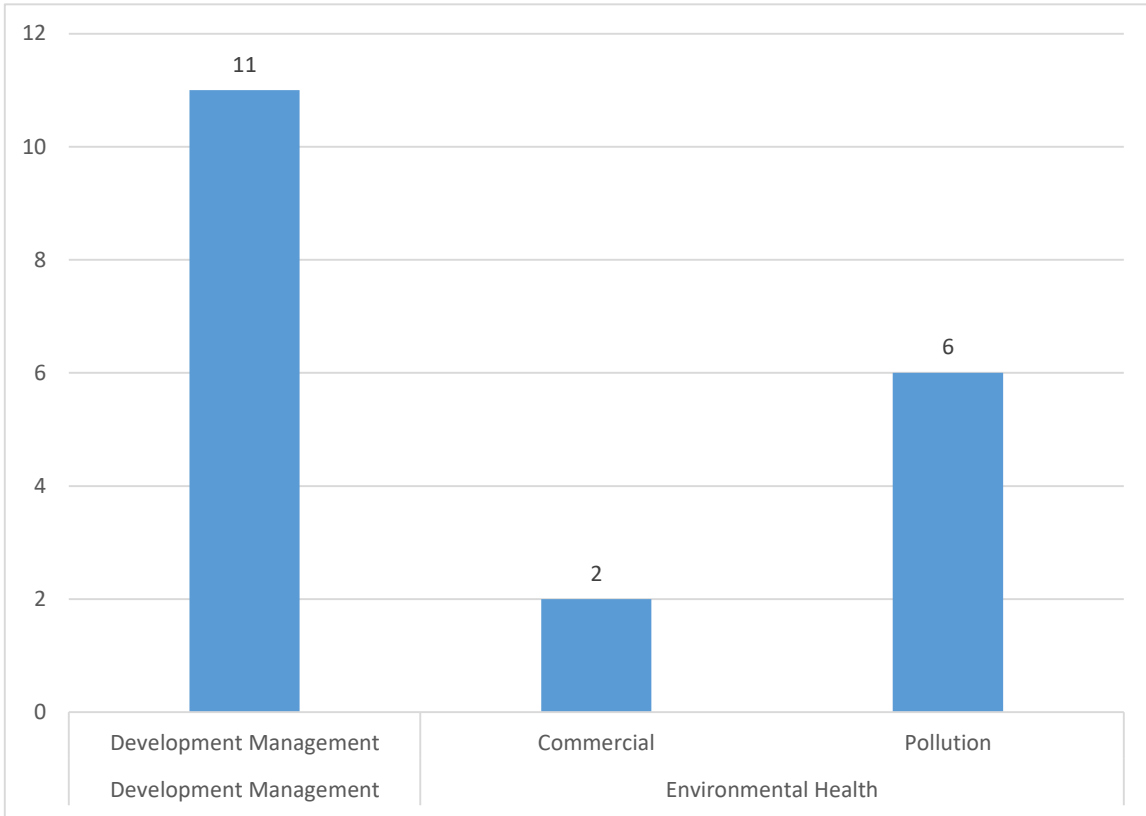
Housing Management Services received 6 corporate complaints, a decrease from 12 in 2017/18. There were no discernible themes in the complaints received.

Council Tax received 43 complaints, compared to 45 in 2017/18. Issues with communication was the only identifiable theme.

Housing Benefit and Council Tax Support received 6 complaints, a decrease from 21 in 2017/18.

Overall Customer Services, Customer Services (Council Tax) and Customer Services (Housing Benefit and Council Tax Support) received 43 complaints, a reduction from 56 in 2017/18. The most common themes remained dissatisfaction with telephone waiting times, the attitude of Customer Service Advisors and the accuracy of the advice provided.

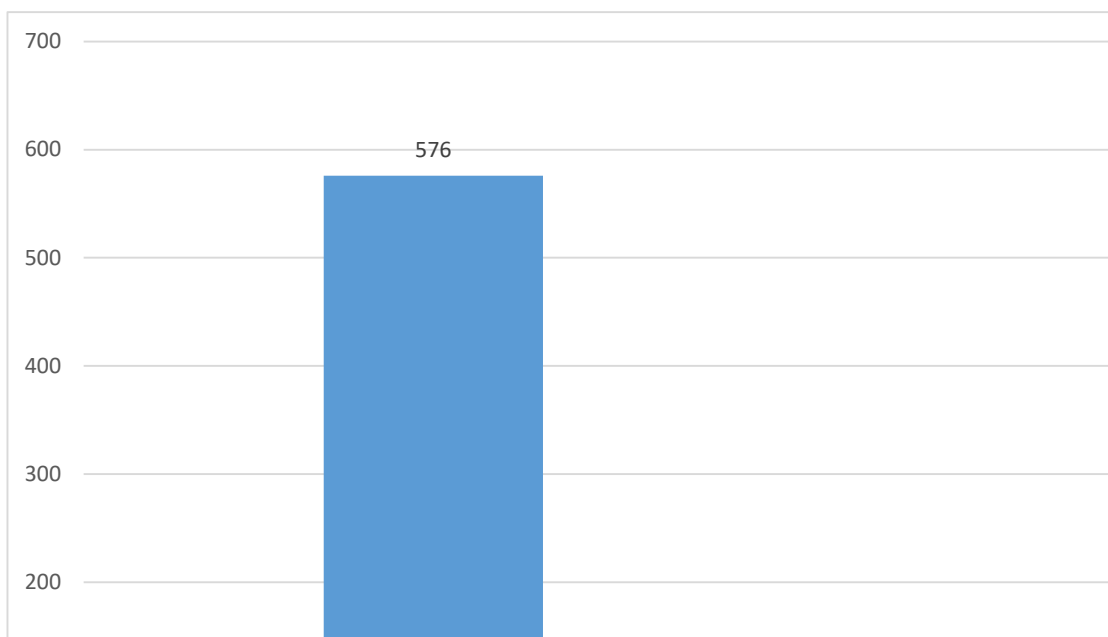
Planning, Development Management and Environmental Health



Planning, Development Management and Environmental Health received 19 complaints, a decrease from 35 in 2017/18.

Development Management received 11 complaints, a decrease from 25 in 2017/18. The only discernible themes was people’s dissatisfaction with the level of enforcement action taken having reported a breach of planning control.

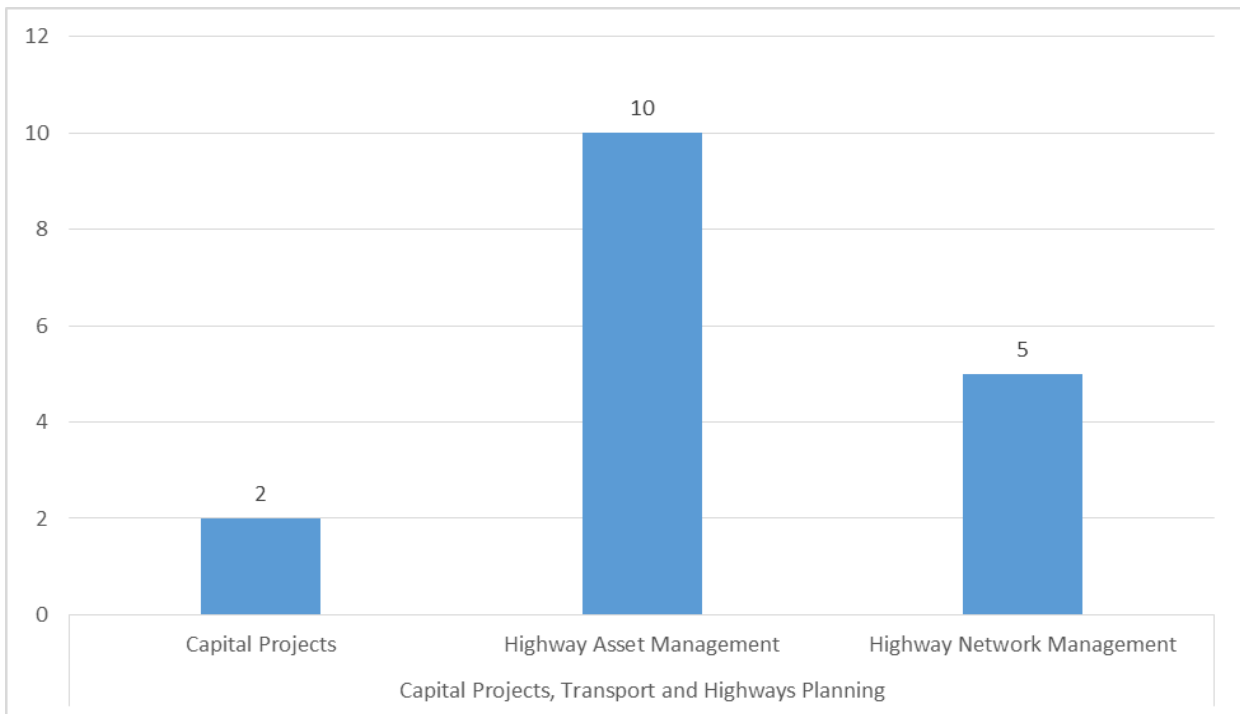
Complaints by Stage



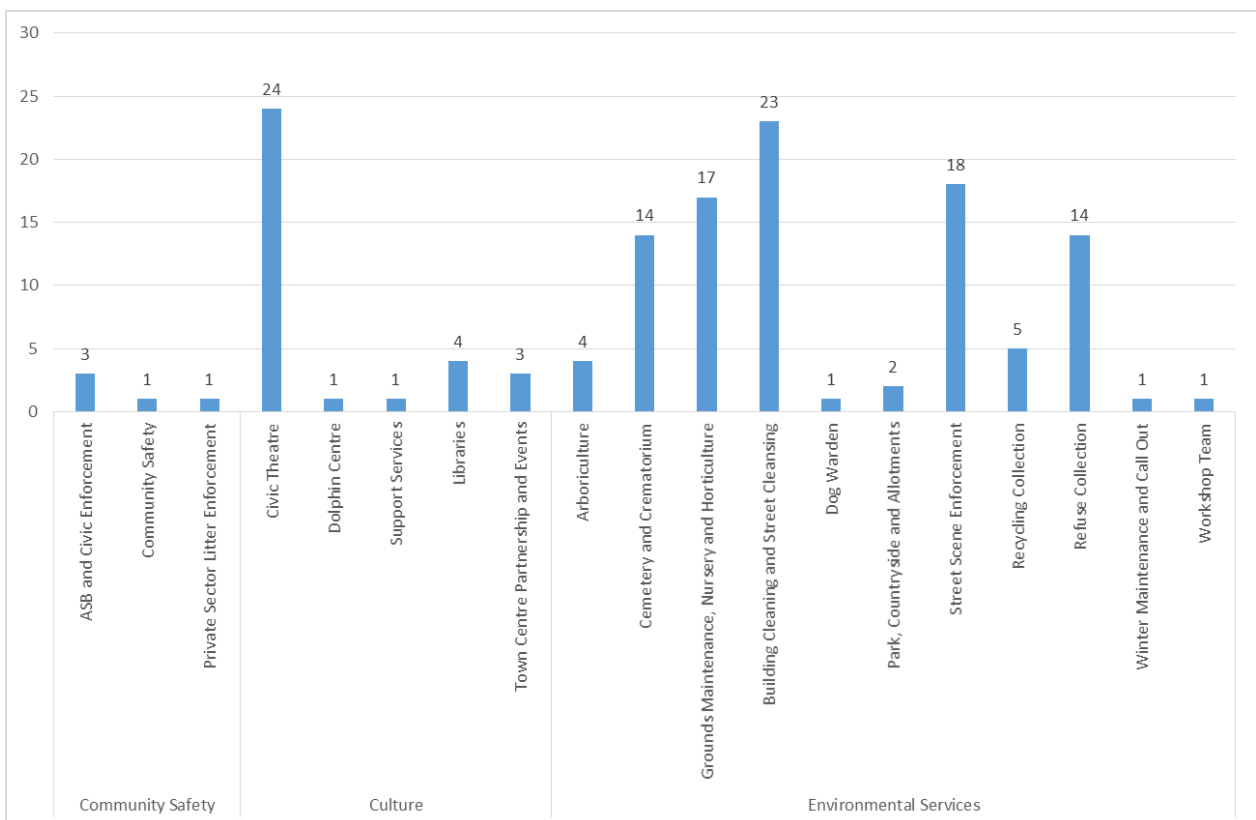
One complaint was escalated straight to stage 2.

Compliments by Service Area/Team

Capital Projects, Transport and Highways Planning

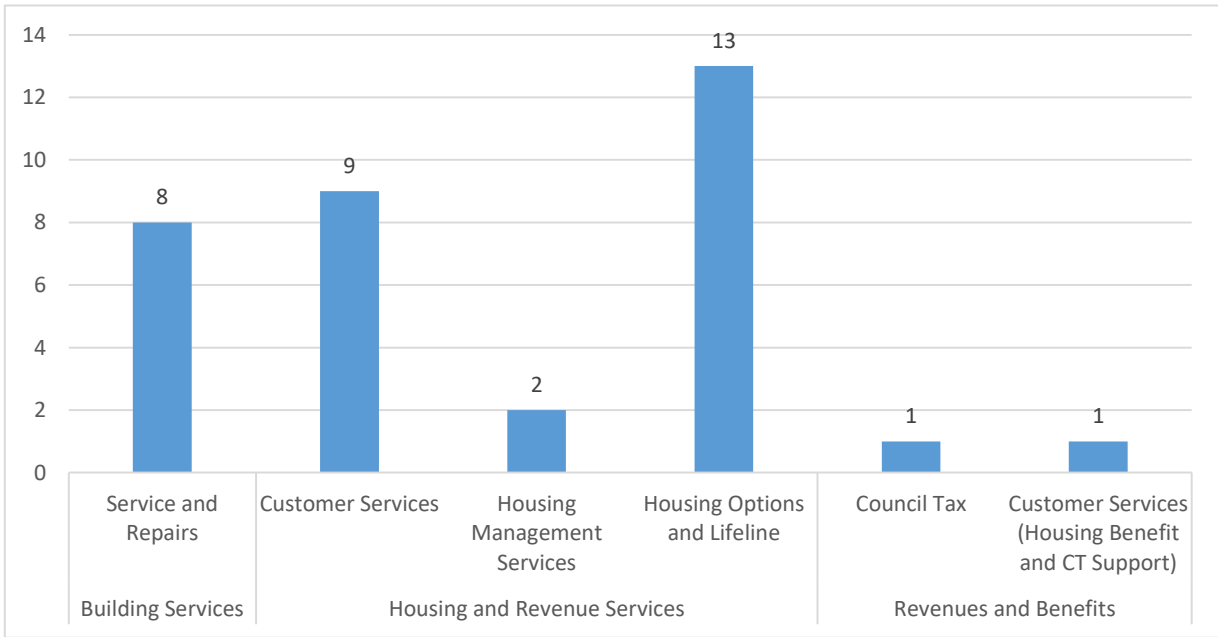


Community Services



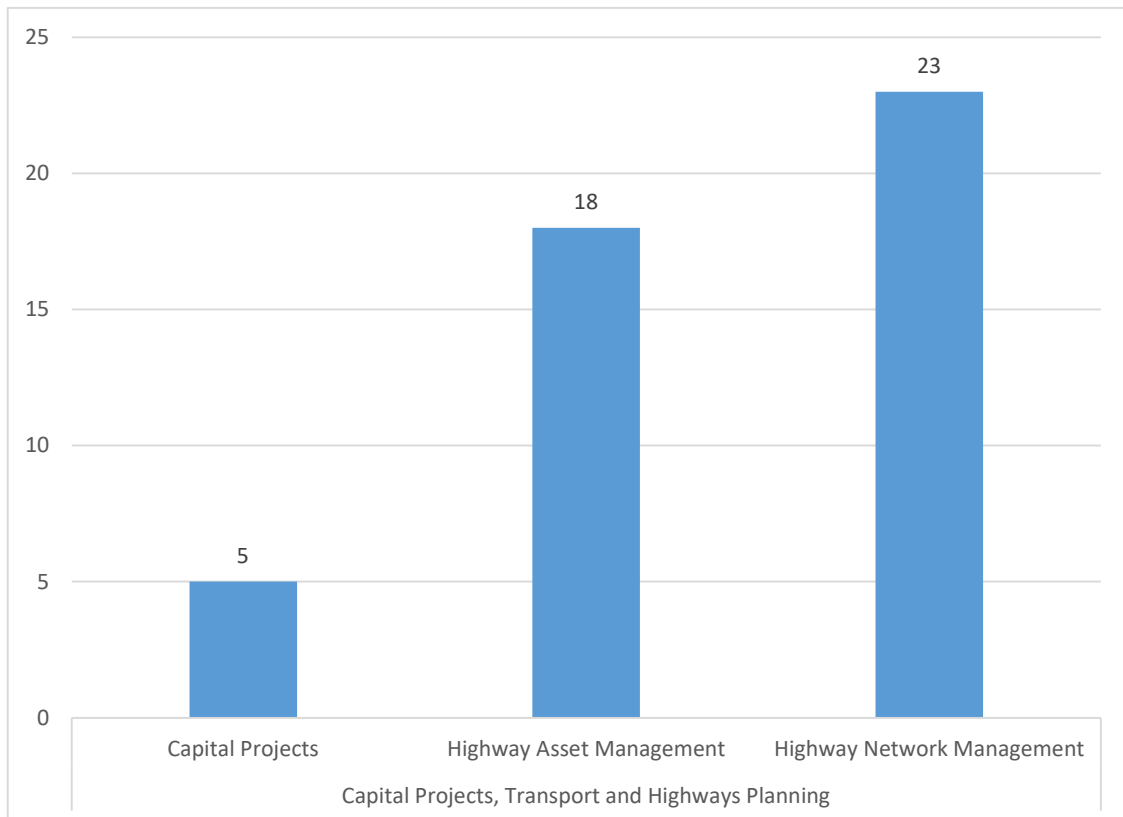
Community Services received 138 compliments, an increase from 44 in 2017/18. There were significant increases in compliments for the Civic Theatre (The Hippodrome), Cemetery and Crematorium, Grounds Maintenance, Nursery and Horticulture, Building Cleaning and Street Cleansing, StreetScene Enforcement and Refuse Collection.

Housing and Building Services



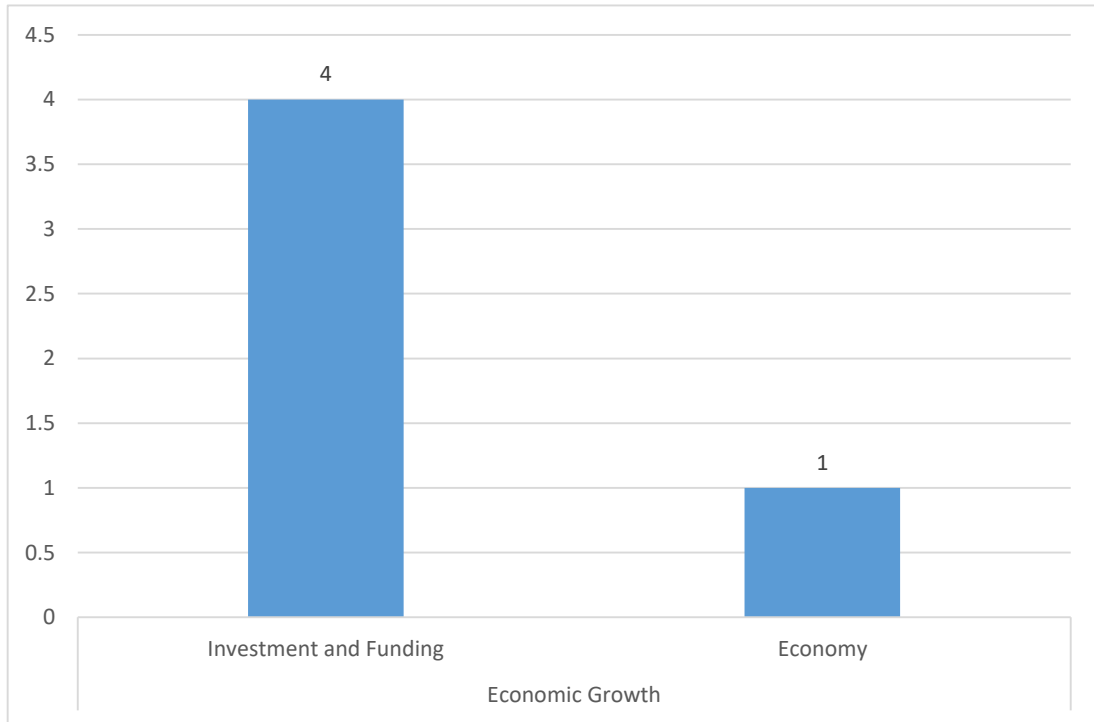
Comments by Service Area/Team

Capital Projects, Transport and Highways Planning

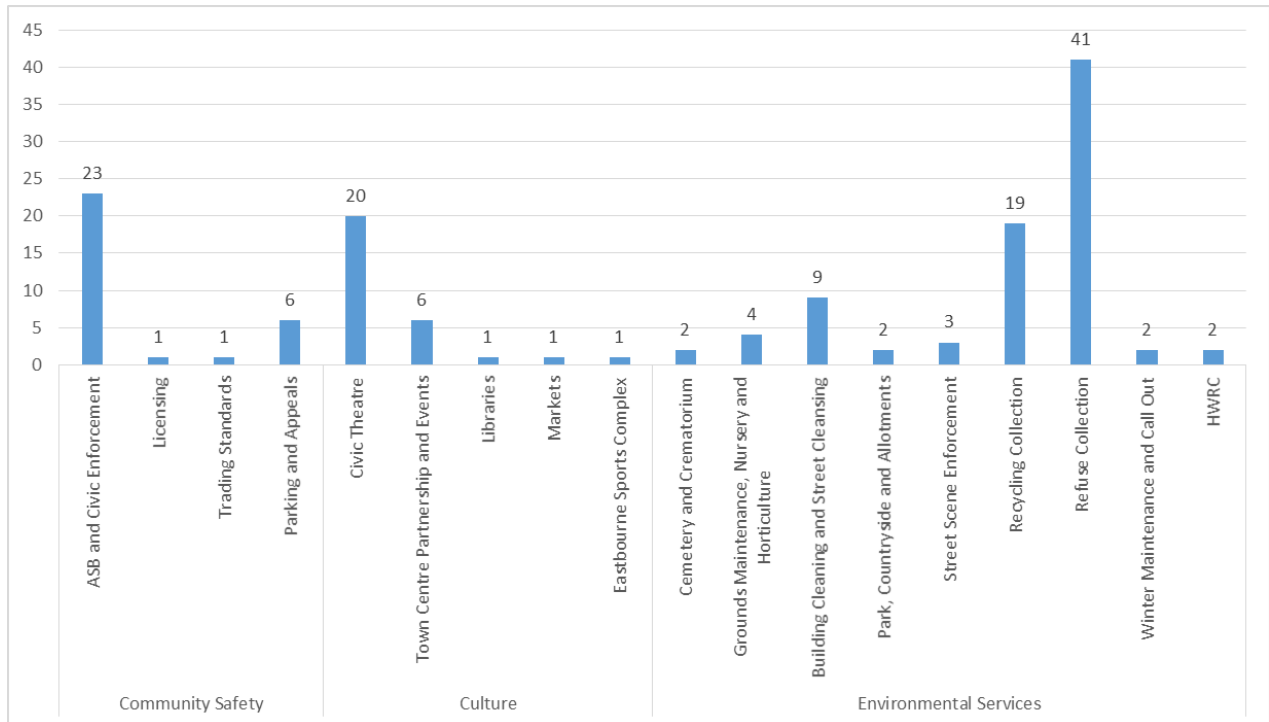


There were no discernible themes in the comments received for Capital Projects, Transport and Highways Planning.

Economic Initiative

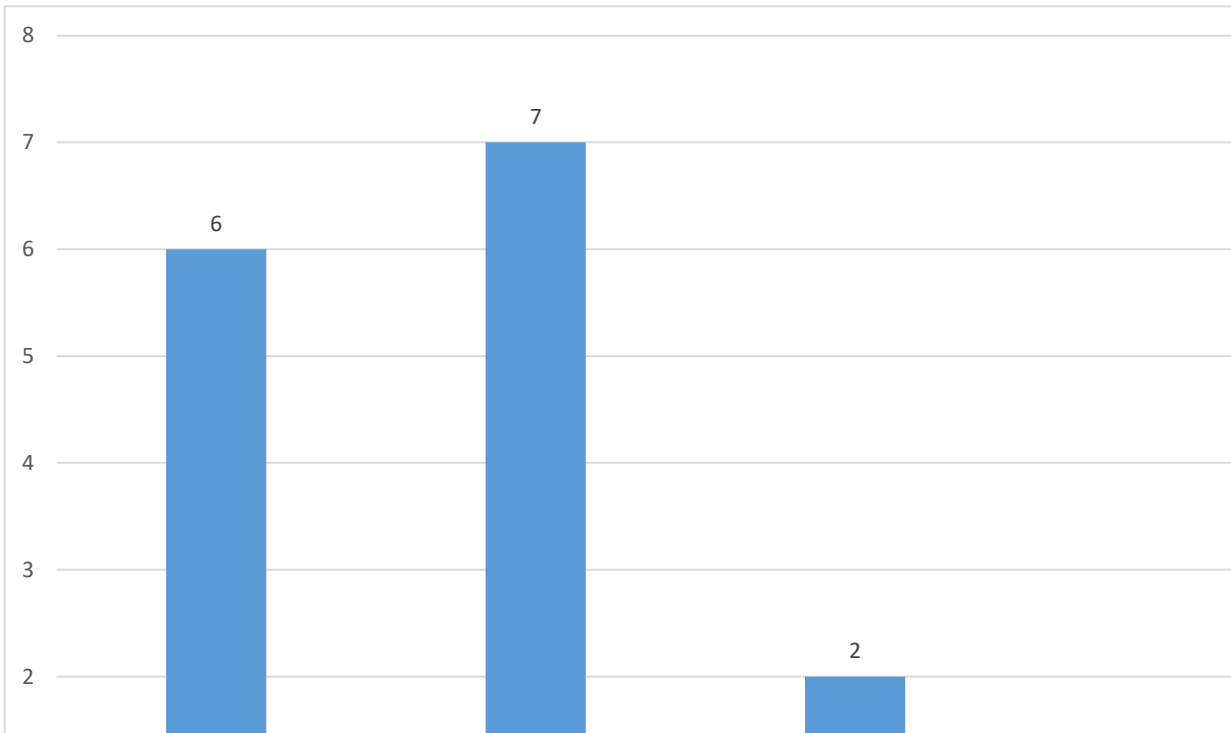


Community Services

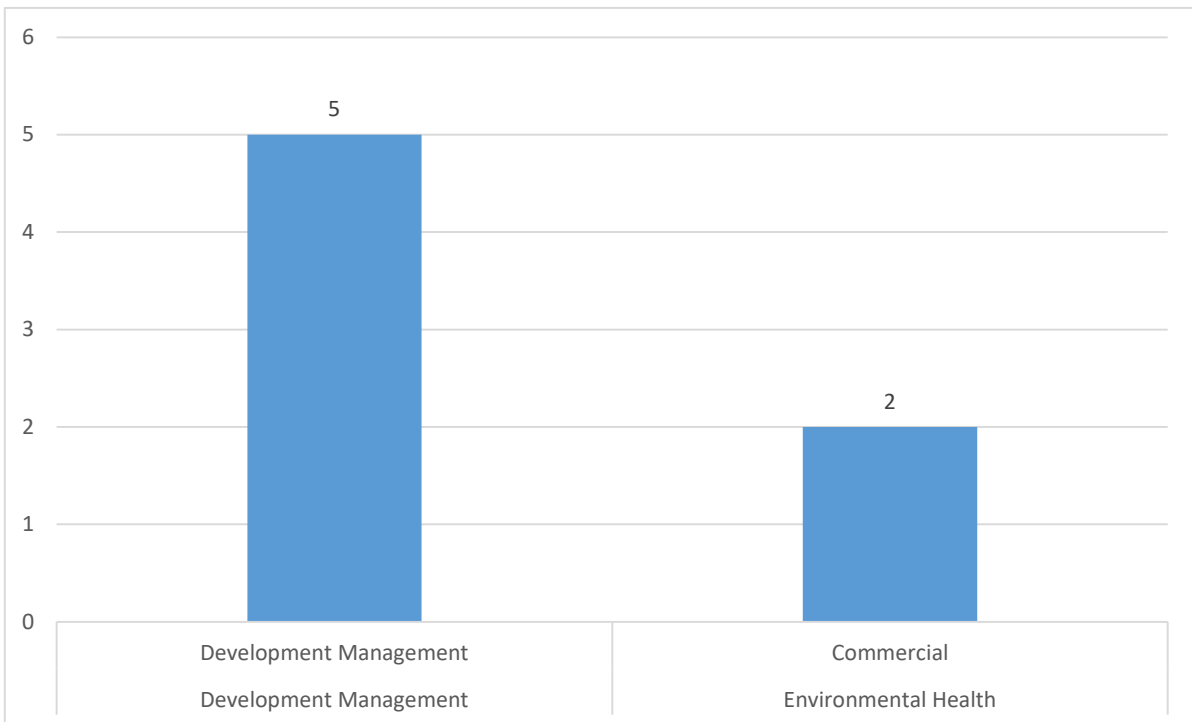


ASB and Civic enforcement received 23 comments. Parking issues were the most common theme, particularly lack of enforcement action. There were no common themes in the comments for the Civic Theatre (The Hippodrome) or Recycling Collection. The most common themes for Refuse Collection were dissatisfaction with the charge for a replacement bin and dissatisfaction with the policy to no longer provide a recall service for missed bins.

Housing and Building Services



Planning, Development Management and Environmental Health



Complaints by Outcome

The below tables show the decisions reached on complaints during 2018/19. Some of the complaints determined during 2018/19 were received during 2017/18 and the first quarter of 2018/19, prior to the Council's structure change, hence them being logged against former services/teams.

Stage 1 Outcomes

Service Area/Team	Closed With No Response	Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
<i>Current Organisational Structure</i>								
Capital Projects, Transport & Highway Planning	0	0	0	0	0	1	0	1
Capital Projects	0	0	2	1	0	0	0	3
Total for Capital Projects	0	0	2	1	0	0	0	3
Highway Asset Management	0	0	2	10	1	5	1	19
Total for Highway Asset Management	0	0	2	10	1	5	1	19
Highway Network Management	0	0	0	7	1	1	0	9
Total for Highway Network Management	0	0	0	7	1	1	0	9
Total for Capital Projects, Transport & Highway Planning	0	0	4	18	2	7	1	32
ASB & Civic Enforcement	0	0	0	7	3	2	0	12
Total for ASB & Civic Enforcement	0	0	0	7	3	2	0	12
Licensing	0	0	0	0	1	0	0	1
Total for Licensing	0	0	0	0	1	0	0	1
Private Sector Housing	0	0	0	0	1	0	0	1
Total for Private Sector Housing	0	0	0	0	1	0	0	1
Trading Standards/Animal Welfare	0	0	0	0	0	0	1	1
Total for Trading Standards/Animal Welfare	0	0	0	0	0	0	1	1

Total for Community Safety	0	0	0	7	5	2	1	15
Civic Theatre	1	0	4	23	3	28	0	59
Total for Civic Theatre	1	0	4	23	3	28	0	59
Dolphin Centre	0	0	0	0	1	1	0	2
Total for Dolphin Centre	0	0	0	0	1	1	0	2
Town Centre Partnership & Events	0	0	0	0	0	1	1	2
Total for Town Centre Partnership & Events	0	0	0	0	0	1	1	2
Total for Culture	1	0	4	23	4	30	1	63
Arboriculture	1	0	0	10	0	5	0	16
Total for Arboriculture	1	0	0	10	0	5	0	16
Cemetery & Crematorium	0	0	0	1	0	0	0	1
Total for Cemetery & Crematorium	0	0	0	1	0	0	0	1
Grounds Maintenance, Nursery & Horticulture	0	0	0	1	0	5	0	6
Total for Grounds Maintenance, Nursery & Horticulture	0	0	0	1	0	5	0	6
Building Cleaning & Street Cleansing	0	0	1	0	1	6	0	8
Dog Warden	0	0	0	1	0	1	0	2
Park, Countryside & Allotments	0	0	0	0	0	2	0	2
StreetScene Enforcement	0	0	0	0	2	10	0	12
Total for Street Scene	0	0	1	1	3	19	0	24
Recycling Collection	0	0	2	10	1	14	0	27
Refuse Collection	0	0	9	51	1	50	4	115
Total for Waste & Transport Services	0	0	11	61	2	64	4	142
Total for Environmental Services	1	0	12	74	5	93	4	189
Total for Community Services	2	0	16	104	14	125	6	267
Construction	0	0	0	1	0	0	0	1
Total for Construction	0	0	0	1	0	0	0	1
Service & Repairs	0	0	0	1	0	1	0	2
Total for Service & Repairs	0	0	0	1	0	1	0	2
Total for Building Services	0	0	0	2	0	1	0	3
Customer Services	0	0	2	7	1	3	0	13
Total for Customer Services	0	0	2	7	1	3	0	13
Customer Services Housing (Tel)	0	0	1	0	3	0	0	4

Total for Customer Services Housing (Tel)		0	0	1	0	3	0	0	4
	Housing Management Services	0	0	1	1	2	0	0	4
Total for Housing Management Services		0	0	1	1	2	0	0	4
	Housing Options & Lifeline	0	0	0	3	2	0	0	5
Total for Housing Options & Lifeline		0	0	0	3	2	0	0	5
	Business Rates	0	0	1	0	0	0	0	1
	Council Tax	0	0	0	7	0	5	2	14
	Customer Services Council Tax (Tel)	0	0	2	3	0	0	3	8
	Customer Services Hous. Ben. & CT Support (All)	0	0	1	0	1	0	2	4
	Housing Benefit & Council Tax Support	0	0	0	2	1	1	2	6
Total for Revenues & Benefits		0	0	4	12	2	6	9	33
Total for Housing & Revenue Services		0	0	8	23	10	9	9	59
Total for Housing & Building Services		0	0	8	25	10	10	9	62
	Development Management	0	0	0	3	1	1	2	7
Total for Development Management		0	0	0	3	1	1	2	7
	Commercial	0	0	0	2	0	0	0	2
Total for Commercial		0	0	0	2	0	0	0	2
	Pollution	0	0	0	1	2	0	1	4
Total for Pollution		0	0	0	1	2	0	1	4
Total for Environmental Health		0	0	0	3	2	0	1	6
Total for Planning Development Man. & Env. Health		0	0	0	6	3	1	3	13
Total for Economic Growth & Neighbourhood Services		2	0	28	153	29	143	19	374
Total		2	0	28	153	29	143	19	374

<i>Previous Organisational Structure(s)</i>									
	Capital Projects	0	0	0	1	0	0	0	1
Total for Capital Projects		0	0	0	1	0	0	0	1

Highway Asset Management	0	0	0	8	3	3	0	14
Total for Highway Asset Management	0	0	0	8	3	3	0	14
Highway Network Management	0	0	0	2	2	0	0	4
Total for Highway Network Management	0	0	0	2	2	0	0	4
Projects & Building Design	0	0	0	1	0	0	0	1
Total for Projects & Building Design	0	0	0	1	0	0	0	1
Total for Capital Projects, Transport & Highways Planning	0	0	0	12	5	3	0	20
Built and Natural Environment	0	0	0	1	0	0	0	1
Total for Built and Natural Environment	0	0	0	1	0	0	0	1
Development Management	2	0	1	2	0	1	0	6
Total for Development Management	2	0	1	2	0	1	0	6
Total for Economic Initiative	2	0	1	3	0	1	0	7
Regulatory Services	0	0	0	1	0	0	0	1
Environmental Health	0	0	0	0	0	0	1	1
Pollution	0	0	0	1	0	0	0	1
Total for Pollution	0	0	0	1	0	0	0	1
Total for Environmental Health	0	0	0	1	0	0	1	2
Licensing	0	0	0	1	0	0	0	1
Total for Licensing	0	0	0	1	0	0	0	1
Parking & Appeals	1	0	0	2	0	1	0	4
Total for Parking & Appeals	1	0	0	2	0	1	0	4
Total for Private Sector Housing, Licensing & Parking	1	0	0	3	0	1	0	5
Total for Regulatory Services	1	0	0	5	0	1	1	8
Total for Economic Growth	3	0	1	20	5	5	1	35
Total	3	0	1	20	5	5	1	35
Dolphin Centre	0	0	0	0	0	1	0	1
Total for Dolphin Centre	0	0	0	0	0	1	0	1
Hippodrome	0	1	1	7	1	5	0	15
Total for Hippodrome	0	1	1	7	1	5	0	15
Total for Culture	0	1	1	7	1	6	0	16

	Arboriculture	0	0	0	4	0	2	0	6
	Total for Arboriculture	0	0	0	4	0	2	0	6
	Cemetery & Crematorium	0	0	0	1	0	2	0	3
	Total for Cemetery & Crematorium	0	0	0	1	0	2	0	3
	Horticulture	0	0	0	1	0	3	0	4
	Total for Horticulture	0	0	0	1	0	3	0	4
	Building Cleaning	0	0	0	1	0	0	0	1
	Dog Warden	0	0	0	1	0	0	0	1
	Parks, Open Spaces & Play Areas	1	0	0	2	0	4	0	7
	Street Cleansing	0	0	2	4	1	8	0	15
	Street Scene Enforcement	0	0	1	1	0	0	0	2
	Total for Street Scene	1	0	3	9	1	12	0	26
	Call Out	0	0	0	1	0	0	0	1
	HWRC	0	1	0	3	0	1	0	5
	Recycling Collection	0	0	2	5	0	9	0	16
	Refuse Collection	0	0	3	16	0	15	2	36
	Winter Maintenance	0	0	0	1	0	0	0	1
	Total for Waste & Transport Services	0	1	5	26	0	25	2	59
	Total for Environmental Services	1	1	8	41	1	44	2	98
	Total for Community Services	1	2	9	49	2	50	2	115
	Complaints & Information Governance Team	0	0	0	0	1	0	1	2
	Total for Complaints & Information Governance Team	0	0	0	0	1	0	1	2
	Finance Central	0	0	0	0	0	1	0	1
	Total for Finance Central	0	0	0	0	0	1	0	1
	Total for Finance & Human Resource Management	0	0	0	0	1	1	1	3
	General Trades	0	0	0	0	1	1	0	2
	Total for Maintenance	0	0	0	0	1	1	0	2
	Total for Building Services	0	0	0	0	1	1	0	2
	Housing Income Management	0	0	0	2	0	0	0	2
	Total for Housing Income	0	0	0	2	0	0	0	2

Management									
Management Services	0	0	0	1	0	0	0	0	1
Total for Housing Management Services	0	0	0	1	0	0	0	0	1
Housing Options	0	0	0	0	1	0	0	0	1
Lifeline	0	0	0	0	0	0	1	0	1
Total for Housing Options & Lifeline	0	0	0	0	1	1	1	0	2
Total for Housing & Revenue Services	0	0	0	3	1	1	0	0	5
Revenues & Benefits	0	0	0	0	0	1	0	0	1
Council Tax	0	0	3	20	1	2	1	1	27
Total for Council Tax	0	0	3	20	1	2	1	1	27
Council Tax Support & Housing Benefit	0	0	0	6	0	0	0	0	6
Total for Council Tax Support & Housing Benefit	0	0	0	6	0	0	0	0	6
Customer Services	0	0	3	10	1	7	0	0	21
Total for Customer Services	0	0	3	10	1	7	0	0	21
Total for Revenues & Benefits	0	0	6	36	2	10	1	1	55
Total for Housing & Building Services	0	0	6	39	4	12	1	1	62
Total	6	2	44	261	41	211	24	24	589

Stage 2 Outcomes

Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
<i>Previous Organisational Structure(s)</i>						
Highway Asset Management	1	2	1	0	0	4
Total for Highway Asset Management	1	2	1	0	0	4
Projects & Building Design	0	0	1	0	0	1
Total for Projects & Building Design	0	0	1	0	0	1
Total for Capital Projects, Transport & Highways Planning	1	2	2	0	0	5

Built and Natural Environment	0	1	0	0	0	1
Total for Built and Natural Environment	0	1	0	0	0	1
Development Management	0	0	2	1	0	3
Total for Development Management	0	0	2	1	0	3
Total for Economic Initiative	0	1	2	1	0	4
Pollution	0	1	0	0	0	1
Total for Pollution	0	1	0	0	0	1
Total for Environmental Health	0	1	0	0	0	1
Licensing	0	1	0	0	0	1
Total for Licensing	0	1	0	0	0	1
Total for Private Sector Housing, Licensing & Parking	0	1	0	0	0	1
Total for Regulatory Services	0	2	0	0	0	2
Total for Economic Growth	1	5	4	1	0	11
<i>Current Organisational Structure</i>						
Highway Asset Management	0	2	1	2	1	6
Total for Highway Asset Management	0	2	1	2	1	6
Highway Network Management	0	1	0	0	0	1
Total for Highway Network Management	0	1	0	0	0	1
Total for Capital Projects, Transport & Highway Planning	0	3	1	2	1	7
Civic Theatre	0	0	1	0	1	2
Total for Civic Theatre	0	0	1	0	1	2
Total for Culture	0	0	1	0	1	2
Arboriculture	0	2	1	1	1	5
Total for Arboriculture	0	2	1	1	1	5
Grounds Maintenance, Nursery & Horticulture	0	0	0	1	0	1
Total for Grounds Maintenance, Nursery & Horticulture	0	0	0	1	0	1
Street Scene	0	0	0	0	0	0

	Park, Countryside & Allotments	0	0	0	0	1	1
	StreetScene Enforcement	0	0	0	1	0	1
	Total for Street Scene	0	0	0	1	1	2
	Waste & Transport Services	0	0	0	0	0	0
	Recycling Collection	0	1	0	0	0	1
	Refuse Collection	0	0	0	0	2	2
	Total for Waste & Transport Services	0	1	0	0	2	3
	Total for Environmental Services	0	3	1	3	4	11
	Total for Community Services	0	3	2	3	5	13
	Housing Management Services	1	0	0	0	0	1
	Total for Housing Management Services	1	0	0	0	0	1
	Council Tax	0	1	0	0	0	1
	Total for Revenues & Benefits	0	1	0	0	0	1
	Total for Housing & Revenue Services	1	1	0	0	0	2
	Total for Housing & Building Services	1	1	0	0	0	2
	Pollution	0	1	0	0	0	1
	Total for Pollution	0	1	0	0	0	1
	Total for Environmental Health	0	1	0	0	0	1
	Total for Planning Development Man. & Env. Health	0	1	0	0	0	1
	Total for Economic Growth & Neighbourhood Services	1	8	3	5	6	23
	<i>Previous Organisational Structure(s)</i>						
	Eastbourne Sports Complex	0	1	0	0	0	1
	Total for Eastbourne Sports Complex	0	1	0	0	0	1
	Hippodrome	0	0	0	0	2	2
	Total for Hippodrome	0	0	0	0	2	2
	Total for Culture	0	1	0	0	2	3
	Arboriculture	0	2	1	0	0	3

Total for Arboriculture	0	2	1	0	0	3
Horticulture	0	0	0	1	0	1
Total for Horticulture	0	0	0	1	0	1
Street Cleansing	0	0	0	1	0	1
Total for Street Scene	0	0	0	1	0	1
HWRC	0	0	0	1	0	1
Recycling Collection	0	0	0	1	0	1
Refuse Collection	1	0	0	3	0	4
Winter Maintenance	0	0	1	0	0	1
Total for Waste & Transport Services	1	0	1	5	0	7
Total for Environmental Services	1	2	2	7	0	12
Total for Community Services	1	3	2	7	2	15
Complaints & Information Governance Team	0	0	1	0	0	1
Total for Complaints & Information Governance Team	0	0	1	0	0	1
Total for Finance & Human Resource Management	0	0	1	0	0	1
Housing Management Services	0	0	1	0	0	1
Total for Housing Management Services	0	0	1	0	0	1
Total for Housing & Revenue Services	0	0	1	0	0	1
Council Tax	0	3	2	0	0	5
Total for Council Tax	0	3	2	0	0	5
Council Tax Support & Housing Benefit	0	1	0	0	0	1
Total for Council Tax Support & Housing Benefit	0	1	0	0	0	1
Customer Services	1	0	1	2	0	4
Total for Customer Services	1	0	1	2	0	4
Total for Revenues & Benefits	1	4	3	2	0	10
Total for Housing & Building Services	1	4	4	2	0	11
Total for Neighbourhood Services & Resources	2	7	7	9	2	27
Total	4	20	14	15	8	61

Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, a number of service improvements were made following complaint investigations during 2018/19.

Following a complaint for Development Management it was agreed the Development Manger would review the Statement of Community Involvement. It was also recommended that officers be reminded that objectors are able to make an appointment to meet with planning officers and agreed Development Management would appoint an Equalities Advisor under the Council's revised Equalities Scheme.

Following a further complaint for Development Management it was recommended consideration be given to the requirement for officers to keep up to date with planning law and practice. It was also identified there was no clear understanding of the Habitat Regulations and it was recommended further training be provided, procedures updated and consideration given to an informative or advice to an applicant about what to do if European Protected Species are found to be on site following the grant of a planning permission where a preliminary survey had initially indicated low risk of harmful impacts. It was also recommended that where proposals are likely to require a Habitat site license consultation should be undertaken with Natural England as best practice. The Investigator Officer went on to recommend that officer comments should be included as formal comments to an application and set out on an agreed template that is obvious to planning officers for inclusion in the report and on the Council's web site and that the officer's report should fairly and reasonably reflect the consultee response. The case officer in the Planning Considerations section should explain clearly how those comments are taken into account in the balancing of the recommendation and officers should complete their reports as objectively and transparently as possible, being balanced with all of the relevant considerations and issues and the planning considerations argued through with a recommendation to Members. In relation to Committee reports the Investigating Officer recommend the Council should consider whether the reports should be considered by legal before finalising, as is standard practice in most planning authorities.

Following a further complaint for Development Management it was agreed the Council should explicitly reference the section 149 duty of the Equalities Act 2010 when considering equalities issues in reports and undertake EIAs where appropriate in accordance with the Council's Equality Policy 2018 – 2022, in order to ensure a more robust analysis of the potential impacts on individuals with protected characteristics, any adverse impacts and their possible mitigation.

Following another complaint for Development Management, regarding the size of the font used on consultation letters it was agreed that a size 12 font would be used in future.

Following a complaint for Refuse Collection, regarding a missed assisted collection it was agreed the Council would make sure the assisted collection lists are updated, speak with the crew and monitor the collections over the coming weeks to make sure the service is being provided.

Following a complaint for the Household Waste Recycling Centre (HWRC), the operator was reminded of the need to keep the centre open until the advertised time.

Following a complaint for Arboriculture, a decision not to undertake works to a tree was revisited in light of the complainant's disability, in accordance with the Tree and Woodland Strategy 2011 – 2020.

Following a complaint for Environmental Health it was recommended the Council review the wording included on Community Protection Notice (CPN) warnings to ensure it is clear what behaviour is unacceptable and update the advisory letters on garden bonfires to make reference to possible action under Anti-Social Behaviour (ASB) legislation.

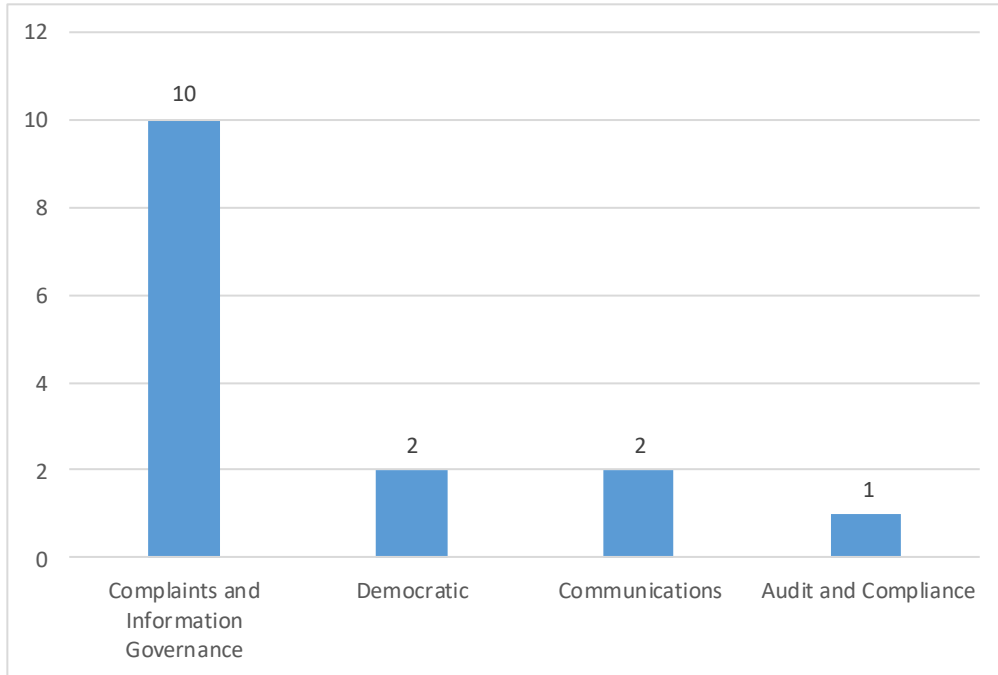
Following a complaint for Council Tax data protection training was arranged for an officer.

Following a complaint for Highway Asset Management it was recommended that officers complete the data protection training and ensure they are clear about who they can and cannot share the personal details of residents raising Highways issues with.

Complaints, Compliments and Comments by Department Resources

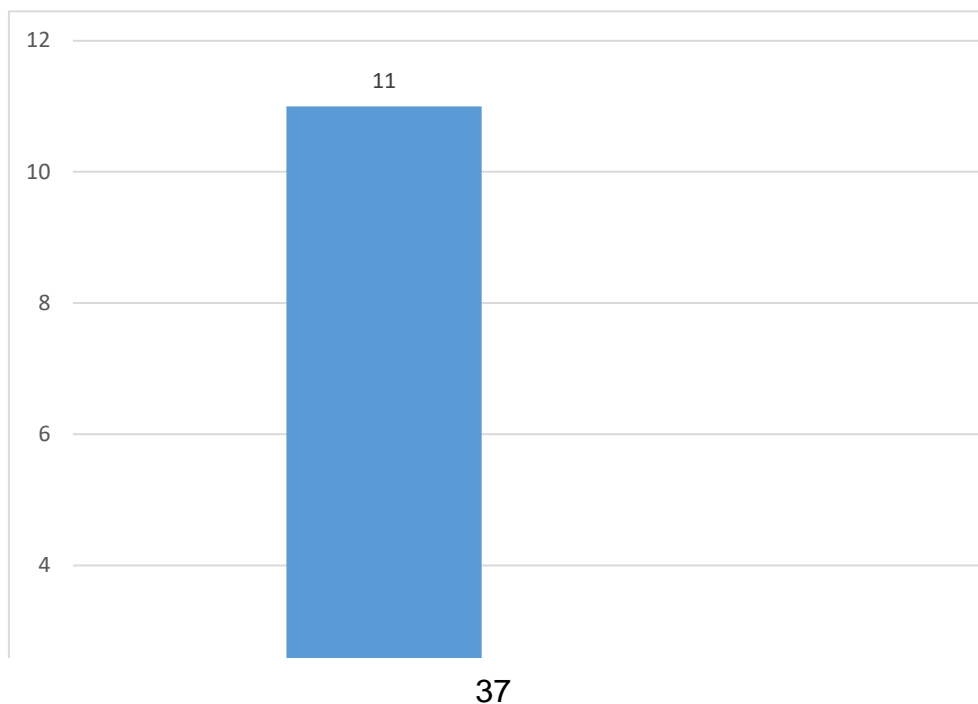
Complaints by Service Area/Team

Overview



The Complaints and Information Governance Team received 10 complaints, the same number as in 2017/18. The most common theme remained dissatisfaction with the response to a subject access request.

Complaints by Stage



Complaints by Outcome

The below tables show the decisions reached on complaints during 2018/19. Some of the complaints determined during 2018/19 were received during 2017/18 and the first quarter of 2018/19, prior to the Council's structure change, hence them being logged against former services/teams.

Stage 1 Outcomes

Service Area/Team	Closed With No Response	Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
<i>Current Organisational Structure</i>								
Complaints & Information Governance	0	0	0	5	1	1	0	7
Total for Complaints & Information Governance	0	0	0	5	1	1	0	7
Democratic	0	0	0	1	0	0	0	1
Total for Democratic	0	0	0	1	0	0	0	1
Total for Democratic Services	0	0	0	1	0	0	0	1
Total for Law & Governance	0	0	0	6	1	1	0	8
Communications	0	0	0	1	0	0	0	1
Total for Communications	0	0	0	1	0	0	0	1
Total for Resources	0	0	0	1	0	0	0	1
Total for Resources (July 2018)	0	0	0	7	1	1	0	9
Total	0	0	0	7	1	1	0	9
<i>Previous Organisational Structure(s)</i>								
Audit & Compliance	0	0	0	1	0	0	0	1
Total for Audit & Compliance	0	0	0	1	0	0	0	1
Complaints & Information Governance Team	0	0	0	0	1	0	1	2
Total for Complaints & Information Governance Team	0	0	0	0	1	0	1	2
Total	0	0	0	8	2	1	1	12

Stage 2 Outcomes

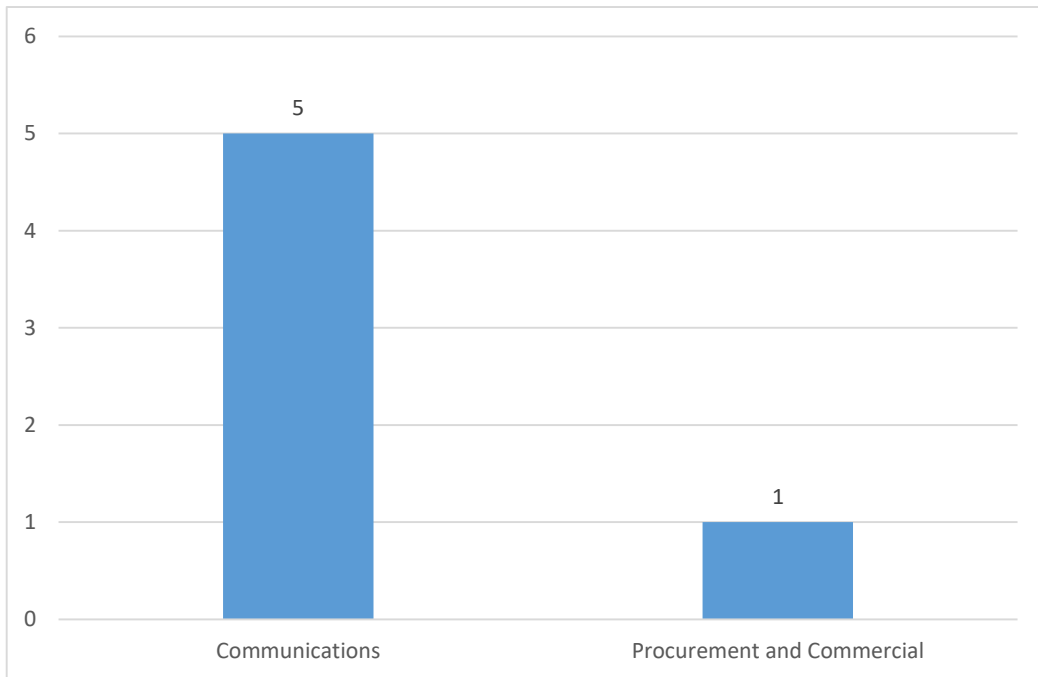
Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
<i>Current Organisational Structure</i>						
Law & Governance	0	0	0	0	0	0
Complaints & Information Governance	0	2	0	0	0	2
Total for Complaints & Information Governance	0	2	0	0	0	2
Total for Law & Governance	0	2	0	0	0	2
Total for Resources (July 2018)	0	2	0	0	0	2
Total	0	2	0	0	0	2

Compliments by Service Area/Team

Four compliments were received for Resources, all of them being for the Complaints and Information Governance Team.

Comments by Service Area/Team

Overview



Organisational Learning

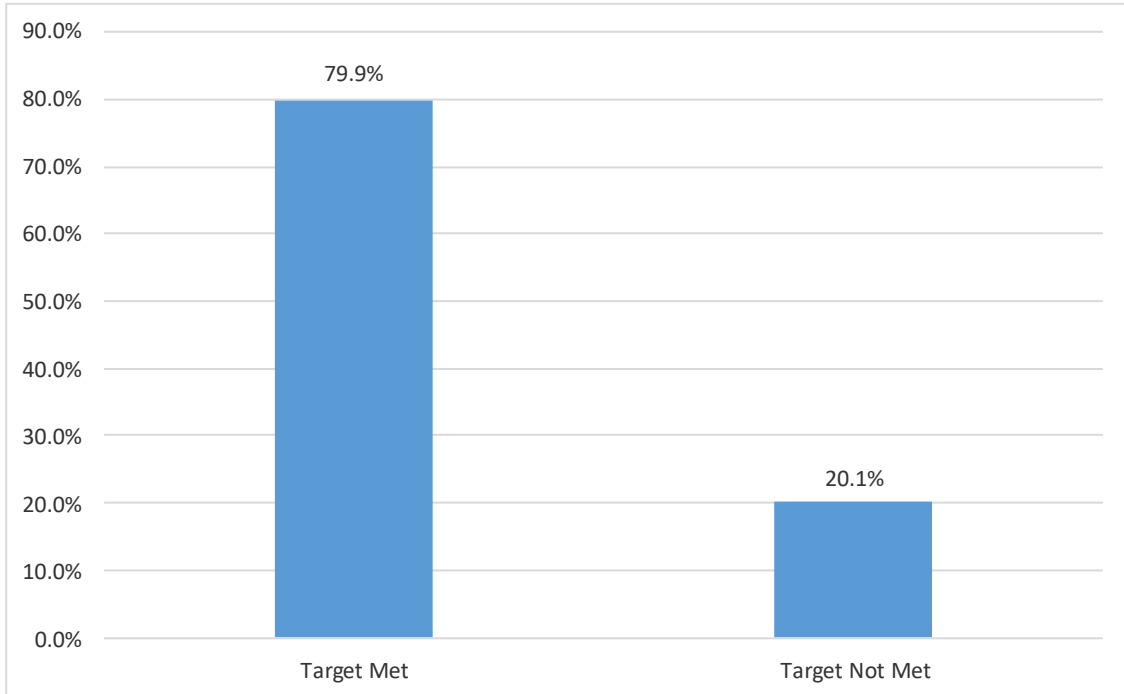
All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, one service improvements was made following a complaint investigation during 2018/19.

Following a Stage 2 complaint for Arboriculture, the Complaints and Information Governance Team also updated their Stage 1 complaint assignment email to remind officers that where a complainant alleges discrimination on the grounds of one of the protected characteristics in the Equalities Act 2010, it should act as a trigger for an Equalities Impact Assessment.

Performance against the Corporate Complaints, Compliments and Comments Procedure

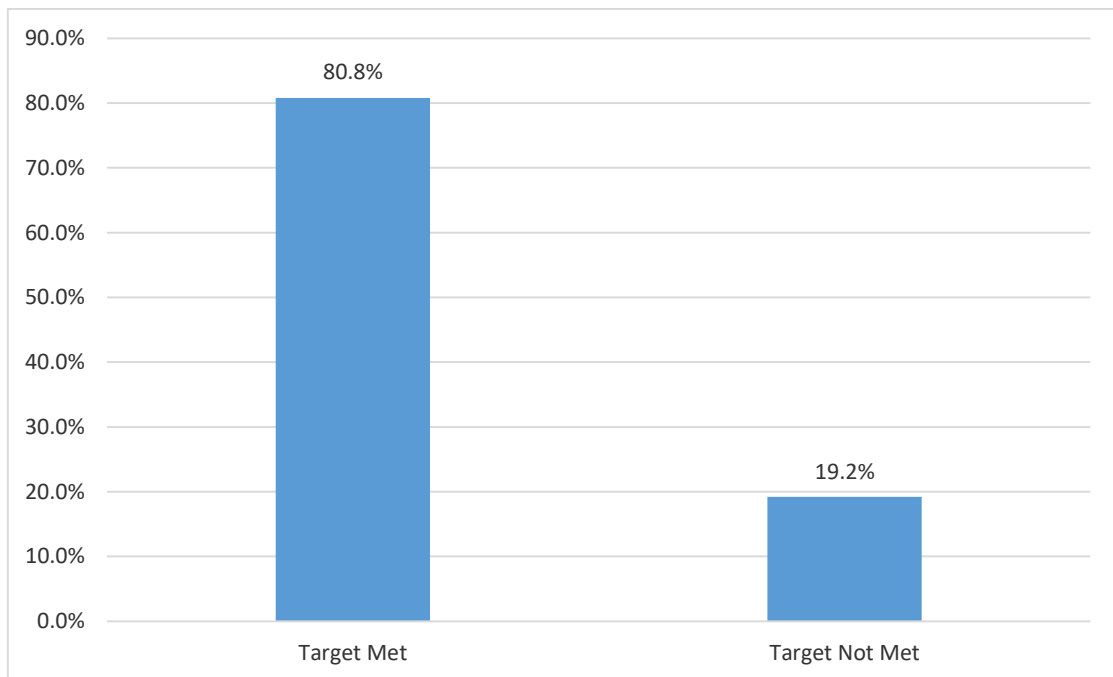
Stage 1

Performance against Stage 1 acknowledgement target (3 working days)



This was an increase in performance from 78.8% in 2017/18.

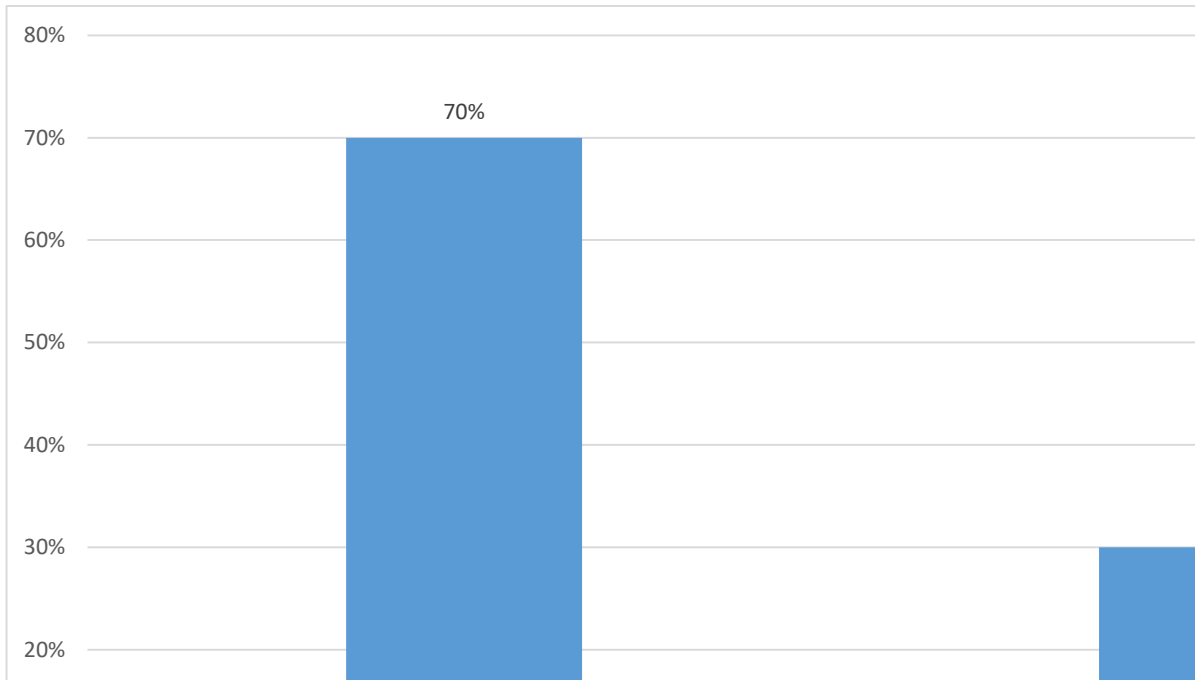
Performance against Stage 1 response target (25 working days)



This was an increase in performance from 75.3% in 2017/18.

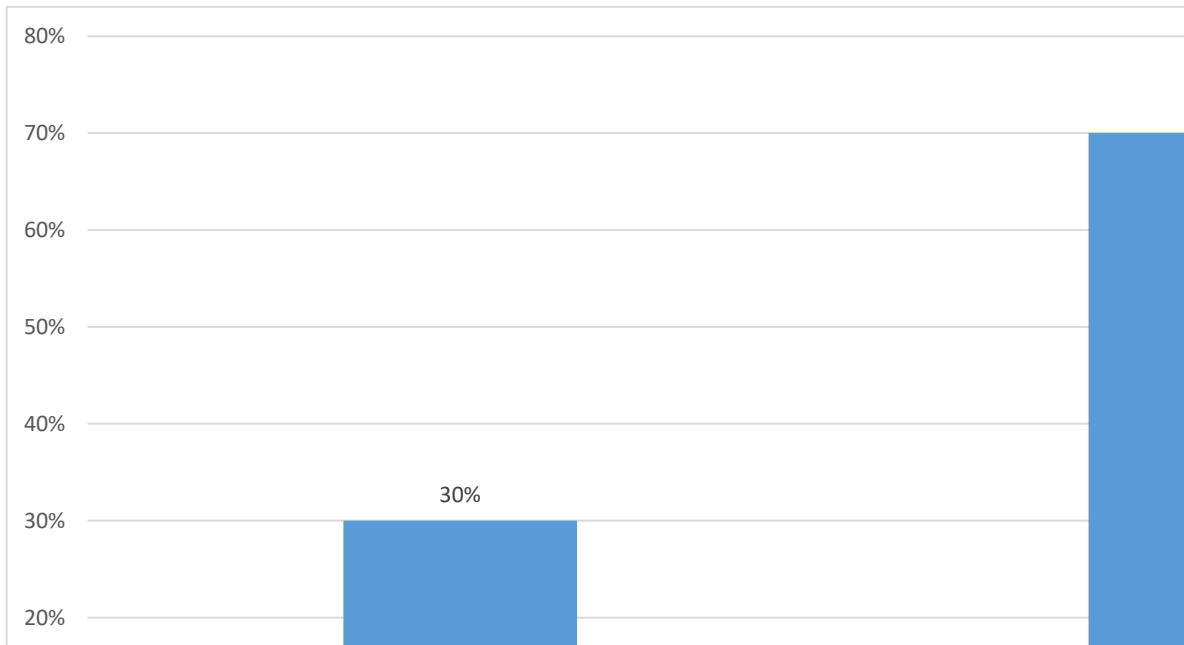
Stage 2

Performance against Stage 2 acknowledgement target (3 working days)



This was a reduction in performance from 73.3% in 2017/18.

Performance against Stage 2 response target (30 working days)



This was a reduction in performance from 43.2% in 2017/18. The overall reduction in performance can be attributed to staffing issues within the Complaints & Information Governance Team.

Further Recommendations

The Council should work to improve performance against the Stage 2 response target.

Performance against Local Performance Indicators

In relation to corporate complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government and Social Care Ombudsman. The Council received 0 maladministration decision during 2018/19, a decrease from 2 in 2017/18.

Full details of those complaints determined by the LGSCO are included in the Cabinet reports of 11 December 2018 and 19 September 2019 entitled [Review of Outcome of Complaints Made to Ombudsman](#).



Housing Complaints, Compliments and Comments Annual Report 2018/19

Contents

	Page
Introduction	3
Housing Complaints, Compliments and Comments Procedure	3
Public Information and Accessibility	4
Complaints Information and Organisational Learning	5
Overview of Complaints, Compliments and Comments	5
Performance against the Corporate Complaints, Compliments and Comments Procedure	17
Further recommendations	18

Introduction

This report provides an analysis of the complaints, compliments and comments received by the Council during 2018/19 under the Housing Complaints, Compliments and Comments Procedure (the procedure). The purpose of the report is to identify topics and trends in relation to complaints; identify areas of organisational learning that have taken place over the past year as a result of the complaints received and make further recommendations based on trend data to improve services. The report also highlights any areas of good practice and seeks to identify topics and trends in relation to comments made by members of the public so that the Council can take action where appropriate to improve services.

In addition to the statistical information presented in this report it is important to recognise the work of the Complaints and Information Governance (CIG) Team that underpins this in terms of promoting an organisational culture in which complaints are recognised, accepted, owned and resolved as efficiently and as close to the point of service delivery as possible. This also enables the Council to collect accurate information on complaints in order to identify topics and trends and improve services accordingly.

Housing Complaints, Compliments and Comments Procedure

The procedure sets out how the Council will deal with complaints, compliments and comments received about the Council as a social landlord (as well as in respect of its ownership and management of leasehold housing).

The procedure has three stages. Stage 1 is a local resolution stage where we try to resolve those complaints that cannot be resolved immediately as part of our day to day business. Stage 1 complaints are dealt with locally, that is within the service being complained about. We aim to resolve the majority of complaints at Stage 1 of the procedure.

Stage 2 is a formal investigation stage where complaints will usually be investigated by the Complaints Investigator or Complaints Manager.

Stage 3 is a mandatory stage between the Council and the Housing Ombudsman. This is referred to as the 'designated person' or 'democratic filter'. The designated person or democratic filter can be an MP, a local Councillor or a recognised Tenant Panel. In Darlington we do not currently have a recognised Tenant Panel (from here onwards referred to as the Tenants' Complaints Panel).

Should a tenant remain dissatisfied with the Council's response to their complaint, they will be required to refer the matter to the 'designated person' or 'democratic filter'. The 'designated person' or 'democratic filter' may help resolve the complaint directly, refer the complaint to the Housing Ombudsman or decide to do neither. If the 'designated person' or 'democratic filter' decides not to take any action the complainant will be entitled to refer the matter to the Housing Ombudsman

directly. The complainant will also be able to approach the Housing Ombudsman directly in cases where eight weeks have elapsed since the Council's response to their complaint at Stage 2 of the procedure.

Public Information and Accessibility

We are committed to making sure that everyone has equal access to all our services. To help make sure the Council's complaints procedures are easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

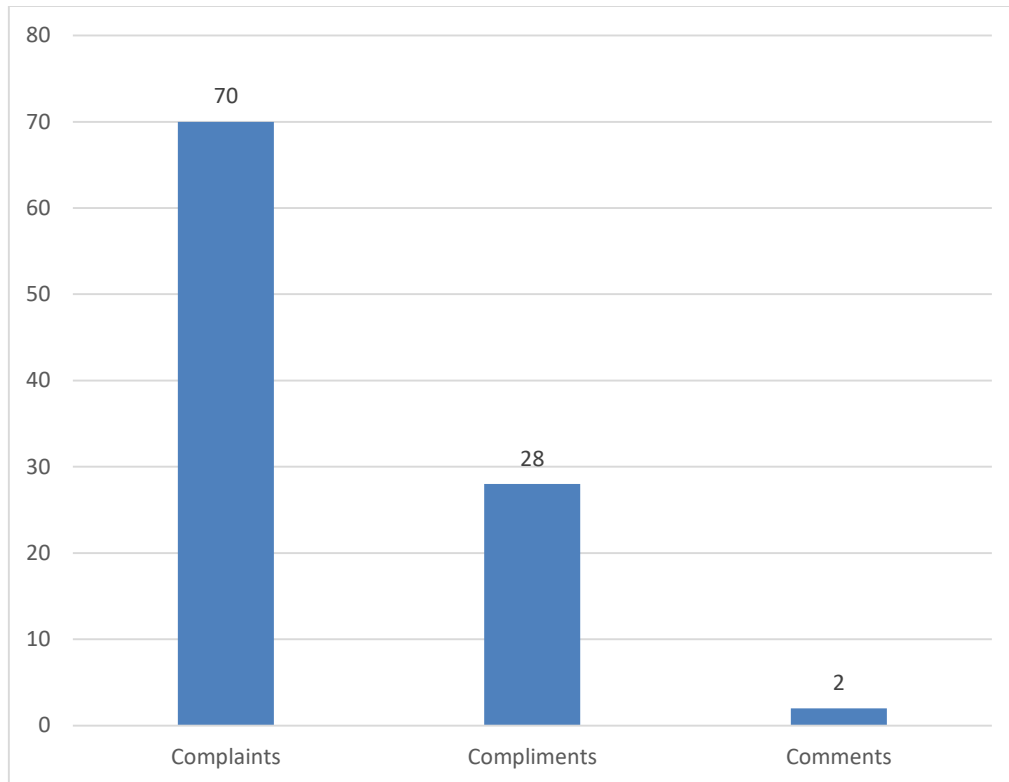
Information is available on the Council's website which contains an electronic form people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, email, via the web, over the phone, in person or by any other reasonable means.

The Complaints and Information Governance Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

Complaints Information and Organisational Learning

Overview of Complaints, Compliments and Comments

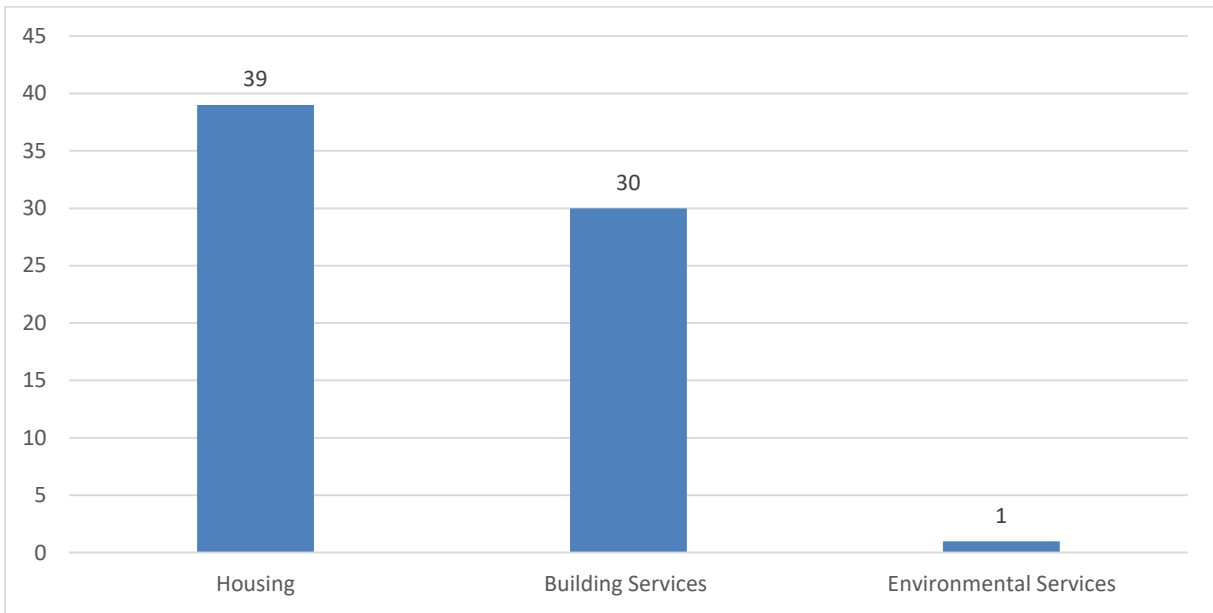
Total Complaints, Compliments and Comments



Between 1 April 2018 and 31 March 2019 the Council received a total of 70 complaints under the procedure, a reduction from 86 in 2017/18. A total of 10 complaints were considered at Stage 2, a reduction from 18 in 2017/18. Nine of the Stage 2 complaints were initially dealt with at Stage 1. No complaints were considered at Stage 3, as was the case in 2017/18.

The Council also received 28 compliments under the procedure, an increase from 19 in 2017/18 and two comments and increase from zero in 2017/18.

Complaints by Service

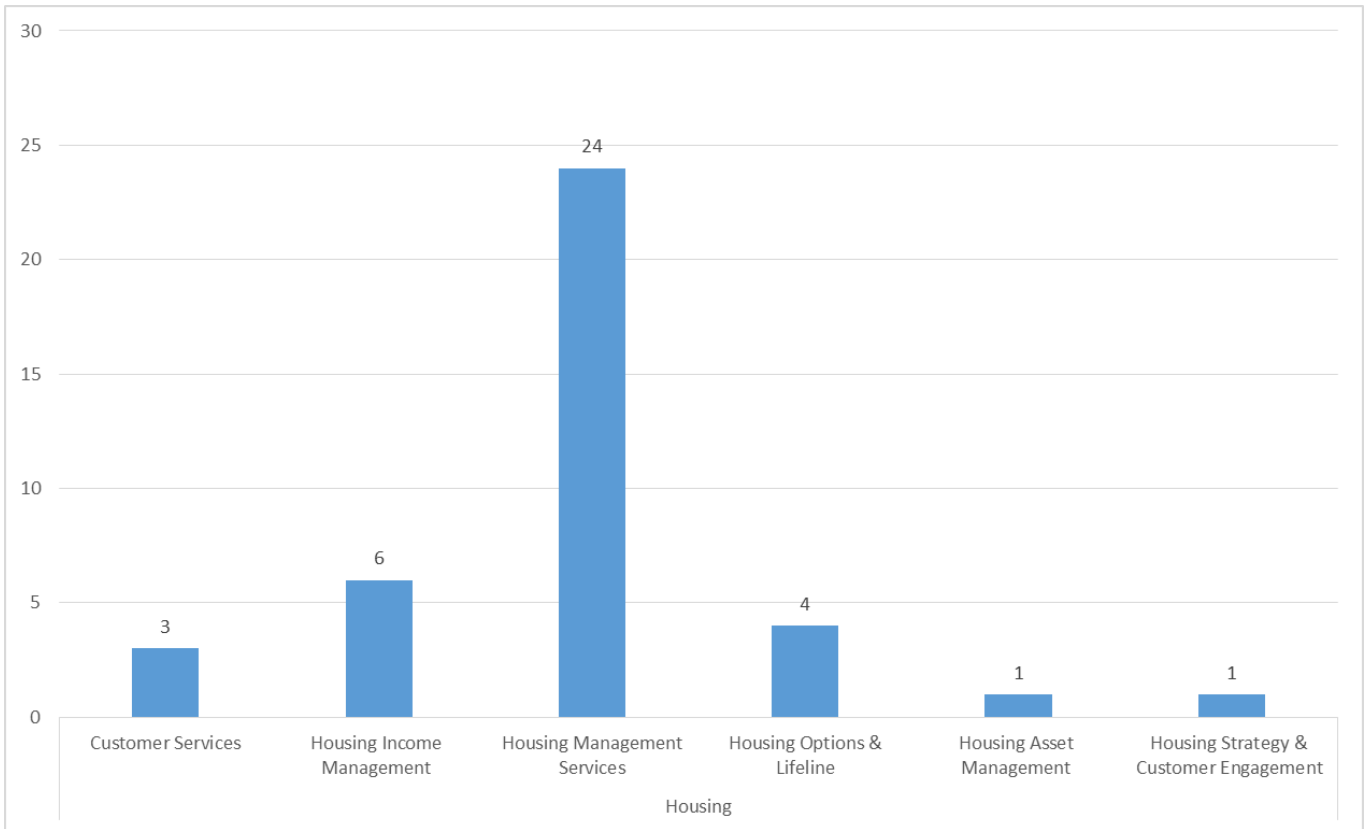


Housing received 39 complaints, a decrease from 53 in 2017/18.

Building Services received 30 complaints, the same number as in 2017/18.

Environmental Services received one complaint, the same number as in 2017/18.

Complaints by Team – Housing Service



Customer Services received three complaints, an increase from zero in 2017/18.

Housing Income Management received six complaints, an increase from four in 2017/18.

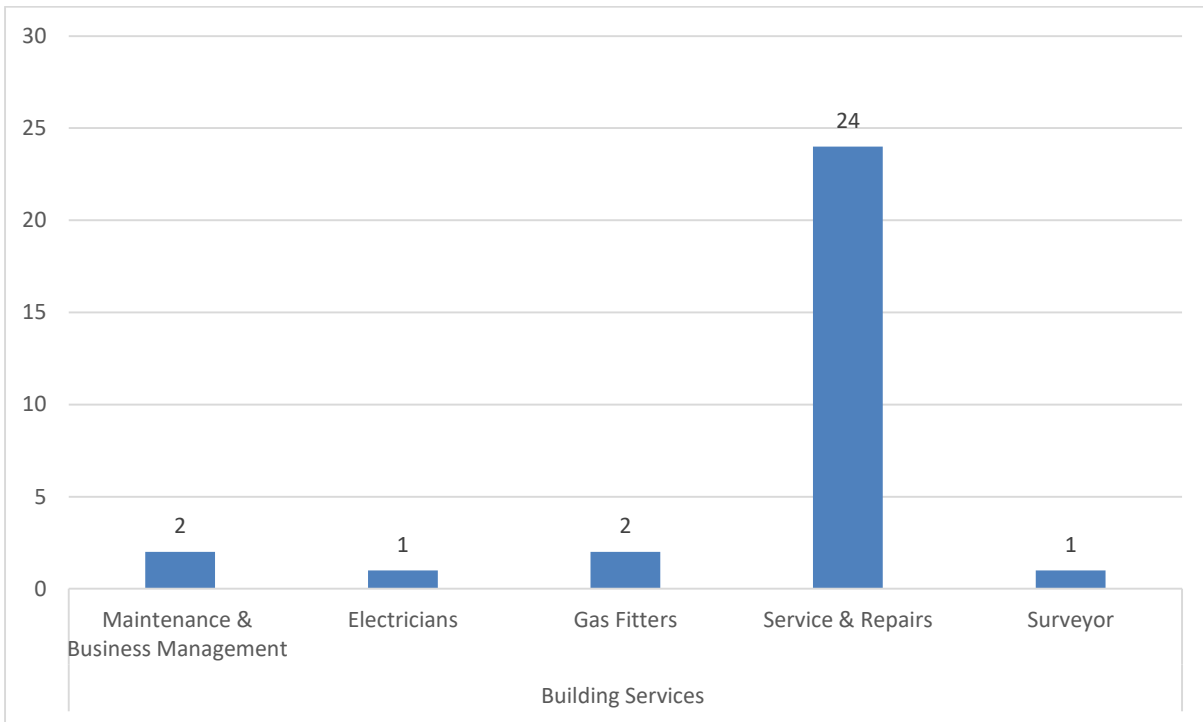
Housing Management Services received 24 complaints, a decrease from 26 in 2017/18.

Housing Options & Lifeline received four complaints, a decrease from five in 2017/18.

Housing Asset Management received one complaint, a significant reductions from 12 in 2017/18.

Housing Strategy & Customer Engagement received one complaints, an increase from zero in 2017/18.

Complaints by Team – Building Services



Maintenance & Business Management received two complaints, an increase from zero in 2017/18.

Electricians received one complaint, a decrease from three in 2017/18.

Gas Fitters received two complaints, a decrease from five in 2017/18.

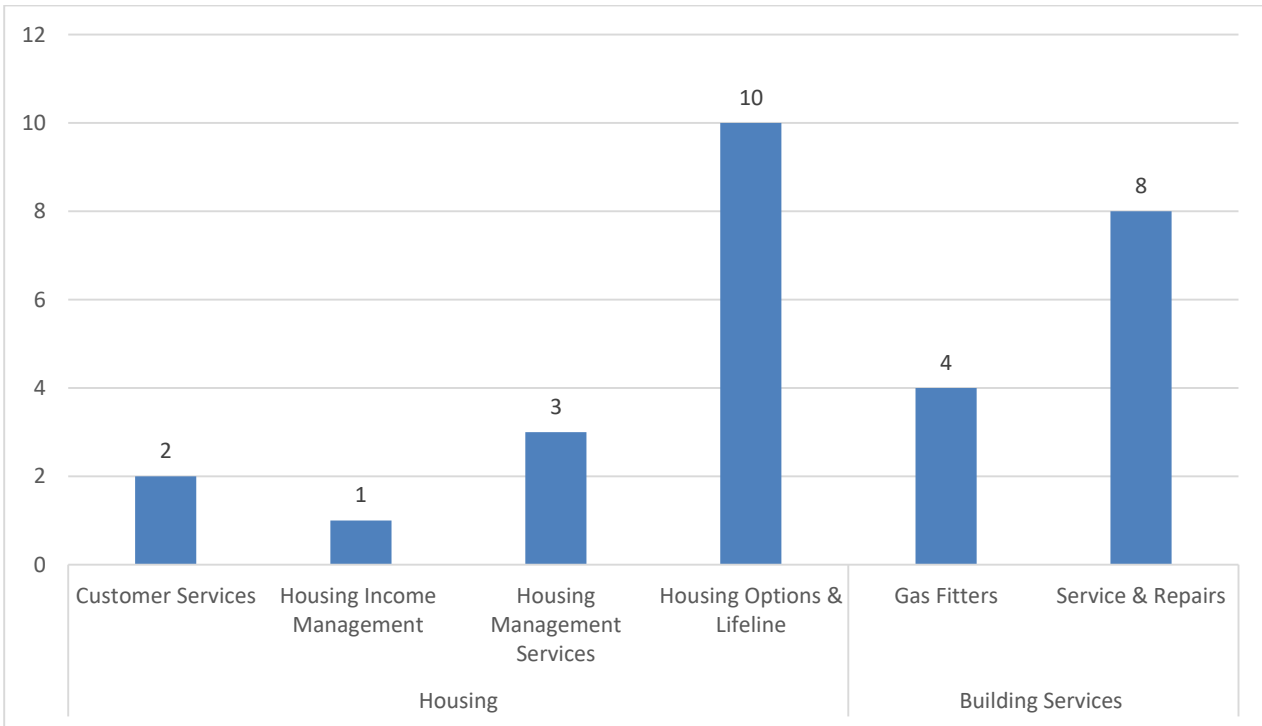
Service & Repairs received 24 complaints, an increase from 17 (General Trades) in 2017/18.

Surveyor received one complaint, the same number as in 2017/18.

Complaints by Team - Environmental Services

Arboriculture received one complaint, an increase from zero in 2017/18.

Compliments by Service Area/Team



Housing received 16 compliments, an increase from eight in 2017/18.

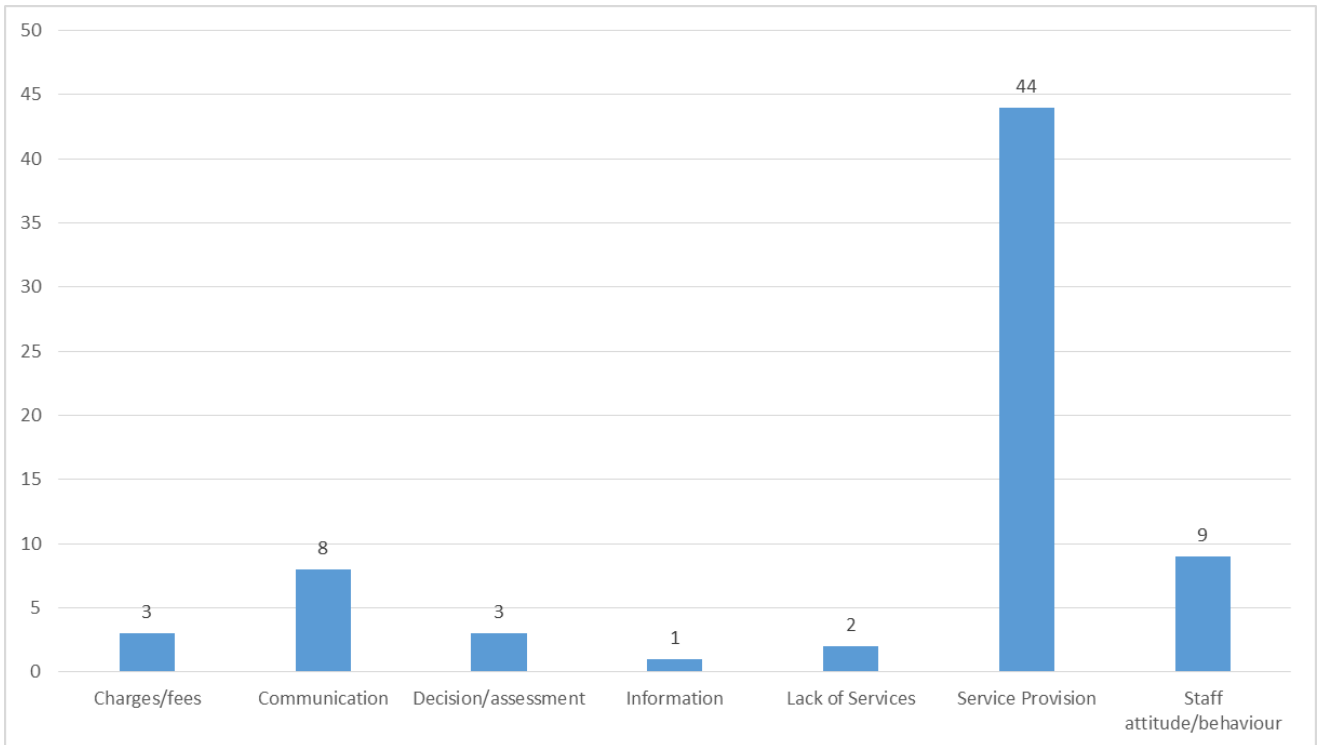
Building Services received 12 compliments, an increase from 11 in 2017/18.

Comments by Service Area/Team

The Council received three comments during 2018/19, an increase from zero in 2017/18.

Two were for Building Services, Service & Repairs while the other was for Building Service, Gas Fitters.

Complaints by Issue



Three complaints concerned charges/fees, compared to four in 2017/18.

Eight complaints related to communication, an increase from three in 2017/18.

Three complaints related to decisions/assessment, the same number as in 2017/18.

One complaint related to information, compared to two in 2017/18.

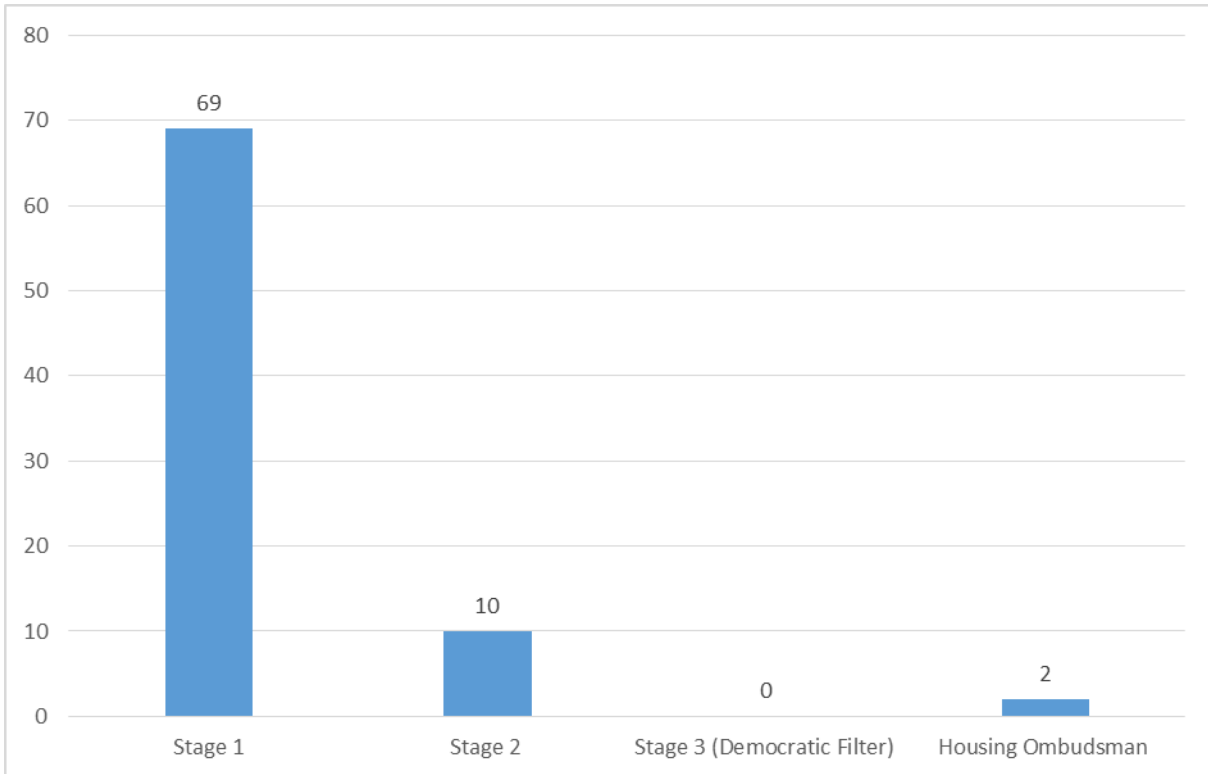
Two complaints were about a lack of services, an increase from zero in 2017/18.

44 complaints related to Service Provision, an increase from 33 in 2017/18.

Nine complaints related to staff attitude/behaviour, compared to eight in 2017/18.

Complaints by Stage

The below graph shows the number of complaints received at each stage of the procedure during 2018/19.



The Council received 69 Stage 1 complaints, a reduction from 86 in 2017/18.

Nine were escalated to Stage 2, and one was investigated directly at Stage 2. A total of 10 complaints were considered at Stage 2, a reduction from 18 in 2017/18.

Two complaints were escalated to the Housing Ombudsman, a reduction from three in 2017/18.

Complaints by Outcome

The below tables show the decisions reached on complaints during 2018/19. Some of the complaints determined during 2018/19 were received during 2017/18 and the first quarter of 2018/19, prior to the Council's structure change, hence them being logged against former services/teams.

Stage 1

Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Economic Growth & Neighbourhood Services	0	0	0	0	0	0
Community Services	0	0	0	0	0	0
Environmental Services	0	0	0	0	0	0
Arboriculture	0	0	1	0	0	1
Total for Arboriculture	0	0	1	0	0	1
Total for Environmental Services	0	0	1	0	0	1
Total for Community Services	0	0	1	0	0	1
Housing & Building Services	0	0	0	0	0	0
Building Services	0	0	0	0	0	0
Maintenance & Business Management	0	0	0	1	0	1
Electricians	0	1	0	0	0	1
Gas Fitters	0	0	0	1	0	1
Total for Maintenance & Business Management	0	1	0	2	0	3
Service & Repairs	2	4	2	10	0	18
Total for Service & Repairs	2	4	2	10	0	18
Surveyor	0	0	0	1	0	1
Total for Surveyor	0	0	0	1	0	1
Total for Building Services	2	5	2	13	0	22
Housing & Revenue Services	0	0	0	0	0	0
Customer Services Housing (Tel)	1	2	0	0	0	3
Total for Customer Services Housing (Tel)	1	2	0	0	0	3
Housing Income Management	0	2	1	0	1	4
Total for Housing Income Management	0	2	1	0	1	4
Housing Management Services	2	7	6	5	1	21

Total for Housing Management Services	2	7	6	5	1	21
Housing Options & Lifeline	0	1	1	0	0	2
Total for Housing Options & Lifeline	0	1	1	0	0	2
Total for Housing & Revenue Services	3	12	8	5	2	30
Total for Housing & Building Services	5	17	10	18	2	52
Total for Economic Growth & Neighbourhood Services	5	17	11	18	2	53
Neighbourhood Services & Resources	0	0	0	0	0	0
Housing & Building Services	0	0	0	0	0	0
Building Services	0	0	0	1	0	1
Maintenance	0	0	0	1	0	1
Gas Services	0	1	0	0	0	1
General Trades	0	1	0	1	0	2
Total for Maintenance	0	2	0	2	0	4
Total for Building Services	0	2	0	3	0	5
Housing & Revenue Services	0	0	0	0	0	0
Housing Income Management	0	1	0	0	0	1
Total for Housing Income Management	0	1	0	0	0	1
Housing Management Services	0	0	0	0	0	0
Management Services	0	2	1	1	0	4
Total for Housing Management Services	0	2	1	1	0	4
Housing Options & Lifeline	0	0	0	0	0	0
Housing Options	0	1	0	0	0	1
Total for Housing Options & Lifeline	0	1	0	0	0	1
Total for Housing & Revenue Services	0	4	1	1	0	6
Housing Asset Management	0	1	1	1	0	3
Total for Housing Asset Management	0	1	1	1	0	3
Housing Strategy & Customer Engagement	0	1	0	0	0	1
Total for Housing Strategy & Customer Engagement	0	1	0	0	0	1
Total for Housing & Building Services	0	8	2	5	0	15
Total for Neighbourhood Services & Resources	0	8	2	5	0	15
Total	5	25	13	23	2	68

Stage 2

Service Area/Team		Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
	Economic Growth & Neighbourhood Services	0	0	0	0	0	0
	Community Services	0	0	0	0	0	0
	Environmental Services	0	0	0	0	0	0
	Arboriculture	0	0	1	0	0	1
Total for Arboriculture		0	0	1	0	0	1
Total for Environmental Services		0	0	1	0	0	1
Total for Community Services		0	0	1	0	0	1
	Housing & Building Services	0	0	0	0	0	0
	Housing & Revenue Services	0	0	0	0	0	0
	Housing Management Services	0	4	1	0	0	5
Total for Housing Management Services		0	4	1	0	0	5
Total for Housing & Revenue Services		0	4	1	0	0	5
Total for Housing & Building Services		0	4	1	0	0	5
Total for Economic Growth & Neighbourhood Services		0	4	2	0	0	6
	Neighbourhood Services & Resources	0	0	0	0	0	0
	Housing & Building Services	0	0	0	0	0	0
	Housing & Revenue Services	0	0	0	0	0	0
	Housing Management Services	0	0	0	0	0	0
	Management Services	0	1	0	0	0	1
Total for Housing Management Services		0	1	0	0	0	1
Total for Housing & Revenue Services		0	1	0	0	0	1
	Housing Asset Management	0	1	0	0	0	1
Total for Housing Asset Management		0	1	0	0	0	1
	Housing Services	0	0	0	0	0	0
	Housing Management	0	1	0	0	0	1
Total for Housing Management		0	1	0	0	0	1
Total for Housing Services		0	1	0	0	0	1

Total for Housing & Building Services	0	3	0	0	0	3
Total for Neighbourhood Services & Resources	0	3	0	0	0	3
Total	0	7	2	0	0	9

Stage 3

The 'designated person' or 'democratic filter' did not determined any complaints during 2018/19.

Housing Ombudsman

The Housing Ombudsman determined four complaint during 2018/19, an increase from one in 2017/18.

Full details of those complaints determined by the Housing Ombudsman are included in the Cabinet reports of 11 December 2018 and 19 September 2019 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, several service improvements were made following complaint investigations during 2018/19 and are detailed below:

Following a complaint for Gas Fitters further training was undertaken to enable them to carry out a fumes investigations effectively.

Following a complaint for Housing Management Services it was recommended that Housing Services consider requiring signed confirmation when tenants verbally confirm that all personal belongings have been removed before ordering sanitisation of the property and that their practice is line with Section 41 of the Local Government (Miscellaneous) Act 1984.

Following a Housing Ombudsman complaint for Housing Management the Council agreed that in some limited circumstances it would disclose the reasons another resident qualified for a repair when the complainant did not.

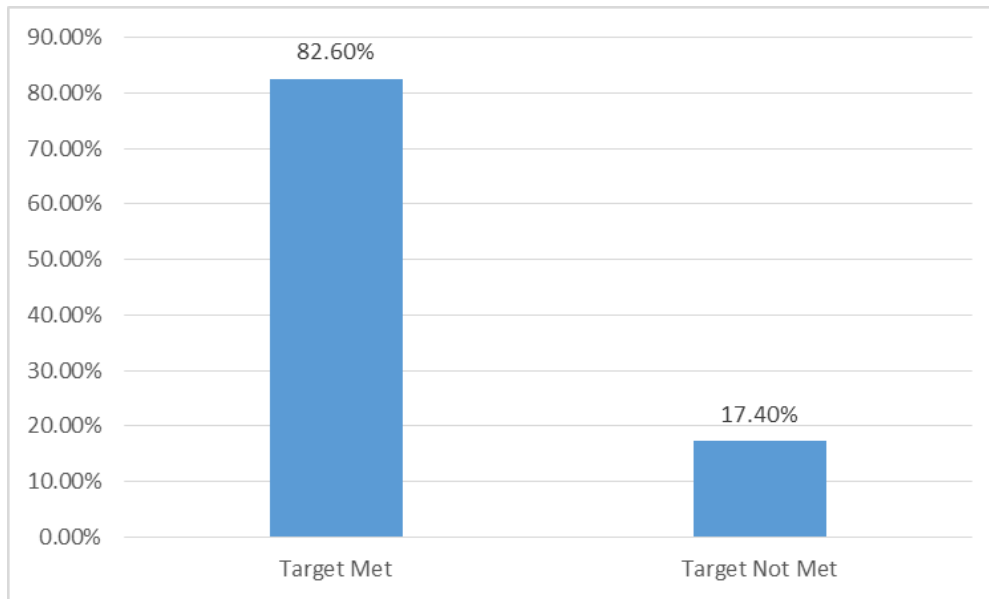
Following a complaint for Service and Repairs a section was included in the tender documentation regarding communication with residents, and how this will be effectively managed.

Performance against the Corporate Complaints, Compliments and Comments Procedure

The below graphs show performance in relation to those complaints acknowledged and responded to during 2018/19.

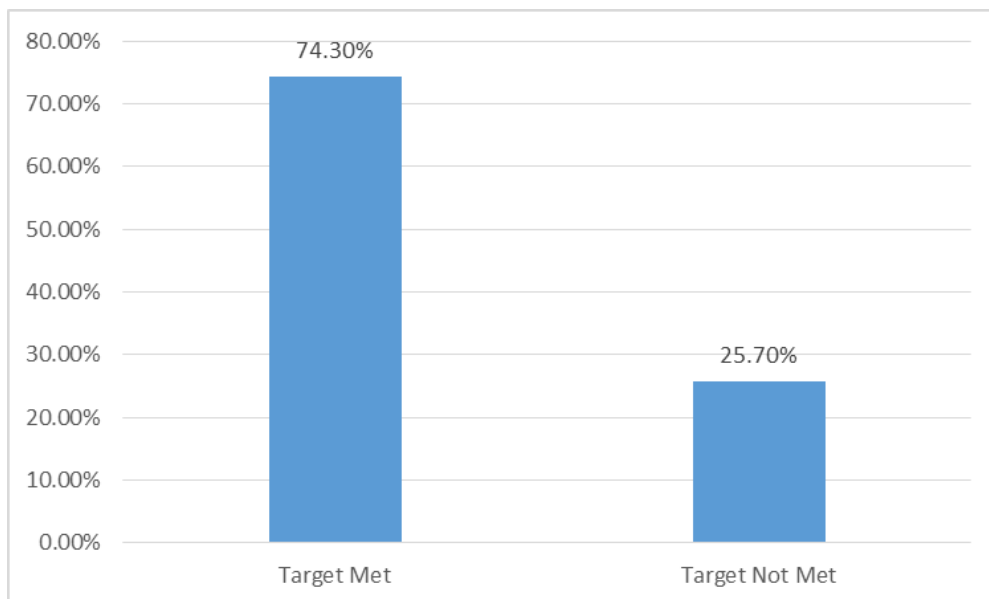
Stage 1

Performance against Stage 1 acknowledgement target (3 working days)



This was an increase from 81.80% in 2017/18.

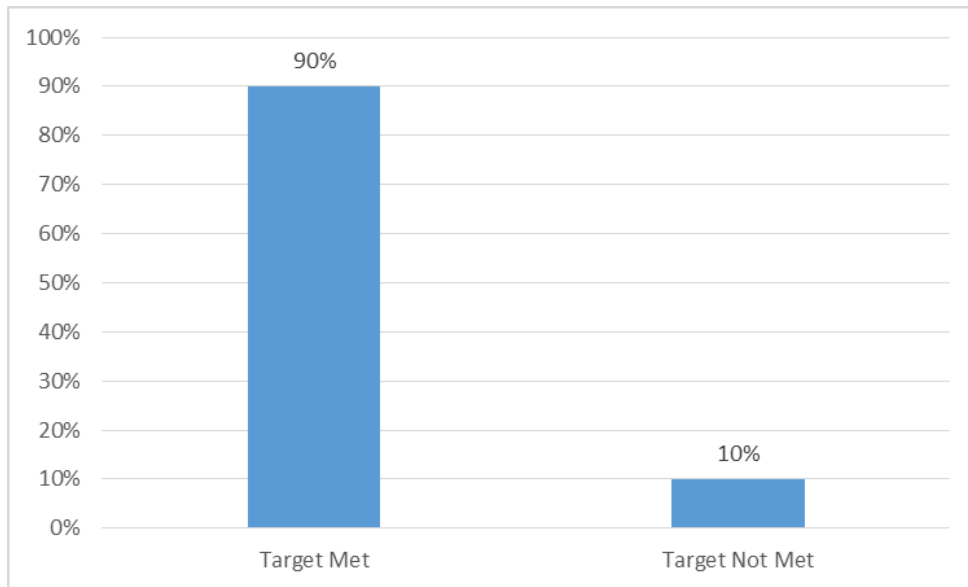
Performance against Stage 1 response target (25 working days)



This was an increase from 73.3% in 2017/18.

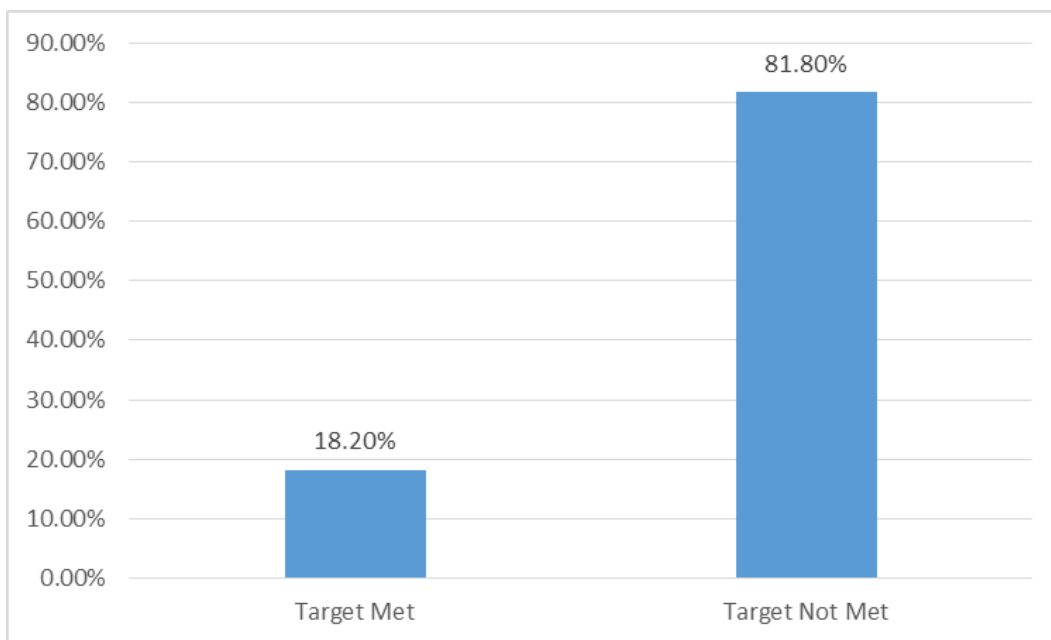
Stage 2

Performance against Stage 2 acknowledgement target (3 working days)



This was an increase from 68.8% in 2017/18.

Performance against Stage 2 response target (30 working days)



This was a decrease from 43.80% in 2017/18.

Further recommendations

The Council should work to improve performance against the Stage 1 and 2 response targets.



Public Health Complaints, Compliments and Comments Annual Report 2018/19

Contents

Introduction	3
Local Government and Social Care Ombudsman	4
Information and Accessibility	4
Summary	5
Review of the Year	5
Organisational Learning	6
Further Recommendations	6
Performance against the Procedure	6
Performance Indicator	6

Introduction

The purpose of this annual report is to inform service users, carers, the public, Council Members and staff of the effectiveness of the Public Health Complaints, Compliments and Comments Procedure (the Procedure).

On the 1 April 2013 the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 (the Regulations) came into force. Part five of the Regulations deals with Complaints about Public Health Functions of Local Authorities.

The Council implemented a new procedure providing a local framework to ensure complaints are handled effectively and in line with the regulations.

The procedure aims to:

- (a) Make it as easy and accessible as possible for service users and their carers to raise complaints;
- (b) Foster an organisational culture in which complaints are accepted, owned and resolved as efficiently as possible;
- (c) Ensure high levels of customer satisfaction with complaints handling;
- (d) Resolve individual issues when they arise and reduce the number of complaints referred to the Ombudsman; and
- (e) Enable the Council to identify topics and trends in relation to Public Health complaints and improve services as a result.

The Chief Executive is the designated as the 'Responsible Person' for ensuring compliance with the arrangements made under the Regulations, and in particular ensuring that action is taken if necessary in the light of the outcome of a complaint. The functions of the responsible person will usually be performed by the Director of Public Health.

The Complaints and Information Governance Manager is designated the 'Complaints Manager' in accordance with the regulations and is responsible for managing the procedures for handling and considering complaints in accordance with the arrangements made under the Regulations.

Local Government and Social Care Ombudsman

Although complainants can refer their complaints to the Local Government and Social Care Ombudsman (LGSCO) from the outset, the LGSCO will not normally investigate until the Council or service provider has conducted its own investigation and provided a response. Where it has not been possible for the complaint to be resolved to the satisfaction of the complainant they may refer the matter to the LGSCO.

Information and Accessibility

We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure the Council's complaints procedures are easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

Information is available on the Council's website. There is also an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.

The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

Summary

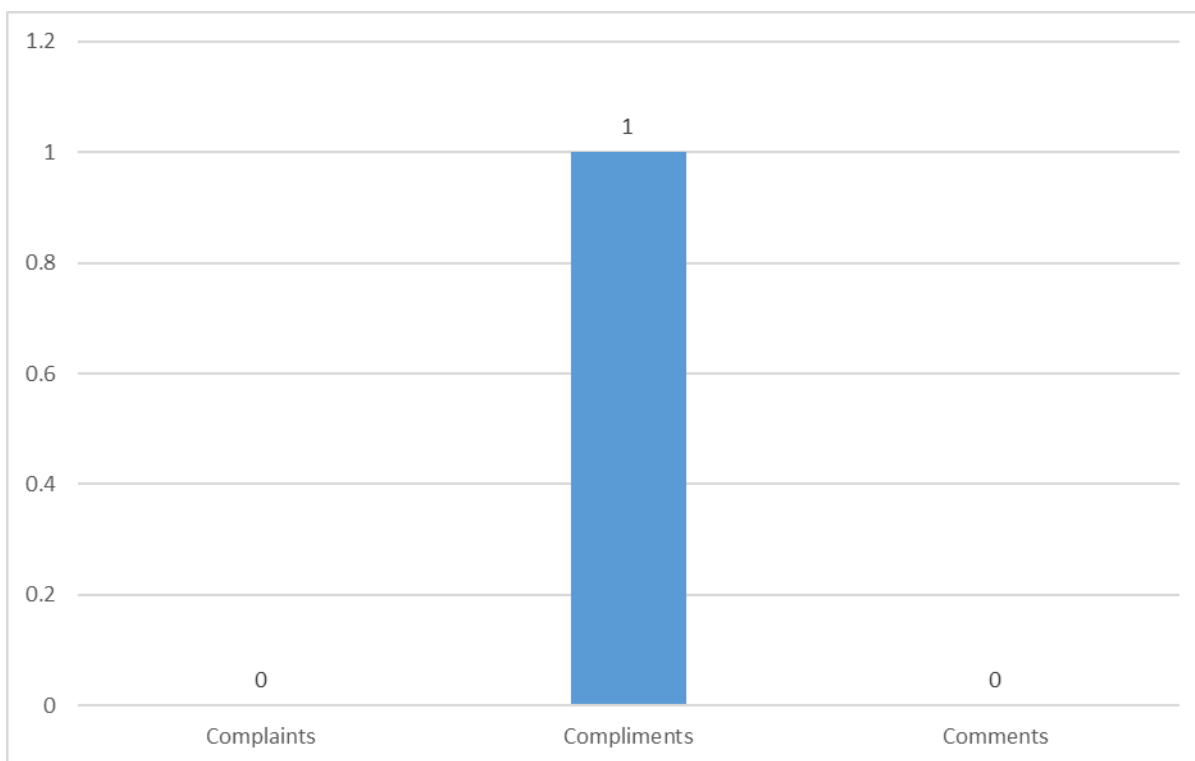
- The Council received zero complaints about Public Health services during 2018/19, a reduction from three in 2017/18.
- The Council did not receive any comments, the same as in 2017/18.
- The Council received one compliment, an increase from zero in 2017/18.

Review of the Year

Breakdown of all Representations

A total of one representations was handled under the procedure during 2018/19.

Total Complaints, Compliments and Comments Received



The compliment received was for the Sexual Health Service.

Complaint Outcomes

Zero complaint investigations were concluded during 2018/19.

Local Government Ombudsman Complaints Received 2018/19

No Public Health complaints were progressed to the LGSCO during 2018/19, the same as in 2017/18.

Local Government Ombudsman Complaint Outcomes 2018/19

No Public Health complaints were determined by the LGSCO during 2018/19, the same as in 2017/18.

Organisational Learning

There was no organisational learning identified as a result of the feedback received during 2018/19.

Further recommendations

There are no further recommendations.

Performance against the Procedure

While the regulations allow a maximum of six months to respond to a complaint we aim to respond to complaints within 30 working days.

There are no results to report for 2018/19.

Performance Indicator for 2017/18

In relation to Public Health complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government Ombudsman. The Council received zero maladministration decisions during 2018/19.

Full details of those complaints determined by the LGSCO are included in the Cabinet reports of 11 December 2018 and 19 September 2019 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

**CABINET
10 SEPTEMBER 2019**

**PUBLIC SPACES PROTECTION ORDER
DARLINGTON TOWN CENTRE**

**Responsible Cabinet Member – Councillor Jonathan Dulston
Community Safety Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to update Members of the Cabinet on the development of the Public Space Protection Order (PSPO) which was implemented in Darlington Town Centre on 1 March 2019. The update is provided in accordance with a direction made by Cabinet at a meeting held in February that a report would be provided following a period of six months to determine use and effectiveness of the PSPO in Darlington Town Centre.

Summary

2. Following a three-month period of public consultation, a PSPO was implemented in Darlington Town Centre on 1 March 2019. This was in response to increased levels and complaints of anti-social behaviour in the area.
3. The PSPO provides police officers, police community support officers and civic enforcement officers with powers to deal effectively with certain types of anti-social behaviour including alcohol related nuisance, disorderly conduct and begging.
4. Following implementation of the PSPO, 48 warnings and 10 fixed penalty notices have been issued. In addition, two subjects have been reported for summons resulting in court proceedings.
5. Since implementation there has been a significant reduction of anti-social behaviour relating to the behaviours of alcohol-related offending, disorderly conduct and begging.
6. Public and business feedback has been positive with no adverse comments or complaints during the reporting period.
7. Research suggests that the powers granted by Cabinet have been used proportionately and only when absolutely necessary. Any initial concerns relating to “criminalising” vulnerable people remains unfounded at this time.

8. It is concluded that the PSPO has been used effectively, certainly proportionately, and has contributed to making Darlington a more attractive and safer place to live, work and visit.
9. Members will be aware that our approach involves a number of key stakeholders offering extensive specialist support and care with fixed notices used as a last resort.

Recommendation

10. It is recommended that:-

- (a) Members note and consider the information in this report and support the continued use of the PSPO in Darlington Town Centre.
- (b) If supported, a similar report will be brought to Cabinet in six months and thereafter by annual review.

Reasons

11. The recommendation is supported as the PSPO is being used in a proportionate, justified and necessary manner and is having a positive effect on Darlington Town Centre

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

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

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 on carbon as a result of this report.
Diversity	No particular group is impacted differently as a result of this report.
Wards Affected	Park East, Park West, Northgate, College
Groups Affected	No particular group will be impacted differently as a result of this report.
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

Information and Analysis

12. PSPOs are a key element of the Anti-Social Behaviour, Crime and Policing Act 2014 which came into force in October 2014.
13. 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.
14. The responsibility for making a 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.
15. Following a period of public consultation (as required by the act) Cabinet approved the introduction of a PSPO in a designated area of Darlington Town Centre with effect from 1 March 2019. A copy of the order is shown at **Appendix 1**.
16. In summary, the PSPO in Darlington Town Centre covers the following:-
- (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
17. 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.
18. 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 a fixed penalty of £100.
19. In practice, although the offences are technically committed immediately (with the exception of drinking alcohol in a public place where the PSPO requires a person to be requested to desist from drinking and for them to refuse to do so before an offence is then committed) and therefore they could be enforced immediately, persons carrying out a prohibited activity are first being asked to stop by an authorised Council officer or police officer. If the person follows the instruction, then no further action is currently being taken. 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.
20. A PSPO is for an initial period of three years at which time it must be renewed, or it would cease. The Council have the power to remove specific prohibitions or end a PSPO early, for example if an activity no longer existed. If significant new issues arise during the PSPO then the Council can modify prohibitions.
21. A Public Space Protection Order is a positive 'tool' enabling officers to deal with anti-social behaviour within a designated area and is one of a number of civil and criminal remedies designed to tackle anti-social behaviour in our communities.
22. Following implementation of the PSPO in Darlington Town Centre 48 warnings and 10 fixed penalty notices have been issued. In addition, two subjects have been reported for summons for court related proceedings. A breakdown of these warnings and penalties is shown at **Appendix 2**.

23. A review of the associated powers concludes that they have been used proportionately and only when considered absolutely necessary. Any initial concerns relating to “criminalising” vulnerable people remains unfounded at this time.
24. Examples of the proportionate and effective use of PSPO’s in Darlington Town Centre is shown below.
 - (a) A group of adults were requested by Civic Enforcement to stop drinking in St Cuthbert’s Church Yard. They refused to comply and became abusive. Police attended the scene and issued fixed penalty notices to the individuals in the group who continued to be abusive to Police. This resulted in three subjects being arrested for public order offences.
 - (b) Powers relating to begging have been used proportionately and only as part of a wider approach involving extensive specialist care and support from relevant agencies. This approach has proved most effective, however, where such support has been offered and refused and nuisance has continued enforcement is considered. Unfortunately, two individuals who have been offered countless opportunities for support have continued to cause nuisance through begging. Both individuals have been reported for criminal offences under the provisions of the Vagrancy Act 1824 and are now pending court.
25. Since implementation there has been a significant reduction of anti-social behaviour relating to alcohol-related offending in public open spaces, disorderly conduct and begging. A breakdown of relevant information is shown at **Appendix 3**.
26. Public and business feedback has been extremely positive with no adverse comments or complaints during the reporting period.
27. It is concluded that the PSPO has been used effectively and is having a positive effect on anti-social behaviour and the overall level of safety in Darlington Town Centre.

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APPENDIX 1

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.

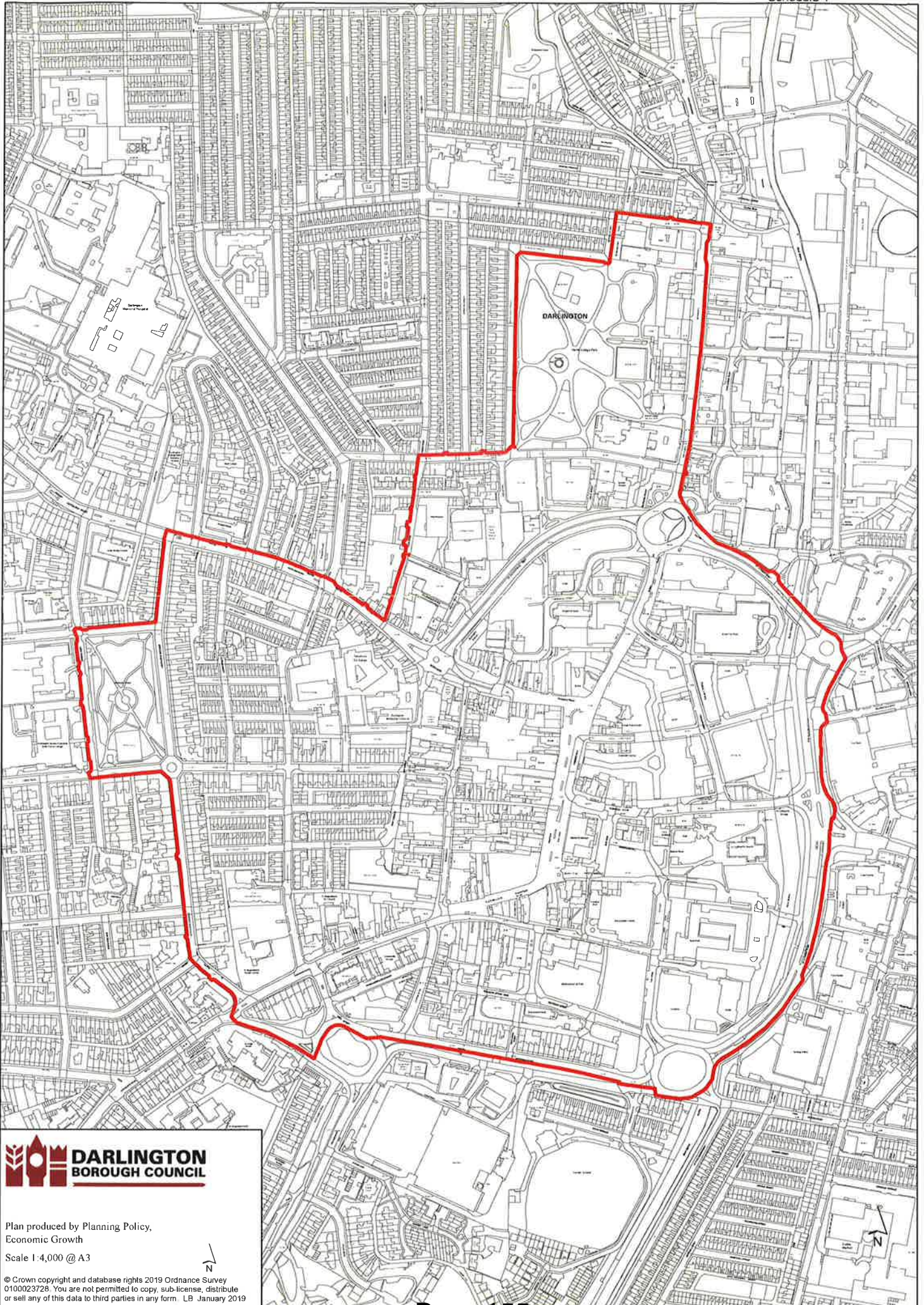
GIVEN under the common seal of
The Council of the Borough of Darlington

On the 8th day of February 2019

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

Lila Lillie





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.

**PUBLIC SPACES PROTECTION ORDER
DARLINGTON TOWN CENTRE**

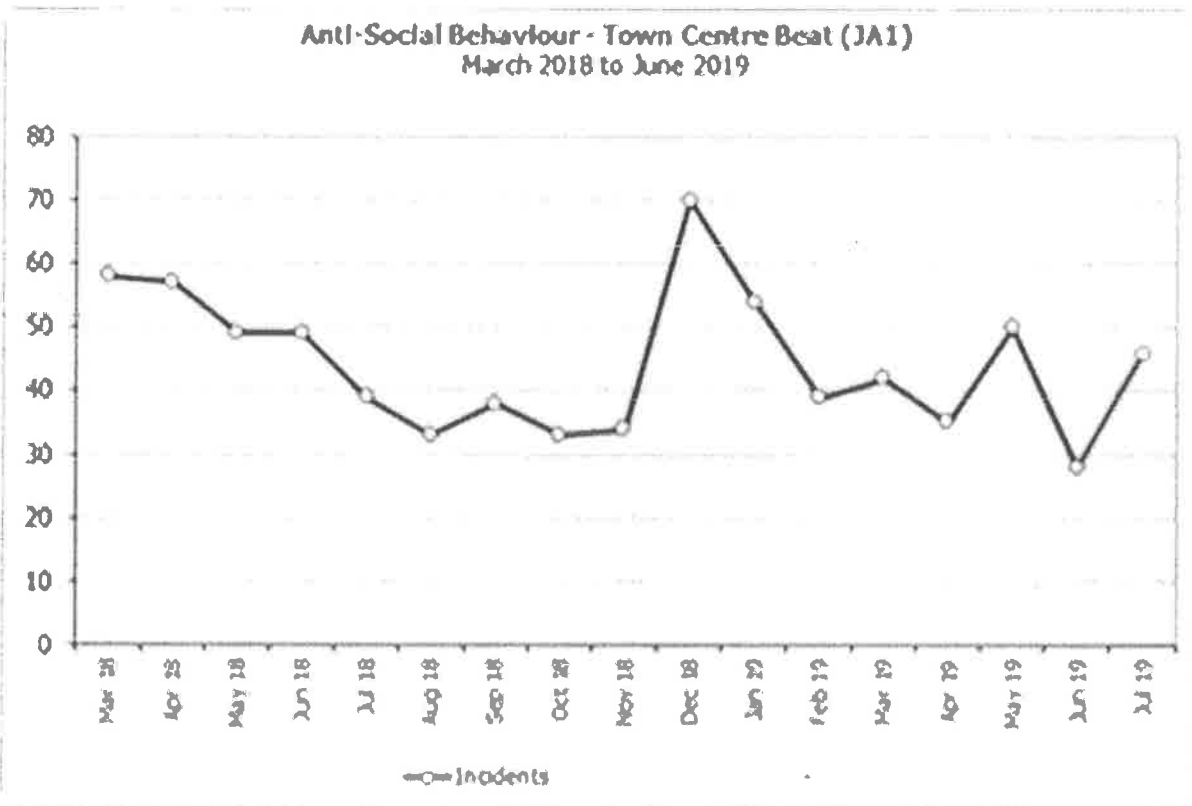
Warnings/Fixed Penalty Notices issued under the PSPO to date:

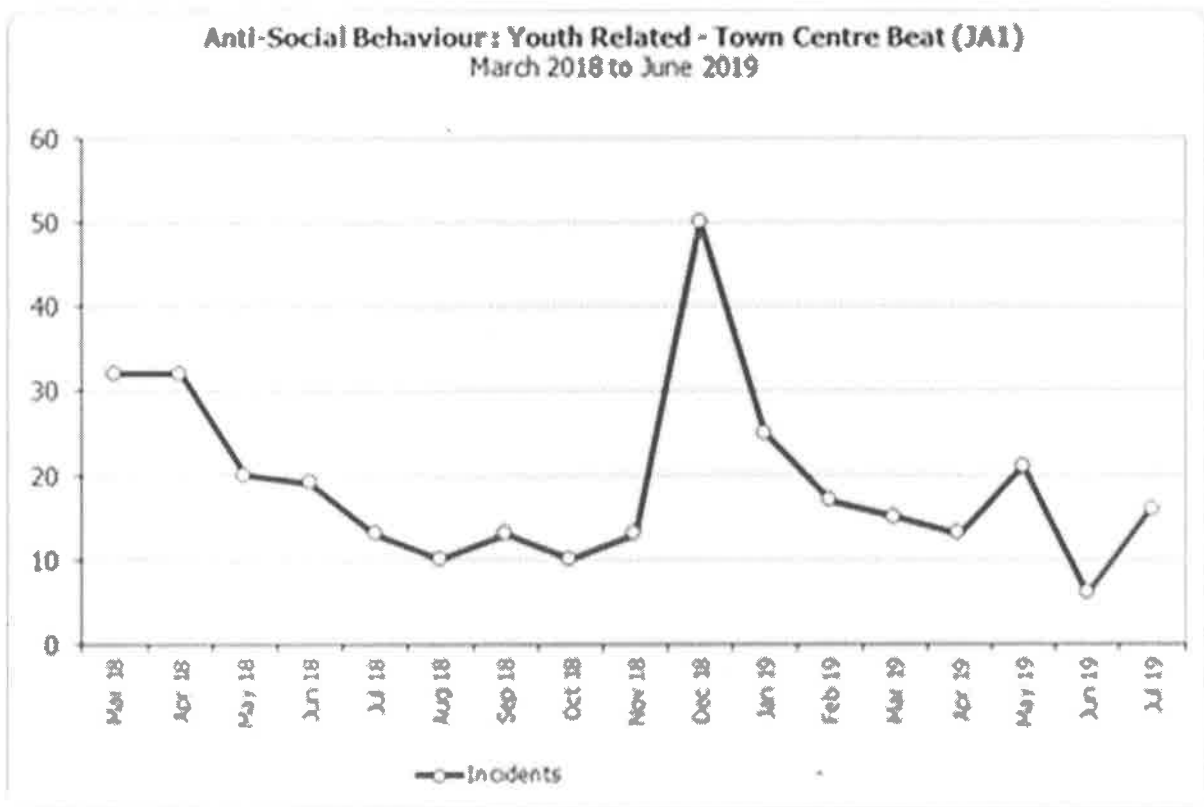
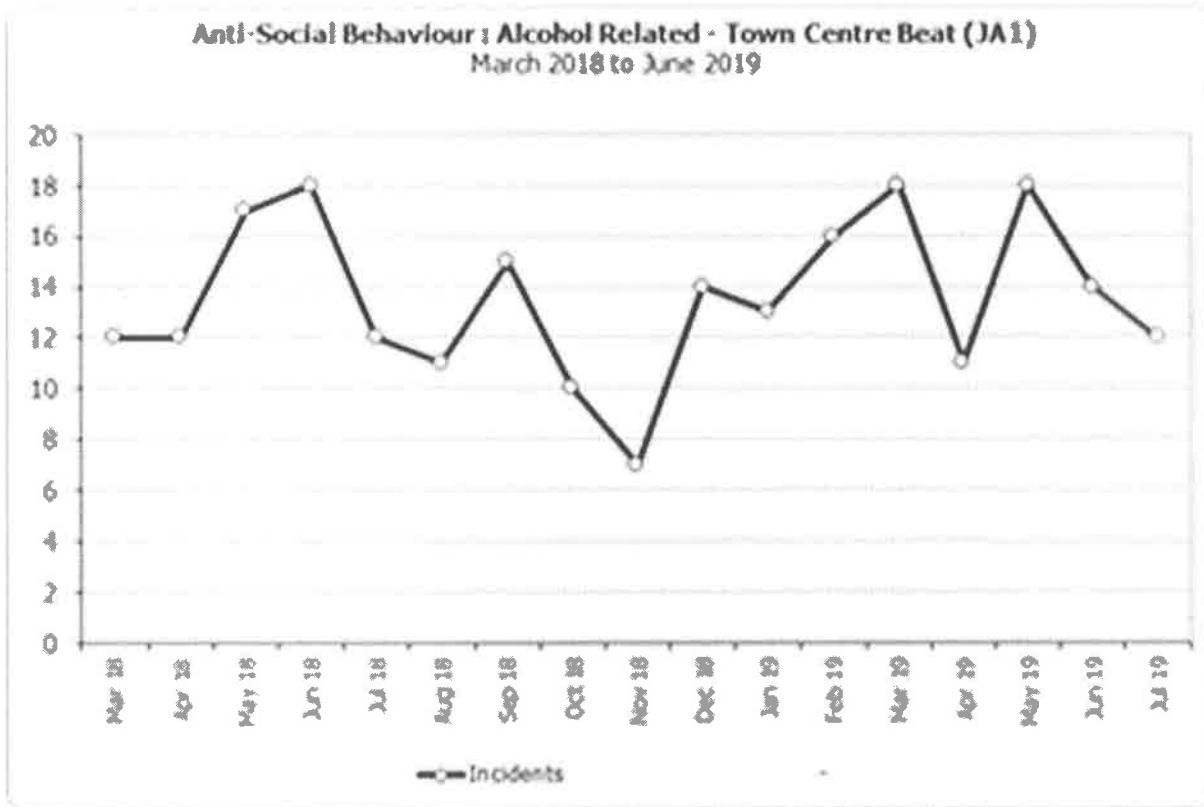
	Police issued			Civic Enforcement issued		
	FPNs	Warnings	Reported to court	FPNs	Warnings	Reported to court
Begging	2	8	2 (under Begging & Vagrancy Act)	2	10	
Alcohol	2	15		4	14	
Loitering/ Swearing		1				

**PUBLIC SPACES PROTECTION ORDER
DARLINGTON TOWN CENTRE**

Current situation:

Year	Total Reports Received				
	ASB	ASB - Alcohol Related	ASB – Alcohol Related (in public open space)	ASB - Youth	ASB - Begging
March 18- July 18	252	71	9	116	11
March 19- July 19	201	73	4	71	2





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**CABINET
10 SEPTEMBER 2019**

REGULATION OF INVESTIGATORY POWERS

**Responsible Cabinet Member - Councillor Charles Johnson
Efficiency and Resources Portfolio**

Responsible Director - Paul Wildsmith, Managing Director

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to inform and update 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 February 2019.

Summary

2. 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.
3. This report gives details of RIPA directed surveillance applications and communications data applications that have been authorised since the last report to Cabinet.
4. The Investigatory Powers Act 2016 ("IPA") came into force for local authorities on 11 June 2019. This is now the main legislation governing the acquisition of communications data. The changes introduced by this legislation are detailed in this report.

Recommendation

5. It is recommended that Members:-
 - (a) Note the developments that have taken place since February 2019.
 - (b) Receive further reports on the Council's use of RIPA and IPA and other associated issues.

Reasons

6. The recommendations are supported by the following reasons :-
- (a) In order to ensure that the Council complies with the legal obligations under RIPA, IPA and national guidance.
 - (b) To help in giving transparency about the use of RIPA and IPA in this Council.

Paul Wildsmith
Managing Director

Background Papers

The Investigatory Powers Act 2016

Amy Wennington : Extension 5466

S17 Crime and Disorder	The appropriate use of and oversight of RIPA and IPA 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 and IPA will help in the efficient use of the powers.
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

Investigatory Powers Act 2016

7. The IPA is now in force for local authorities. It changes the way powers are used for the acquisition of communications data. It aims to better protect both the public and those using the powers and also increase public confidence in how public authorities use the powers available to them.
8. Communications data is information about communications: the 'who', 'where', 'when', 'how' and 'with whom' of a communication but not the content i.e. not what was actually written or said. Generally it is data that may be acquired from a Telecommunication Operator. By way of example, we may seek to establish, as part of a Council investigation into criminal activity, who a particular mobile telephone number or a specific website is registered to. This information would be communications data.
9. The IPA introduces new offences for unlawful acquisition and disclosure of communications data as well as introducing opportunities to improve decision-making and streamline processes. It also introduces a new, more robust oversight regime, which means that there will be greater external scrutiny of the use of these powers.

New offences

10. The new offence most relevant to the Council is that of unlawfully obtaining communications data, as this offence applies to anyone within a public authority. To be an offence, unlawfully obtaining or providing communications data must be either done knowingly (i.e. acting voluntarily or intentionally) or recklessly (e.g. with obvious/foreseeable consequences). Making an honest mistake is not an offence.

Statutory Purposes

11. The statutory purposes under the IPA are largely the same as under RIPA albeit with some minor alterations. The available IPA statutory purposes are as follows:
 - In the interests of national security;
 - For the applicable crime purpose;
 - In the interests of the economic wellbeing of the United Kingdom so far as those interests are also relevant to the interests of national security;
 - In the interests of public safety;
 - For the purpose of preventing death or injury or any damage to a person's physical or mental health, or of mitigating any injury or damage to a person's physical or mental health;
 - To assist investigations into alleged miscarriage of justice; and
 - Where a person ("P") has died or is unable to identify themselves because of a physical or mental condition to assist in identifying P, or to obtain information about P's next of kin or other persons connected with P or about the reason for P's death or condition.

Authorisation of communications data applications

12. The introduction of the Office for Communications Data Authorisations (“OCDA”) means the acquisition of communications data by local authority officers is no longer subject to judicial approval by a magistrate. There is however a requirement for a local authority making an application to ensure that someone of at least the rank of Service Manager is aware that the application is being made before it is submitted to OCDA. An authorising officer in OCDA can authorise any lawful request for any of the specified purposes from any listed public authority.

Investigatory Powers Tribunal

13. For the purpose of highlighting why it is important that we all understand and make use of RIPA and IPA, Members’ attention is brought to the case of Gary Davies v British Transport Police.
14. British Transport Police (“BTP”) carried out unauthorised surveillance on Mr Davies. As a result of this surveillance, BTP made a public arrest and subsequently issued a press release publicising the alleged offences, of which Mr Davies was subsequently acquitted by a jury. BTP, whose relevant officers had no proper understanding of the legal requirements for such surveillance, ought to have obtained prior authorisation and as a result the Tribunal ruled that the surveillance was unlawful.
15. In relation to compensation, BTP asserted that the breach was technical, as authorisation could and would have been obtained. The Tribunal rejected this argument because of the scantiness of the case against Mr Davies, and the obvious need for further inquiries before authorisation would become possible. The Tribunal therefore awarded to Mr Davies his unrecouped costs of the criminal trial, on the basis that, but for the unlawful surveillance, the trial would never have taken place. In addition, the Tribunal awarded the significant sum of £25,000 to reflect the gravity of the breach, real injury to feelings, damage to reputation and probable loss of promotion prospects suffered by the Claimant brought about by the arrest, the accompanying publicity and the trial.

Training - Update

16. Training sessions are to be held during August and September 2019 for staff in service areas that use or may need to consider using RIPA. The training is to be delivered by the Principal Lawyer (Litigation).
17. In addition, all of the designated Authorising Officers and members of the Chief Officers Executive and Chief Officers Board are to receive refresher RIPA training. This training will be delivered by the Assistant Director, Law and Governance.

Bi-Annual Report

Directed Surveillance Authorisations

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

Communications Data Authorisations

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

**CABINET
10 SEPTEMBER 2019**

INVESTMENT FUND UPDATE

**Responsible Cabinet Member - Councillor Charles Johnson,
Efficiency and Resources Portfolio**

Responsible Director - Paul Wildsmith, Managing Director

SUMMARY REPORT

Purpose of the Report

1. To update Cabinet on progress against the agreed investments being funded through the Investment Fund.

Summary

2. In November 2016 the Council established an investment fund to be used for innovative investment opportunities beyond the traditional Treasury Management Strategy in order to achieve greater returns given the low returns on investment.
3. The fund provision of £50m is being utilised as envisaged in the original reports to Council to include Joint Venture vehicles and economic regeneration initiatives. Returns on joint ventures are anticipated to be over £4m.
4. The fund is currently being used on eight schemes detailed in the report

Recommendation

5. It is recommended that Cabinet note the use of the Investment Fund and the returns achieved through the joint venture vehicles.

Reasons

6. The recommendation is supported to keep Cabinet informed of progress made on opportunities undertaken and investment returns.

**Paul Wildsmith
Managing Director**

Background Papers

Council report – 24 November 2016 – Investment opportunities

Council report – 29 November 2018 – Investment opportunities update and request to increase the fund.

Elizabeth Davison : Extension 5830

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

MAIN REPORT

Background

7. In November 2016 Council agreed to the establishment of a Capital Investment Fund and following the successful implementation agreed to increase the fund to £50m on 29 November 2018.
8. It has been agreed the fund is recyclable so as the life of an investment comes to an end and repayment is made it will be recycled back into the investment fund for further utilisation. Any future scheme would of course still require a full detailed business case report to Cabinet.
9. Since the establishment of the fund Cabinet have agreed to eight uses of the fund summarised below:-

Investment	Cabinet Amount £m's	Cabinet Agreement
JV - Eastbourne	1.50	08/11/16
JV – Eastbourne - Loan repaid	(1.50)	
Markets (MAMDL Ltd)	1.80	20/06/17
Darlington Mowden Park arena - sports village	2.10	05/12/17 & 11/12/18
Neasham Road: Linked to Relocation of Cattle Mart	3.14	06/03/18
Feethams House	2.63	06/03/18
JV - West Park	12.00	03/04/18
JV - Heighington	6.10	29/06/18
JV – Middleton St.George	4.70	08/01/19
Total	32.47	

Investment update

Eastbourne Joint Venture

10. The Council entered into a joint venture partnership with Esh Homes following a procurement exercise to build and sell houses in Darlington. The Eastbourne JV scheme was for 60 homes and is nearing the completion with all properties built and sold and final accounts being prepared. The investment of £1.5m has been repaid and the Councils anticipated pre-tax profit is £0.800m, £0.300m higher than the £0.500m initially anticipated when the scheme was brought to Cabinet. Furthermore as the council provided a loan to the joint venture a further surplus of £0.080m on interest repayment has been made.

Market Asset Management

11. In 2017 the Council entered into a partnership agreement with Market Asset Management Ltd (MAM) for the management, refurbishment of the Victorian Indoor Market and the management and improvement of Darlington's outdoor market. As part of the partnership agreement MAM are obliged and committed to invest £1.5m (plus VAT) in repairs to the roof and structure of the building and improvements to the mechanical and electrical supplies, ventilation and heating system. A loan of £1.8m was made available to MAM to assist with the upfront expenditure and this is being repaid at state aid compliant rates which will benefit the Council to the tune of around £0.278m.
12. Most of the activity so far has been preparatory work with the current tenants to ensure they appreciate what work is being proposed and that robust legal arrangements for their tenancies are in place. To date £0.413m has been advanced with the majority of the loan is anticipated to be made later in the year.
13. Members will recall following July's Cabinet meeting that further work has been carried out which includes the building of a winter garden on the East facing side of the market hall and the inclusion of a more extensive food and beverage offer in the market vaults area. Feedback received has been very positive and although finalisation of the total cost of this investment is not yet complete, it is based on estimates, and indications are that an additional £1.5m will be required which will be funded through the Tees Valley Combined Authority's Indigenous Growth Fund. If agreed it is likely works to both areas will be completed at the same time.

Darlington Mowden Park Arena – sports village.

14. In December 2017 Cabinet agreed at the request of Darlington Mowden Park (DMP), owners of the arena, to work collaboratively on a proposal for the Arena, the 23 acres owned by DMP and up to 42 acres of adjacent Council land to create a sports village (DSV) that will have an improved arena as a centrepiece asset with an artificial pitch and reconfigured concourse for events, together with a centre of excellence for sports, a new sports and leisure complex, village green, appropriate sports retail centre and a neighbourhood centre primarily geared to support local housing proposed on land to the west of Neasham Road.
15. To achieve the DSV the Council and DMP have been working together to examine and develop the vision and business plan. Subject to receipt of the business plan, the Council will undertake Due Diligence on the proposal including an independent assessment of its viability. Business plan preparatory work by DMP is ongoing but will be nearing completion in the next few months. Future reports on this will be presented to Cabinet.
16. Alongside its goal of seeing improved sporting provision in Darlington, the Council has a crucial interest in the long term future of the arena site as it provides the access to an adjacent 42 acres of Council land that could be suitable for a range of development opportunities. Regardless therefore as to whether this DSV proposal goes ahead it is important that the Council protects its position on future access to Council adjacent land.
17. To achieve this, the Council has negotiated and agreed a position where it will have a guaranteed right to step in and acquire the freehold of the Arena and DMP land in

certain scenarios and £2.1m has been earmarked as a guarantee should the Council wish to exercise its step in rights.

Neasham Road: Linked to Relocation of Cattle Mart

18. In March 2018 Cabinet agreed to purchase the land at Neasham Road from the Darlington Farmers Auction Mart and others that would help to facilitate the move out of the town centre. It has been a priority for the Council for a number of years as it was recognised that the current location is unsuitable for a Mart operation, undesirable in the context of wider regeneration opportunities, impacts on the neighbourhood around Bank Top, and furthermore is constraining DFAM's growth opportunity. The acquisition of the land at Neasham Road not only assists with this priority but also subject to planning enables the Council to bring forward significant additional development of affordable and social housing to meet an identified need within the borough
19. £3.14m was allocated being the balance of funding required for the move. The funding will be repaid from future section 106 receipts from affordable housing and along with any capital receipts received from the site. This scheme is currently being planned with development unlikely to start for at least 12 months with the anticipation that funding won't be repaid for a number of years.

Feethams House

20. The Feethams area has seen significant regeneration activity and change in the last 5 years, with 1 key gateway site remaining undeveloped. Darlington Town centre is poorly served with Grade A office accommodation and the establishment of Grade A office accommodation in the town centre has always been seen as the final piece in the Feethams Strategy. In March 2018 Cabinet agreed to allocate £2.63m from the investment fund being the balance of funding on the Feethams House Office development, ERDF and TVCA monies make up the remaining cost. The Council funding represents borrowing and the borrowing costs will be repaid from rentals when the building is occupied. Members can see the progress being made on the building which will attract tenants in 2020
21. Work is ongoing to secure tenants and there has been positive interest from a number of parties, however until the building is completed it is very difficult to secure tenancies especially from SME's.

West Park Joint Venture

22. The Council entered into a Joint Venture Company with our framework partners to build and sell houses at West Park and agree funding of £12m to facilitate this. The scheme is part of the larger West Park Village and will be completed over a seven year period. The Council is anticipated to receive a pre-tax profit on the venture of £1.686m and further surplus on interest payments from the loan of over £0.7m
23. The venture is in its early stages, both the land deal and the Joint Venture agreement have recently been completed and work commenced at the beginning of August.

Heighington Joint Venture

24. Cabinet approved £6.1m to establish and fund a joint venture company to acquire the site and bring forward a residential development of 43 homes in Heighington. Homes are currently being built with the programme anticipated to finish in the third quarter 2020. At the time of writing the report six properties had exchanged. The Council is due to receive a surplus on the loan interest of £0.190m and a pre-tax profit on the scheme of £0.677m.

Middleton St. George Joint Venture

25. In January 2019 Cabinet approved the establishment of a Joint Venture company to provide the infrastructure, build and sell homes in Middleton St George. It is anticipated 55 homes, both new private sale and affordable will be available when the scheme is completed in 2021. It is anticipated the Council will receive pre-tax profit of £0.594m with a surplus on the loan of £0.170m. At the point of writing the report four properties have been sold.

Summary

26. The investment fund has been used for eight schemes to date as noted above. In November 2018 Council agreed that once funding has been repaid the amount can be recycled back into the fund for future use. This is the case for the Eastbourne joint venture, where the £1.5m funding has been fully repaid.
27. The agreed Investment fund of £50m has a commitment against it of £32.47m leaving a balance of £17.53m uncommitted.
28. The investment fund is being utilised as envisaged facilitating wide economic benefits as well as a direct positive impact on the Councils financial position.

**CABINET
10 SEPTEMBER 2019**

**RELEASE OF CAPITAL ALLOCATION IN THE MTFP
TOWN HALL REFURBISHMENT IN BLOCK D AND
REMEDIAL WORKS TO THE
BRIDGE CENTRE FOR VISUAL ARTS, HUNDENS LANE**

**Responsible Cabinet Member – Councillor Charles Johnson
Efficiency and Resources Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. To seek the release of funding allocated in the Capital MTFP 2019/20 – 2022/23 to undertake Capitalised Repairs in corporate buildings.

Summary

2. A total allocation of £250k was made available for 2019/20 in the Capital MTFP for capitalised repairs. Cabinet in June 2019 agreed to release £200k in order for essential remedial works to progress.
3. It is requested that the remaining £50k of funding be released to enable additional essential remedial works to progress.
4. It is proposed that the Capitalised Repairs allocation be used to meet these urgent works which include:

(a) Refurbishment of Town Hall toilets in Block D	£30,000
(b) Essential remedial works to the roof and windows at The Bridge	£20,000

Recommendation

5. It is recommended that the remaining £50k allocated in the Capital MTFP for Capitalised Repairs be released.

Reasons

6. The recommendation is supported to safeguard the condition of the Council's corporate buildings and to meet statutory and legal obligations.

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

Background Papers

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

Kelvin McDade: Extension 6468

S17 Crime and Disorder	There are no direct implications.
Health and Well Being	There are no direct implications.
Carbon Impact	There are no carbon impact implications in this report
Diversity	The recommendation does not have any specific diversity implications.
Wards Affected	Park East and Stephenson Wards
Groups Affected	There are no specific groups adversely affected.
Budget and Policy Framework	This decision does not represent a change to the 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 recommendation will help to achieve the Perfectly Placed priority by safeguarding the condition of the Council's assets.
Efficiency	The proposed works will ensure the ongoing safety and condition of the Council's buildings and reduce the frequency of ongoing inspections and temporary repairs.

MAIN REPORT

Background

7. A further allocation of £50k is available in the Capital MTFP for Capitalised Repairs.
8. It is proposed that the remaining Capitalised Repairs allocation for 2019/20 be used to meet these urgent works which include:

- (a) Refurbishment of Town Hall toilets in Block D £30,000

This work is effectively phase 2 of the toilet refurbishment work in the main building completed last year. The toilets are very cramped and do not comply with current design standards.

- (b) Essential remedial works to the roof and windows at The Bridge Centre for Visual Arts, Hundens Lane £20,000

This is essential work to the fabric of the building to prevent ongoing water ingress into the tenanted areas as obligated under the Council's lease.

Financial Implications

9. A total allocation of £250k was made available for 2019/20 in the Capital MTFP for capitalised repairs and Cabinet in June 2019 agreed to release £200k for essential remedial works to progress. Additional essential remedial repairs have now been identified and it is requested that the remaining £50k be released to progress these.

Legal Implications

10. There are no legal implications, but the tenant of The Bridge will be consulted regarding the works taking place to the building.

Corporate Landlord Advice

11. In the main the Council's revenue budgets are adequate for addressing day to day repair and maintenance items but where larger works are required, these fall under Capital and need to be addressed through Capitalised Repairs.

Procurement Advice

12. The Contract Procedure Rules must be followed in relation to all procurements carried out by Building Services. If the procurement of external services is in excess of £100,000.00, this must be detailed on the Procurement Plan and authorisation received by Procurement Board.

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**CABINET
10 SEPTEMBER 2019**

**TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN
PRUDENTIAL INDICATORS 2018/19**

**Responsible Cabinet Member - Councillor Charles Johnson,
Efficiency and Resources Portfolio**

Responsible Director - Paul Wildsmith, Managing Director

SUMMARY REPORT

Purpose of the Report

1. This report provides important information regarding the regulation and management of the Council's borrowing, investments and cash-flow. It is a requirement of the Council's reporting procedures and covers treasury activity for 2018/19. The report also seeks approval of the Prudential Indicators results for 2018/19 in accordance with the Prudential Code.

Summary

2. The financial year 2018/19 presented similar circumstances to 2017/18 with regard to treasury management. However, as Members are aware due to the recent low returns for cash investments new ways to improve investment returns are continually being sought. It was agreed to look at alternative investment types to increase return. Cost of borrowing remained low throughout 2018/19 and the cost of shorter term borrowing is anticipated to remain low for a number of years in the future.
3. During 2018/19 the Council complied with its legislative and regulatory requirements. The borrowing need (Table 1) was only increased for capital purposes.
4. At 31st March 2019 the Council's external debt was £179.161m which is £19.000m more than the previous year, this increase relates to externalising debt which was in the past internal i.e. use of reserves as well as additional borrowing to fund the premium on the redemption of two of the Council's Lender Option Borrower Option (LOBO) loans. The average interest rate for borrowing was down from 3.84% in 2017/18 to 3.22% in 2018/19. This reduction in the average rate of interest is due to a new mix of maturity dates to take advantage of the lower cost of borrowing for short term debt. Investments totalled £55.849m at 31st March 2019 (£52.433m at 31st March 2018) earning interest of 0.69% on short term cash investments and 2.3% on Property Fund units net of costs.

5. Financing costs have been reduced during the year and a saving of £0.661m has been achieved from the original MTFP. The majority of the savings relate to the increase in activity in the joint venture market as well as savings on debt repayments attributable to the redemption of the LOBO's.

Recommendation

6. It is recommended that:
 - (a) The outturn 2018/19 Prudential Indicators within this report and those in **Appendix 1** be noted.
 - (b) The Treasury Management Annual Report for 2018/19 be noted.
 - (c) This report to be forwarded to Council, in order for the 2018/19 Prudential Indicators to be noted.

Reasons

7. The recommendations are supported by the following reasons:
 - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.
 - (b) To inform members of the Performance of the Treasury Management function.
 - (c) To comply with the requirements of the Local Government Act 2003.

Paul Wildsmith
Managing Director

Background Papers

- (i) Accounting Records
- (ii) Annual Investment Strategy 2018/19
- (iii) Prudential Indicators and Treasury Management Strategy Report 2018/19

Peter Carrick: Extension 5401

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 issues relating to carbon impact
Diversity	There are no specific implications for diversity
Wards Affected	The proposals affect all wards
Groups Affected	The proposals do not affect any specific group
Budget and Policy Framework	The report does not change the Council's budget or Policy framework but needs to be considered by Council
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
One Darlington: Perfectly Placed	The proposals in the report support delivery of the Community Strategy through appropriate and effective deployment of the Councils Resources
Efficiency	The report outlines movements in the national economic outlook that have enabled officers to take advantage of different types of Investments and changing interest rates to benefit the Revenue MTFP.
Impact on Looked After Children and Care Leavers	Does this report impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

8. This report summarises:
 - (a) Capital expenditure and financing for 2018/19
 - (b) The Council's underlying borrowing need
 - (c) Treasury position at 31st March 2019
 - (d) Prudential indicators and compliance issues
 - (e) The economic background for 2018/19
 - (f) A summary of the Treasury Management Strategy agreed for 2018/19
 - (g) Treasury Management activity during 2018/19
 - (h) Performance and risk benchmarking
9. Throughout this report a number of technical terms are used, a glossary of terms can be found at the end of this report.

The Council's Capital Expenditure and Financing 2018/19

10. The Council undertakes capital expenditure on long term assets, which is financed either,
 - (a) immediately through capital receipts, capital grants, contributions and from revenue; or
 - (b) by borrowing.
11. Part of the Council's treasury activities is to address this borrowing need, either through borrowing from external bodies, or utilising temporary cash resources within the Council. The wider treasury activities also include managing the Council's cash flow, its previous borrowing activities and the investment of surplus funds. These activities are structured to manage risk foremost and then optimise performance.
12. Capital Expenditure forms one of the prudential indicators that are used to regulate treasury activity. Table 1 shows total capital expenditure and how this was financed, compared with what was expected to be spent and how this would have been financed. Actual expenditure was £0.914m more than planned, partly due to increased activity in the Joint Venture market. However the mix of funding differs from that which was expected as some schemes progressed quicker than others. This impacted slightly on the borrowing needed to fund expenditure which was £1.995m higher than initially anticipated.

Table 1 – Capital Expenditure and Financing

	2017/18	2018/19		
	Outturn £m	Revised Estimate £m	Outturn £m	Variance £m
General Fund Capital Expenditure	24.797	18.507	21.298	2.791
HRA Capital Expenditure	15.634	12.370	9.376	(2.994)
Loans to Joint Ventures etc	0.000	5.000	6.117	1.117
Loan Facility to RSL's	0.000	0.000	0.000	0.000
Total Capital Expenditure	40.431	35.877	36.791	0.914
Resourced by:				
Capital Receipts GF	5.534	5.678	3.022	(2.656)
Capital receipts Housing	0.985	0.198	0.550	0.352
Capital Grants	13.349	7.863	9.336	1.473
Capital Contributions	1.716	0.000	4.076	4.076
Revenue Contributions - GF	0.000	1.600	0.000	(1.600)
Revenue (Housing)	13.424	12.172	9.446	(2.726)
Total Resources	35.008	27.511	26.430	(1.081)
Borrowing needed to finance expenditure	5.423	8.366	10.361	1.995

The Council's Underlying Borrowing Need

13. The Council's underlying need to borrow is called the Capital Financing Requirement (CFR). The figure is a gauge for the Council's debt position. It represents 2018/19 and prior years' net capital expenditure which has not yet been paid for by revenue or other resources.
14. The General Fund element of the CFR is usually reduced each year by a statutory charge to the revenue accounts called the Minimum Revenue Provision (MRP). The total CFR can also be reduced each year through a Voluntary Revenue Provision (VRP).
15. The Council's CFR for the year is shown in Table 2, and represents a key prudential indicator. The CFR outturn for 2018/19 is £207.348m which is £112.139m lower than approved because of the lower borrowing need than expected for 2018/19, mainly due to not requiring borrowing for loans to Registered Social Landlords (RSL's).
16. No MRP repayments were made on the General Fund debt in line with the report to Council on 23 February 2017.

Table 2 - Capital Financing Requirement

	2017/18	2018/19		
	Outturn £m	Approved Indicator £m	31 March Actual £m	Variance £m
Opening Balance	180.169	316.288	198.788	(117.500)
Add adjustment for the inclusion of leases on the balance sheet under IFRS	15.017	0.000	0.000	0.000
Add Capital Expenditure financed by borrowing	5.423	5.000	10.361	5.361
Less MRP/VRP General Fund	0.000	0.000	0.000	0.000
Less MRP/VRP Housing	(0.629)	(0.629)	(0.629)	(0.000)
Less MRP/VRP PFI	(1.192)	(1.172)	(1.172)	0.000
Closing balance	198.788	319.487	207.348	(112.139)

Treasury Position at 31 March 2019

17. Whilst the measure of the Council's underlying need to borrow is the CFR, the Assistant Director of Resources can manage the Council's actual borrowing position by:
- (a) borrowing to the CFR level; or
 - (b) choosing to utilise some temporary cash flows instead of borrowing ("under borrowing"); or
 - (c) borrowing for future increases in CFR (borrowing in advance of need, the "over borrowed" amount can be invested).
18. The financial reporting practice that the Council is required to follow (the Statement of Recommended Practice (SORP)), changed in 2007/08. Financial instruments (borrowing and investments etc.) must now be reported in the Statement of Accounts in accordance with national Financial Reporting Standards. The figures in this report are based on actual amounts borrowed and invested and so will differ from those in the Statement of Accounts which due to statutory requirements are shown at Fair Value.
19. The Council's total debt outstanding at 31 March 2019 was £179.161m. In addition to this, a liability of £12.653m relating to the PFI scheme and Finance Leases brings the total to £191.814m. The Council's revised CFR position was estimated to be £319.487m, which included £100.000m that related to possible loans to RSL's which were not realised in 2018/19. However, the actual out turn position was £207.348m. When comparing this to our actual borrowing of £191.814m this meant that the Council was "under borrowed" by £15.534m. This "under borrowed" amount was financed by internal borrowing which means that the amount that could have been invested externally was reduced to cover this. The reduced under borrowed position still has the dual effect of reducing costs to the MTFP because borrowing costs are generally greater than investment returns and it reduces counterparty risk by reducing our exposure to banks and other financial institutions.

20. The treasury position at the 31 March 2019, including investments compared with the previous year is shown in table 3 below.

Table 3 – Summary of Borrowing and Investments

Treasury Position	31 March 2018		31 March 2019	
	Principal £m	Average Rate %	Principal £m	Net annualised Average Rate %
General Debt - Fixed Rate Debt, Market and Public Works Loan Board (PWLB)	135.161	4.08%	154.161	3.52%
Property Fund Borrowing	25.000	1.17%	25.000	1.17%
Total Debt	160.161	3.84%	179.161	3.22%
Cashflow Investments up to 6 months	21.000	0.31%	25.850	0.69%
Capital Investments over 6 months	2.000	0.625%	-	-
Property Fund Investment -net of costs	29.433	2.20%	29.999	2.30%
Total Investments	52.433		55.849	
Net borrowing position	107.728		123.312	

Prudential Indicators and Compliance Issues

21. Some prudential indicators provide an overview while others are specific limits on treasury activity. These indicators are shown below:
22. **Gross Borrowing and the CFR** – in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2017/18) plus the estimates of any additional capital financing requirement for the current (2018/19) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2018/19. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

Table 4 – Gross Borrowing Compared with CFR

	31 March 2018 Actual £m	31 March 2019 Approved Indicator £m	31 March 2019 Actual £m
Gross Borrowing Position	160.161	288.000	179.161
PFI and Finance Lease Liability	13.825	12.653	12.653
CFR Excluding PFI & leases	184.963	306.834	194.695
CFR	198.788	319.487	207.348

23. **The Authorised Limit** – The Authorised Limit is the “Affordable Borrowing Limit” required by section 3 of the Local Government Act 2003. The Council does not have power to borrow above this level.
24. **The Operational Boundary** – The Operational Boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the Boundary are both acceptable, subject to the Authorised Limit not being breached.
25. **Actual financing costs as a proportion of net revenue expenditure** - This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue expenditure. The actual for this indicator has reduced due to nil provision of MRP for the General Fund and other savings in the Financing Costs budget, but has risen from the previous year due to a reduction in the Councils overall budget.

Table 5 – Key Prudential Indicators

	Actual 2017/18 £m	Original Approved Limits 2018/19 £m	Revised Approved Limits 2018/19 £m	Actual Total Liabilities Borrowing + PFI/ leases 2018/19 Maximum £m
Approved Indicator – Authorised Limit	173.986	316.736	315.686	191.814
Approved Indicator – Operational Boundary	173.986	301.653	300.653	191.814
Financing costs as a percentage of net revenue expenditure	4.00%	4.59%	3.96%	4.07%

26. At 31 March 2019 the total liabilities were £191.814m which is below both the approved Authorised Limit and the approved Operational Boundary. The Operational Boundary is the point at which we expect borrowing to be, but it can be lower or higher. Borrowing cannot exceed the Authorised Limit.

27. A further four prudential indicators are detailed in **Appendix 1**.

Economic Background for 2018/19

28. A summary of the general economic conditions that have prevailed through 2018/19 provided by Link Asset Services, the Council's treasury management advisors is attached at **Appendix 2**.

Summary of the Treasury Management Strategy agreed for 2018/19

29. The revised Prudential Indicators anticipated that during 2018/19 the Council would need to borrow £108.366m to finance part of its capital programme including £100.000M of loans to RSL's.

30. The Annual Investment Strategy stated that the use of specified (usually less than 1 year) and non-specified (usually more than 1 year) investments would be carefully balanced to ensure that the Council has appropriate liquidity for its operational needs. In the normal course of the Council's business it is expected that both specified and non-specified investments will be utilised for the control of liquidity as both categories allow for short term investments.

31. Longer term instruments (greater than one year from inception to repayment) will only be used where the Council's liquidity requirements are safeguarded. An estimate of long term investments (over 1 year) were included in the report on the Prudential Indicators update these were as follows £50m for 2018/19 and £50m for 2019/20. Three investments of up to £10m each were made in 3 Property Funds during July, August and December 2017. No other investments of over 1 year duration have been made during 2018/19.

Treasury Management Activity during 2018/19

Debt Position

32. **Borrowing** – this increased during 2018/19 by £19.000m in total

	PWLB			Market Loans (incl. other Local Authorities)			Total £m
	Amount £m	Length of Loan	Interest Rate	Amount £m	Length of Loan	Interest Rate	
New Loans taken							
	5.000	5 years	1.82%	4.000	1 year	1.00%	
	5.000	42 years	2.47%	5.000	2 year	1.45%	
	5.000	43 years	2.46%	5.000	1 year	1.10%	
	5.000	44 years	2.46%				
	6.000	45 years	2.46%				
	6.250	46 years	2.45%				46.250
Loans Repaid							
	-13.750	42 years	7.00%				
	-13.500	41 years	7.00%				-27.250
Total New Borrowing	5.000			14.000			19.000

33. The new borrowing of £19.000m was taken for various lengths of time at various interest rates as shown above.

34. **Rescheduling** – As Members are aware the Council has held a number of Lender Option Borrower Option loans (LOBO's) since 2006, two of which were classified as 'Inverse LOBO's whereby the interest rate paid was linked to the prevailing '10 year swap rate' which meant that the higher the interest rate (linked to base rate) the less the Council paid in interest payments and vice versa.

35. An opportunity to redeem the two inverse LOBO's arose in December 2018 whereby even with the associated cost of the premium for early settlement the savings to the Council in cash terms are £20.807m over the remaining 42 years of the loan and £10.611m at NPV discounted rates.

36. **Summary of Debt Transactions** –The consolidated rate of interest decreased from 3.84% to 3.22% due to the above transactions.

Investment Position

37. **Investment Policy** – the Council's investment policy for 2018/19 is governed by the DCLG Guidance which has been implemented in the annual investment strategy for 2018/19 approved by Council on 22 February 2018.

38. The investment activity during the year conformed to the approved Strategy and the Council had no liquidity difficulties.
39. Investments held by the Council consist of temporary surplus balances, capital receipts and other funds.

Table 6 Temporary Surplus Cash Balances up to 6 months

	Original Budget 2018/19	Revised Budget 2018/19	Actual 2018/19
Daily average level of Investments	£14.400m	£14.285m	£20.190m
Average Rate of Return on Investment	0.25%	0.50%	0.68%
Interest Earned	£36,000	£70,000	£136,000

Table 7a – Longer Term 6 months to 5 years Cash

	Original Budget 2018/19	Revised Budget 2018/19	Actual 2018/19
Daily average level of Investments	£8.000m	£8.000m	£7.720m
Average Rate of Return on Investment	0.35%	0.60%	0.71%
Interest Earned	£28,000	£48,000	£55,000

Table 7b – Longer Term 6 months to 5 years - Property Funds

	Original Budget 2018/19	Revised Budget 2018/19	Actual 2018/19
Daily average level of Investments	£29.433m	£29.933m	£29.999m
Average Rate of Return on Investment (gross)	3.81%	3.57%	3.54%
Interest Earned (Gross)	£1,122,000	£1,068,000	£1,062,000

Performance and Risk Benchmarking

40. A regulatory development is the consideration and approval of security and liquidity benchmarks. Yield benchmarks are currently widely used to assess investment performance and these are shown in **Table 10**. Discrete security and liquidity benchmarks are relatively new requirements to the member reporting. These were first set in the Treasury Strategy report of the 25th February 2010.
41. The following reports the current position against the benchmarks originally approved.

42. Security – The Council’s maximum security risk benchmarks for the current portfolio of investments, when compared to historic default tables was set as follows:

0.077% historic risk of default when compared to the whole portfolio

43. **Table 8** shows that there has been a reduction in the historic levels of default over the year. This is mainly due to some longer term investments actually being made for shorter terms i.e. up to six months rather than 1 year as these investments were better value than longer term investments and were also a better fit with how the council was expecting to utilise investments. It also shows more emphasis being placed on counterparties with a higher credit rating.
44. The investment portfolio was maintained within this overall benchmark during this year as shown in **Table 8**.

Table 8

Maximum	Benchmark 2018/19	Actual June 2018	Actual October 2018	Actual January 2019	Actual March 2019
Year 1	0.077%	0.009%	0.005%	0.001%	0.001%

45. The counterparties that we use are all high rated therefore our actual risk of default based on the ratings attached to counterparties is virtually nil.
46. Liquidity – In respect of this area the Council set liquidity facilities/benchmark to maintain
- (a) Bank Overdraft £0.100M
 - (b) Liquid short term deposits of at least £3.000M available within a weeks’ notice.
 - (c) Weighted Average Life benchmark is expected to be 146 days with a maximum of 1year.
47. Liquidity arrangements have been adequate for the year to date as shown in Table 9.

Table 9

	Benchmark	Actual June 2018	Actual October 2018	Actual January 2019	Actual March 2019
Weighted Average life	146days to 1 years	80 days	36 days	7 days	6 days

48. This benchmark includes fixed term investments are for up to 1 year with cash flow monies being invested in Money Market funds which can be accessed immediately.
49. Yield - In respect of this area performance indicators relating to interest rates for borrowing and investments were set with reference to comparative interest rates. For borrowing, the indicator is the average rate paid during the year compared with

the previous year. Investment rates are compared with a representative set of comparative rates.

Table 10 – Performance Compared With Indicators

Borrowing	Average overall rate paid compared to previous years	2017/18 3.84%	2018/19 3.22%
Investments		DBC 2017/18	DBC 2018/19
Short term	Cash flow investment rate returned against comparative average rate	0.31%	0.68%
Long term	Capital investment rate returned against comparative average rates	0.53%	0.71%
Comparative rates used to compare DBC performance: -			
Comparative Rates		Short Term Investments	Long Term Investments
Overnight Bid Rate Overnight		0.50%	-
London Interbank Bid Rate 7 day		0.51%	-
London Interbank Bid Rate 1 month		0.54%	-
London Interbank Bid rate 3 months		0.68%	-
London Interbank Bid rate 6 months		-	0.79%
London Interbank Bid rate 12 months		-	0.94%
Average External Comparators		0.56%	0.87%

50. As can be seen from the table, the actual investment rate achieved for short term investments exceeds the average of comparative rates whilst the longer term comparator is not exceeded due to the comparator being at the end of March 2019 whereas the actual indicator was for the beginning of the year when rates were lower.

Risk

51. The Council's treasury management activities are regulated by a variety of professional codes, statutes and guidance:-

- (a) The Local Government Act 2003(the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity.
- (b) The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing which may be undertaken (although no restrictions were made in 2017/18).
- (c) Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act.

- (d) The SI requires the Council to undertake any borrowing activity with regard to the CIFPA Prudential Code for Capital Finance in Local Authorities.
- (e) The SI also requires the Council to operate the overall treasury function with regard to the CIPFA code of Practice for Treasury Management in Public Services.
- (f) Under the Act the Department for Communities and Local Government has issued Investment Guidance to structure and regulate the Council's investment activities.
- (g) Under section 238(2) of the Local Government and Public Involvement in Health Act 2007 the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8 November 2007.

52. The Councils Treasury Management function has complied with all of the relevant statutory and regulatory requirements, which limit the levels of risk associated with its treasury management activities. In particular its adoption and implementation of both the Prudential Code and the code of Practice for Treasury Management means both that its capital expenditure is prudent, affordable and sustainable and its treasury practices demonstrate a low risk approach.

53. Officers of the Council are aware of the risks of passive management of the treasury portfolio and, with the support of Capita Asset Services, the Council's advisers, have proactively managed the debt and investments over the year.

Treasury Management Budget

54. There are three main elements within the Treasury Management Budget :-

- (a) Long Term capital investments including Property Funds which earns interest, this comprises of the Council's revenue and capital balances, unused capital receipts, reserves and provisions.
- (b) Cash flow interest earned – since becoming a unitary council in 1997, the authority has consistently had positive cash flow. Unlike long term capital investments it does not represent any particular sum but it is the consequence of many different influences such as receipts of grants, the relationship between debtors and creditors, cashing of cheques and payments to suppliers.
- (c) Debt servicing costs – This is the principal and interest costs on the Council's long term debt to finance the capital programme.

Table 11 Changes to the Treasury Management Budget 2018/19

	£m	£m
Original Treasury Management Budget		0.915
Debt		
Less reduced interest payable on debt	(0.249)	
Less further savings on MRP	(0.131)	

	£m	£m
Add additional annual premium on rescheduled debt	0.077	(0.303)
Investments		
Less increased investment income including property funds/Joint Ventures etc		(0.465)
Other Costs		
Add increased brokerage charges (including LOBO redemption)		0.107
Outturn Treasury Management Budget 2018/19		0.254

55. The majority of the savings relate to the inclusion and purchase of Property Fund units in the investment portfolio, with the return reduced due to additional interest payments on debt and additional brokerage fees.

Conclusion

56. The Council's treasury management activity during 2018/19 has been carried out in accordance with Council Policy and within legal limits. Financing costs have been reduced during the year and a saving of £0.661m achieved from the original MTFP.

Outcome of Consultation

57. No formal consultation has been undertaken regarding this report.

APPENDIX 1

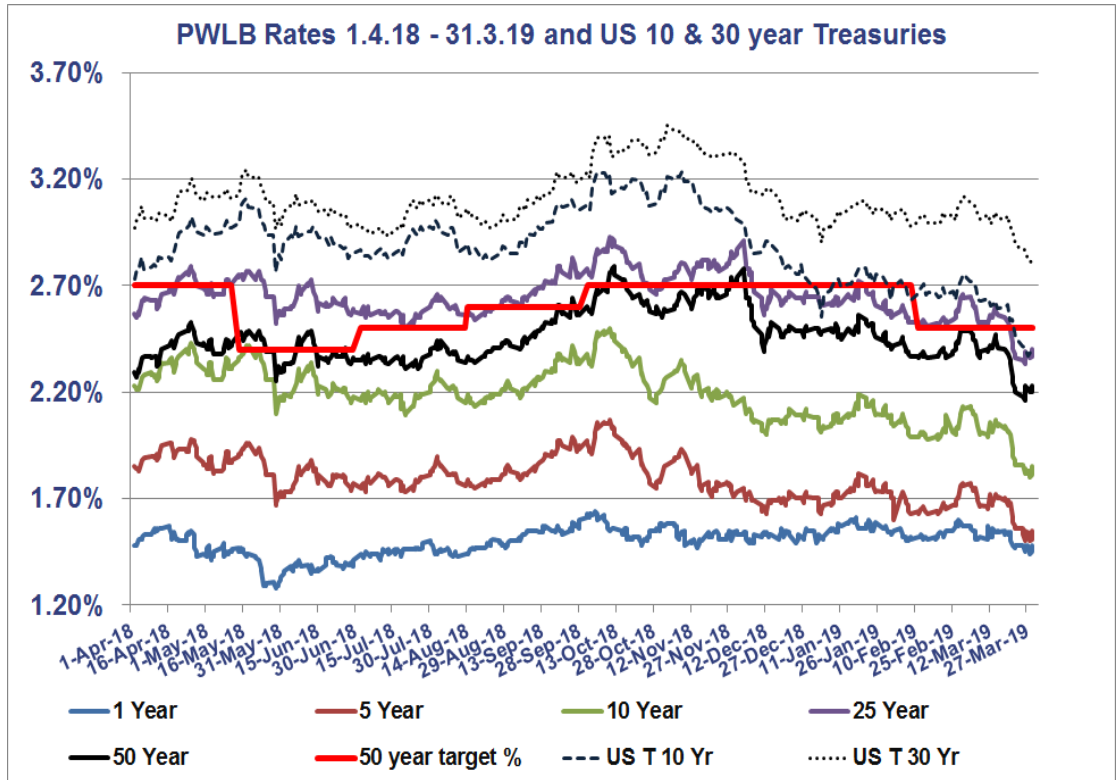
Additional Prudential Indicators not reported in the body of the report

		2017/18 Actual	2018/19 Approved Indicator	2018/19 Outturn
1	Upper limits on fixed interest rates (<i>against maximum position</i>)	83%	100%	79%
2	Upper limits on variable interest rates (<i>against maximum position</i>)	17%	40%	21%
3	Maturity structure of fixed rate borrowing (<i>against maximum position</i>)			
	Under 12 months	17%	25%	21%
	12 months to 2 years	3%	40%	6%
	2 years to 5 years	10%	60%	11%
	5 years to 10 years	5%	80%	7%
	10 years and above	65%	100%	55%
4	Maximum Principal funds invested greater than 364 days	£30m	£50m	£50m

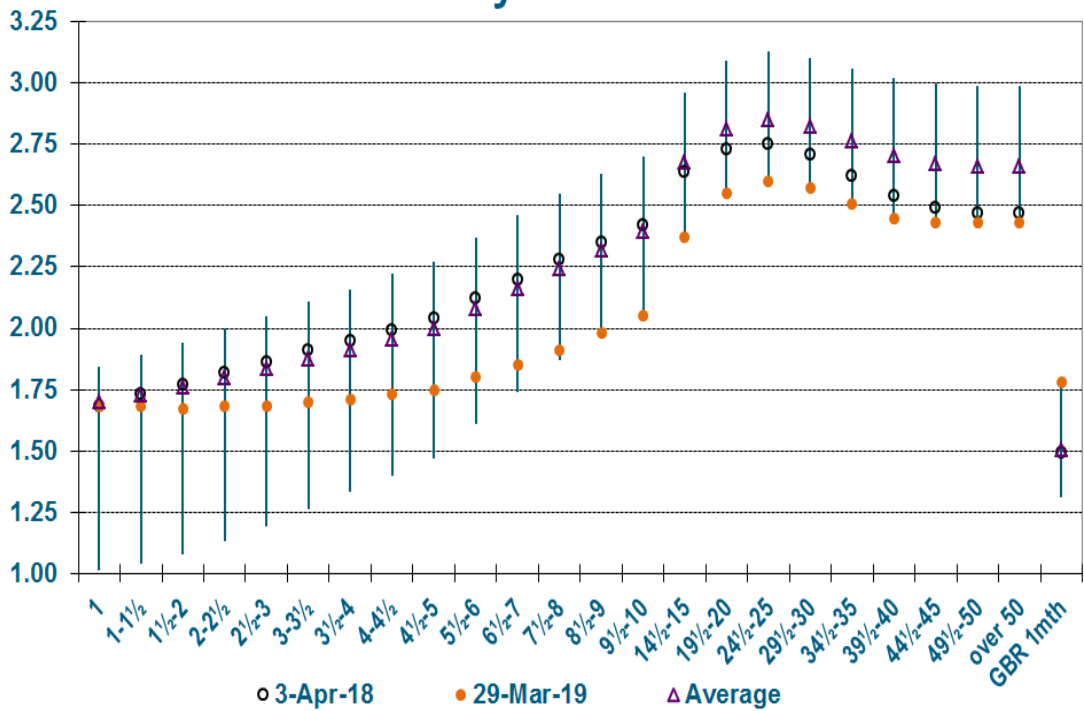
The Economy and Interest Rates

1. **UK.** After weak **economic growth** of only 0.2% in quarter one of 2018, growth picked up to 0.4% in quarter 2 and to a particularly strong 0.7% in quarter 3, before cooling off to 0.2% in the final quarter. Given all the uncertainties over Brexit, this weak growth in the final quarter was as to be expected. However, some recovery in the rate of growth is expected going forward. The annual growth in Q4 came in at 1.4% y/y confirming that the UK was the third fastest growing country in the G7 in quarter 4.
2. After the Monetary Policy Committee raised **Bank Rate** from 0.5% to 0.75% in August 2018, it is little surprise that they have abstained from any further increases since then. We are unlikely to see any further action from the MPC until the uncertainties over Brexit clear. If there were a disorderly exit, it is likely that Bank Rate would be cut to support growth. Nevertheless, the MPC has been having increasing concerns over the trend in **wage inflation** which peaked at a new post financial crisis high of 3.5%, (excluding bonuses), in the three months to December before falling only marginally to 3.4% in the three months to January. British employers ramped up their hiring at the fastest pace in more than three years in the three months to January as the country's labour market defied the broader weakness in the overall economy as Brexit approached. The number of people in work surged by 222,000, helping to push down the unemployment rate to 3.9 percent, its lowest rate since 1975. Correspondingly, the total level of vacancies has risen to new highs.
3. As for **CPI inflation** itself, this has been on a falling trend since peaking at 3.1% in November 2017, reaching a new low of 1.8% in January 2019 before rising marginally to 1.9% in February. However, in the February 2019 Bank of England Inflation Report, the latest forecast for inflation over both the two and three year time horizons remained marginally above the MPC's target of 2%.
4. The rise in wage inflation and fall in CPI inflation is good news for consumers as their spending power is improving in this scenario as the difference between the two figures is now around 1.5%, i.e. a real terms increase. Given the UK economy is very much services sector driven, an increase in **household spending power** is likely to feed through into providing some support to the overall rate of economic growth in the coming months.
5. **Brexit.** The Conservative minority government has so far, (8.4.19), been unable to muster a majority in the Commons over its Brexit deal. The EU has set a deadline of April 12 for the House of Commons to propose what form of Brexit it would support. If another form of Brexit, other than the proposed deal, does get a majority by April 12, then it is likely there will need to be a long delay to Brexit to allow time for negotiations with the EU. It appears unlikely that there would be a Commons majority which would support a disorderly Brexit or revoking article 50, (cancelling Brexit). There would also need to be a long delay if there is no majority for any form of Brexit. If that were to happen, then it increases the chances of a general election in 2019; this could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up.

6. **USA.** President Trump's massive easing of fiscal policy in 2018 fuelled a (temporary) boost in consumption in 2018 which generated an upturn in the strong rate of growth; this rose from 2.2%, (annualised rate) in quarter 1 of 2018 to 4.2% in quarter 2, 3.5% in quarter 3 and then back to 2.2% in quarter 4. The annual rate came in at 2.9% for 2018, just below President Trump's aim for 3% growth. The strong growth in employment numbers has fed through to an upturn in wage inflation which hit 3.4% in February, a decade high point. However, CPI inflation overall fell to 1.5% in February, a two and a half year low, and looks to be likely to stay around that number in 2019 i.e. below the Fed's target of 2%. The Fed increased rates another 0.25% in December to between 2.25% and 2.50%, this being the fourth increase in 2018 and the ninth in the upward swing cycle. However, the Fed now appears to be edging towards a change of direction and admitting there may be a need to switch to taking action to cut rates over the next two years. Financial markets are now predicting two cuts of 25 bps by the end of 2020.
7. **EUROZONE.** The European Central Bank (ECB) provided massive monetary stimulus in 2016 and 2017 to encourage growth in the EZ and that produced strong annual growth in 2017 of 2.3%. However, since then the ECB has been reducing its monetary stimulus measures and growth has been weakening - to 0.4% in quarters 1 and 2 of 2018, and then slowed further to 0.2% in quarters 3 and 4; it is likely to be only 0.1 - 0.2% in quarter 1 of 2019. The annual rate of growth for 2018 was 1.8% but is expected to fall to possibly around half that rate in 2019. The ECB completely ended its programme of quantitative easing purchases of debt in December 2018, which means that the central banks in the US, UK and EU have all ended the phase of post financial crisis expansion of liquidity supporting world financial markets by purchases of debt. However, the downturn in growth, together with inflation falling well under the upper limit of its target range of 0 to 2%, (but it aims to keep it near to 2%), prompted the ECB to take new measures to stimulate growth. With its refinancing rate already at 0.0% and the deposit rate at -0.4%, it has probably reached the limit of cutting rates. At its March 2019 meeting it said that it expects to leave interest rates at their present levels "at least through the end of 2019", but that is of little help to boosting growth in the near term. Consequently, it also announced a third round of TLTROs; this provides banks with cheap borrowing every three months from September 2019 until March 2021 which means that, although they will have only a two-year maturity, the Bank is making funds available until 2023, two years later than under its previous policy. As with the last round, the new TLTROs will include an incentive to encourage bank lending, and they will be capped at 30% of a bank's eligible loans.
8. **CHINA.** Economic growth has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of unsold property, and to address the level of non-performing loans in the banking and credit systems.
9. **JAPAN** - has been struggling to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.
10. **WORLD GROWTH.** Equity markets are currently concerned about the synchronised general weakening of growth in the major economies of the world: they fear there could even be a recession looming up in the US, though this fear is probably overdone.



PWLB certainty rate variations in 2018-19



	1 Year	5 Year	10 Year	25 Year	50 Year
02/04/2018	1.48%	1.85%	2.23%	2.57%	2.29%
29/03/2019	1.48%	1.55%	1.85%	2.40%	2.23%
Low	1.28%	1.50%	1.80%	2.33%	2.16%
Date	29/05/2018	26/03/2019	28/03/2019	26/03/2019	26/03/2019
High	1.64%	2.07%	2.50%	2.93%	2.79%
Date	04/10/2018	10/10/2018	10/10/2018	10/10/2018	12/10/2018
Average	1.50%	1.80%	2.20%	2.66%	2.47%

Since PWLB rates peaked during October 2018, most PWLB rates have been on a general downward trend, though longer term rates did spike upwards again during December, and, (apart from the 1 year rate), reached lows for the year at the end of March. There was a significant level of correlation between movements in US Treasury yields and UK gilt yields -which determine PWLB rates. The Fed in America increased the Fed Rate four times in 2018, making nine increases in all in this cycle, to reach 2.25% – 2.50% in December. However, it had been giving forward guidance that rates could go up to nearly 3.50%. These rate increases and guidance caused Treasury yields to also move up. However financial markets considered by December 2018, that the Fed had gone too far, and discounted its expectations of further increases. Since then, the Fed has also come round to the view that there are probably going to be no more increases in this cycle. The issue now is how many cuts in the Fed Rate there will be and how soon, in order to support economic growth in the US. But weak growth now also looks to be the outlook for China and the EU so this will mean that world growth as a whole will be weak. Treasury yields have therefore fallen sharply during 2019 and gilt yields / PWLB rates have also fallen

Glossary of Terms

Capital Financing Requirement (CFR)	This is the Councils underlying need to borrow which can be traced back to the Councils Balance Sheet and the value of the Councils assets which have yet to be paid for.
Minimum Revenue Provision (MRP)	Monies set aside from the revenue budget to repay accumulated debt.
Call	Investments that can be returned without a period of notice
Counterparty	Institutions, Banks etc. that with make investments or take out loans with.
Specified Investments	Investments in Banks and Building Societies with a high credit rating for periods of less than 1 year
Non-Specified Investments	Investments in un rated Building Societies and any investments in Banks and Building Societies for more than 1 year.
Operational Liquidity	Working Cash flow
Authorised Limit	Maximum amount of borrowing that could be taken in total.
Operational Boundary	The expected amount of borrowing assumed in total.
PWLB	Public Works Loan Board. The Governments lending body to Local Authorities
Discount	Amount payable by the PWLB when loans are repaid if the current loan rate is less than the rate borne by the original debt
Yield Curve	Is a graph that shows the relationship between the interest rate paid and length of time to repayment of a loan.
Gilts	Government Borrowing Bonds
Spreads	The difference between the highest rate of interest and the lowest rate of interest earned/charged on any one particular maturity period i.e. 1 year, 2 year 5 year etc.
LIBID	London Interbank Bid Rate. The average rate at which a bank is willing to borrow from another bank.
LIBOR	London Interbank Offer Rate. The average rate at which a bank is willing to lend to another bank. LIBOR is always higher than the corresponding bid rate and the difference between the two rates is known as the spread.

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**CABINET
10 SEPTEMBER 2019**

SALE OF FOUR RIGGS CAR PARK, OFF BONDGATE, DARLINGTON

**Responsible Cabinet Member – Councillor Charles Johnson
Efficiency and Resources Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. To declare Four Riggs Car Park surplus to Council requirements and to seek approval for the sale of part to an adjoining owner for parking in connection with his adjacent office, garage and residential premises, and the sale of the remainder to developers conditional upon planning permission being granted for a small flatted development on the site.

Summary

2. Four Riggs Car Park, shown on **Appendix 1**, extends to 486sqm. Originally acquired for slum clearance the site has been used for contract parking for many years serving businesses on Bondgate and in the surrounding area, however the car park is very much under-used, and the nearby Upper Archer Street car park has sufficient capacity to accommodate all existing users of Four Riggs (approximately 10 users currently).
3. An enquiry has now been received from Bret Upex owner of the adjacent Temperance Mill property wanting to acquire the area shown stippled on the attached plan (being seven car parking spaces) for parking in connection with his property.
4. By coincidence, an enquiry has also been received from A&P Property Developments Limited wanting to acquire an area of the car park for a small, flatted, residential development and the area shown cross-hatched on Appendix 1 meets their requirements.
5. Terms have been provisionally agreed for sales to both Upex and A&P Property Developments and are detailed later in this report.

Recommendations

6. It is recommended that:-
- (a) Four Riggs Car Park be declared surplus to Council requirements, and;
 - (b) The sale of land at Four Riggs Car Park be approved on the terms set out in **Appendix 2 Part III** of this report, and;
 - (c) The AD for Law and Governance be authorised to document the sale of the property accordingly.

Reasons

7. The recommendations are supported by the following reasons:-
- (a) To achieve a capital receipt for the Council, and;
 - (b) To assist business development and job creation in Darlington.

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

No background papers were used in the preparation of this report

Richard Adamson : Extension 6318

S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Well Being	There are no Health and Well Being Issues
Carbon Impact	There are no sustainability issues
Diversity	There are no diversity issues
Wards Affected	Northgate Ward
Groups Affected	Not Applicable
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	There are no issues adversely affecting the Community Strategy
Efficiency	A capital receipt will help the Councils budget.
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

8. Four Riggs has been used as a car park for contract parking (as opposed to general public parking) for many years. The site was acquired in the 1960's as part of a slum clearance programme and subsequently properties were demolished, and the car park created.
9. The car park extends to 486sqm and has 17 car parking spaces (some double depth). The car-park is under-used with only 10 occupiers on contracts at present (including Sykes Electrical who will not be displaced - see para 13 below) and there is ample capacity in the nearby Upper Archer Street Car Park to accommodate these users.
10. Bret Upex, owner of Temperance Mill immediately adjacent to the car park, has refurbished part of the property to flats/apartments (where he lives) and demolished/redeveloped another part of the property for a car service/repair/MOT centre on the ground floor and a self-contained office on the first floor. To serve the garage and office users with parking spaces Mr Upex has asked to purchase seven car parking spaces (the area shown stippled on Appendix 1). It should be noted that, due to his contractor's error during the redevelopment, one of the parking spaces in the car park has already been incorporated into the garage forecourt.
11. A&P Property Developments (A&P) have acquired the detached property No. 3 Four Riggs which is opposite the car park and formerly part of Blackett's builders yard. A&P have submitted a planning application to redevelop the property into six flats and the application is currently being considered.
12. A&P have asked if they can purchase part of Four Riggs car park to carry out another small residential development and the area shown cross-hatched on Appendix 1 is ideal for their purposes and fits in well with Bret Upex's request.
13. The small area shown hatched on Appendix 1 is currently let on contract parking terms to Sykes Electrical for parking in connection with their shop on Bondgate. This plot of land has services running through it and is required for rear access to both Sykes and a residential occupier on the first floor of the property and accordingly it is not considered appropriate to sell it to a third party.

Proposed Terms

14. In informal negotiations Bret Upex has agreed to acquire the freehold interest in the 106 sqm plot, shown stippled on Appendix 1 on the terms set out in Appendix 2 Part III of this report.
15. In informal negotiations A&P have agreed, subject to the grant of planning permission for residential development, to acquire the freehold interest in the 284 sqm plot, shown cross-hatched on Appendix 1 on the terms set out in Appendix 2 Part III of this report.

Valuation Comment

16. It is considered that the provisionally agreed purchase prices represent the best consideration available for a disposal of the freehold interest in Four Riggs car park in line with the provisions of S.123 of the Local Government Act 1972.

Planning Comment

17. Planning permission will be required for A&P's proposed development. A planning application will be assessed in the context of local and national planning policies although the principle of residential use in this location is considered acceptable, subject to appropriate consideration of amenity, access and design and conservation issues in view of the site's location within the Town Centre Conservation Area.
18. Bret Upex's proposed use as car parking will not require planning permission for change of use, although a boundary feature will require planning permission if it is over one metre high as it is next to a highway.

Financial Implications

19. The sale of this property will achieve a capital receipt for the Council.

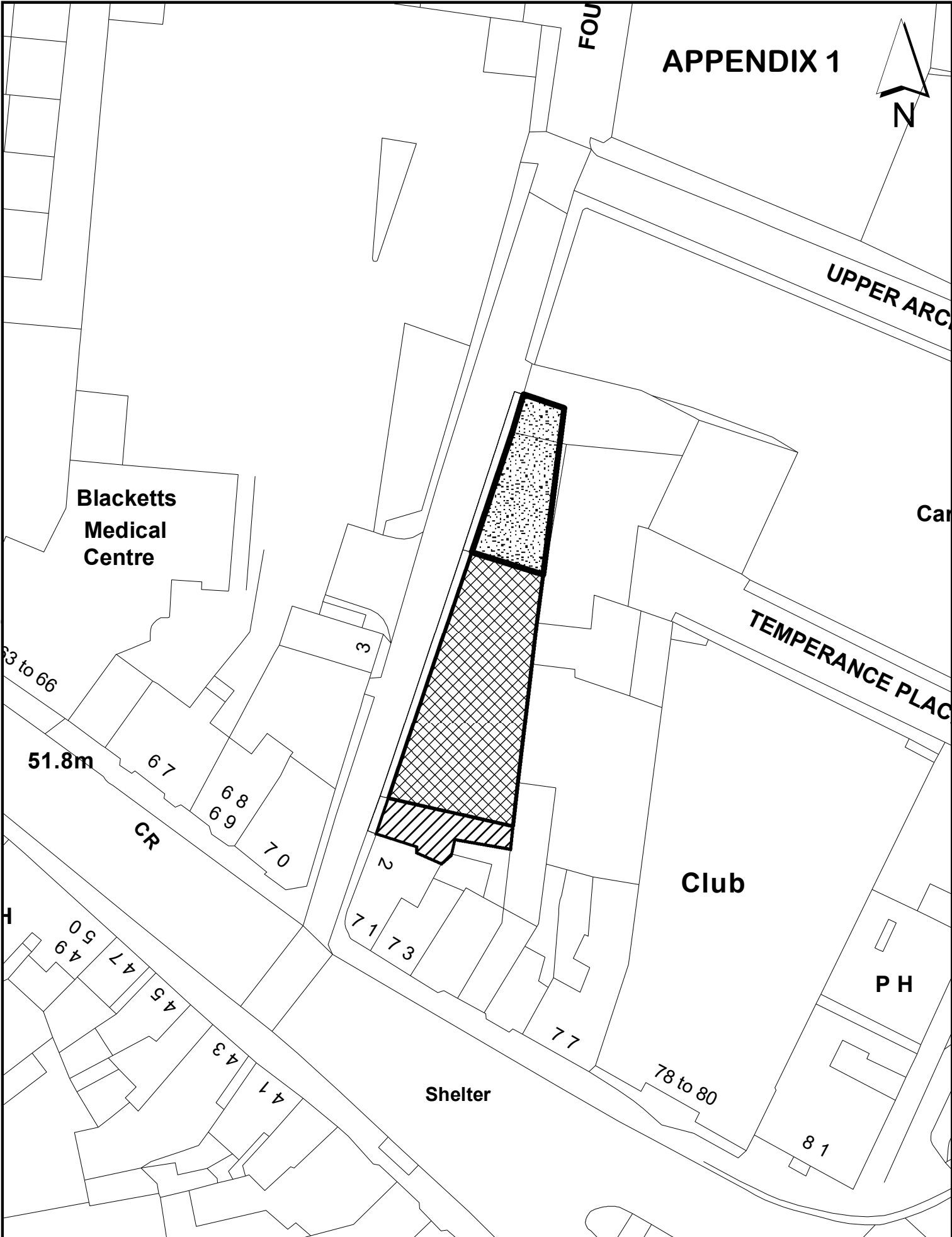
Legal Implications

20. Specific legal advice is not required but the Assistant Director for Law and Governance will be required to document the sale of the property and deal with any issues arising from the legal process.

Consultation

21. External consultation will take place as part of the normal planning process. Internal consultation has raised no objections to the proposed sale.

APPENDIX 1



DARLINGTON BOROUGH COUNCIL
 ECONOMIC GROWTH GROUP
 ESTATES AND PROPERTY,
 TOWN HALL, FEETHAMS,
 DARLINGTON,
 Co. DURHAM, DL1 5QT

Project Title: **DARLINGTON BOROUGH COUNCIL OWNED LAND**
 Drawing Title: **FOUR RIGGS CAR PARK**

Scale: 1: 500
 Date: 09/07/19
 Drawn: RMH

Ref: AT A4
 Area:

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of the Local Government Act 1972.

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of the Local Government Act 1972.

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