

# Cabinet Agenda



**5.00 pm Tuesday, 8 October 2019  
Committee Room No. 2, Town Hall,  
Darlington.**

**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 10 September 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) Housing Allocations Policy –  
Report of the Director of Economic Growth and Neighbourhood Services.  
(Pages 11 - 42)
  - (b) Darlington Crematorium Refurbishment –  
Report of the Director of Economic Growth and Neighbourhood Services.  
(Pages 43 - 68)
  - (c) Town Centre Car Parking –  
Report of the Director of Economic Growth and Neighbourhood Services.  
(Pages 69 - 76)

8. Crown Street Library Trustees –  
Report of the Director of Economic Growth and Neighbourhood Services.  
(Pages 77 - 80)
9. Membership Changes - To consider any Membership Changes to Other Bodies to which Cabinet appoints.
10. 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.
11. Questions.

### **EXCLUSION OF THE PUBLIC AND PRESS**

12. 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 items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A of the Act.

### **PART III                      NOT FOR PUBLICATION**

13. Schedule of Transactions –  
Report of the Director of Economic Growth and Neighbourhood Services  
(Exclusion Resolution No. 3).  
(Pages 81 - 84)
14. 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.
15. Questions.



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

**Monday, 30 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](mailto: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  
8 OCTOBER 2019**

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## **HOUSING ALLOCATIONS POLICY**

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**Responsible Cabinet Member - Councillor Lorraine Tostevin  
Housing, Health and Partnerships Portfolio**

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

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### **SUMMARY REPORT**

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

1. Members are requested to approve the proposed changes to the Common Allocations Policy for the Tees Valley Lettings Partnership.

#### **Summary**

2. The current policy requires updating to meet the following requirements:
  - (a) To enable the Council to meet its commitments in respect of the Tees Valley Lettings Partnership.
  - (b) To ensure consistency of policy across the sub region, ensuring clarity and transparency for applicants.
  - (c) To ensure that the policy is aligned with the legislative requirements – Homelessness Reduction Act 2017 and therefore meeting our statutory requirements.
  - (d) To ensure that the policy is reflective of stakeholder feedback provided during the consultation process.

#### **Recommendation**

3. It is recommended that Cabinet approve the proposed amendments to the Tees Valley Common Allocations Policy.

#### **Reasons**

4. The recommendations are supported by the following reasons:-
  - (a) To meet the legislative requirements of the Homelessness Reduction Act 2017
  - (b) The policy has not been reviewed since 2012 and requires updating

- (c) There have been recent changes to the Tees Valley Partnership
- (d) A consultation has been carried out and there is strong support for the proposals.

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

**Background Papers**  
 Digital Lettings Solution Report

Janette McMain: Ext 6945

S17 Crime and Disorder	There are no Section 17 considerations relating to this report
Health and Well Being	The Allocations Policy prioritises housing based on applicant's needs, including any health considerations
Carbon Impact	There is no carbon impact
Diversity	There are no equality and diversity considerations relating to this report. If the proposed changes are approved an Equality Impact Statement will be undertaken on the proposed revised Common Housing Allocations Policy
Wards Affected	All wards in Darlington and throughout the Tees Valley
Groups Affected	Applicants applying for housing within the Tees Valley
Budget and Policy Framework	This report does not represent a change to the budget or policy framework
Key Decision	This is not a key decision
Urgent Decision	For the purpose of the 'Call-in' procedure this does not represent an urgent decision
One Darlington: Perfectly Placed	The report has no implications for the Sustainable Community Strategy
Efficiency	The Allocations policy ensures a consistent approach across the Tees Valley
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**

**Background**

5. Darlington Borough Council has been part of the sub-regional scheme for allocating social housing since 2009 and a Tees Valley Common Housing Allocations Policy was adopted by the five local authorities and their partner housing organisations. The current Allocations Policy has been in place since 2012 and details of the full policy are provided via the link below.  
<http://www.compasscbl.org.uk/content/CustomDocuments>
6. The policy is overseen by a sub-regional Steering Group and due to regulatory and other changes it has become apparent that the existing policy is no longer fit for



purpose. The requirements of the Homelessness Reduction Act 2017, the announcement from Thirteen Housing Group to adopt its own lettings policy and the work of the Service Development Officer (employed by the Steering Group on a fixed term of 12 months from June 2018) has identified proposals to update and improve the Allocations Policy and the supporting IT system.

7. The review of the Tees Valley Common Allocations Policy was centred on:
  - (a) Removal of additional preference for low paid workers;
  - (b) Amending some of the criteria for a priority band award in line with the Homelessness Reduction Act 2017 and in line with local needs;
  - (c) Amending how reduced preference is applied for applicants with less serious rent arrears and anti-social behaviour.
8. The five Tees Valley local authorities and the registered provider partners who form the remaining Tees Valley Partnership have consulted on key elements of the Common Allocation Policy with, existing tenants, applicants, staff, stakeholders and their partners across the sub region. The consultation was advertised on Darlington Council's website and social media.

### **Policy Review and Proposed Amendments**

9. Applicants in Low Paid Employment:
  - (a) The Code of Guidance issued by the Government in June 2012 urged local authorities to consider how they could use their allocation policies to support households in low paid employment and contributing to their community. Preference is currently given to applicants in low paid employment, in addition to any housing need priority band that they have been awarded. To ensure fairness and consistency in applying the allocations policy across all the partner organisations, the consultation asked if applicants in a priority band should compete on their housing need only, regardless of employment status.
  - (b) Most of the responses to the consultation agreed with this proposal.
  - (c) This change would only affect 0.4% of applicants. The Tees Valley Lettings Partnership has therefore proposed to remove additional preference for people in low paid employment from the policy.
10. Under Occupancy
  - (a) Additional Preference is currently awarded to transferring tenants (of partner landlords) who are under-occupying their homes and who are subject to a reduction in Housing Benefit, within Band 1 and Band 2. Band 1 is awarded if the tenant is under-occupying by two or more rooms and Band 2 is awarded if the tenant is under-occupying by one room. All partners wish to continue to support their tenants who are under-occupying their property and are financially affected, however they wish to achieve this in a fair and consistent manner. The consultation asked if the additional preference for under-occupation should be removed.

- (b) Most of the responses to the consultation agreed with this proposal.
- (c) This change would affect less than 1% of applicants. The Tees Valley Lettings Partnership has therefore proposed to remove additional preference for people who are under-occupying.

#### 11. Overcrowding

- (a) The current policy gives two different levels of priority to applicants who are overcrowded. Band 2 is for those who are three or more bed spaces short of requirements and Band 3 is for those who are one or two bed spaces short of requirements. To ensure fairness and consistency in applying the allocations policy, the consultation asked if all applicants who are overcrowded should be awarded an equal priority.
- (b) Most of the responses to the consultation agreed with this proposal.
- (c) Tees Valley Lettings Partnership has therefore proposed to introduce one level of priority for applicants who are overcrowded.

#### 12. Applicants' Behaviour

- (a) An applicant (or members of their household) with a history of unacceptable behaviour not considered serious (that is, rent arrears of under £1,500 or mid to low-level behaviour issues), can register on the scheme and bid on advertised properties. However, until a positive change in behaviour can be demonstrated (for example, they have complied with a repayment plan for arrears or they have modified their behaviour), they will be considered after applicants with a record of good behaviour (in the same band). This is called reduced preference.
- (b) The process of reduced preference is confusing for applicants. To provide clarity, it is proposed that such applicants will now have their application suspended from bidding until they have complied with a repayment plan for arrears or have modified their behaviour. Applicants who have been suspended will be notified of the decision and the reasons for this decision will be given in writing. An applicant will be able to request a review of the decision to suspend their application. Each case will be considered on an individual basis and exceptional circumstances will be considered.
- (c) Most of the responses to the consultation agreed with this proposal.
- (d) The Tees Valley Lettings Partnership has therefore proposed to remove reduced preference from the policy and adopt suspension for these applicants.

#### 13. Housing Need Banding

- (a) In line with legislation, specific housing needs must be included within the allocations policy. Once assessed, applicants are awarded a band relevant to their housing needs and each band represents differing housing need criteria. The current five-tiered banding structure has been reviewed to recognise changes in legislation with the introduction of the Homelessness Reduction Act

2017. It has also been simplified to reflect changes in housing need across the Tees Valley. The consultation proposed that:

**Band 1+ will be removed and incorporated in Band1**

Band 1 will become urgent/high housing needs to include anyone owed a statutory homeless duty.

Band 2 will become medium housing needs

Band 3 will become low housing needs

Band 4 No housing need will have no changes

- (b) Most of the responses to the consultation agreed with this proposal, as can be viewed at **Appendix 1**.

The Tees Valley Lettings Partnership agreed to implement policy changes where survey responses showed a very clear majority in favour. The reasons for recommending the policy changes are provided in the Summary of Comments and Response/Recommendations sections included in Appendix 1

- (c) The Tees Valley Lettings Partnership consultation therefore propose to adopt the new banding however, it is also proposed that applicants affected by domestic abuse and HM Forces leavers should remain in band 1.

### **Outcome of Consultation**

14. Consultation took place between 3 June and 12 July 2019 through:

- (a) The Compass website;
- (b) Partner organisations websites;
- (c) E-mail to all third sector, voluntary and public-sector organisations across Tees Valley;
- (d) An on-line questionnaire for staff and residents to complete and shared across the Tees Valley by press teams and through social media.

15. 465 Responses were received to the consultation across Tees Valley, 51% of which were from residents. From those who gave their postcodes, 31% were Hartlepool residents, 22% Redcar & Cleveland, 18% Stockton, 17% Darlington and 12% from Middlesbrough.

16. Of the other responders, 52% were from staff members of the Tees Valley Letting Partnership's current partners. 13 members of staff from Darlington Borough Council responded to the consultation, 7 from Beyond Housing, 6 from Hartlepool Borough Council, 6 from North Star, 4 from Stockton Borough Council, 3 from Redcar and Cleveland Borough Council and 2 from Middlesbrough Council. These numbers include single responses on behalf of a whole team. The results from the consultation are summarised and attached at Appendix 1.

17. Adults and Housing Scrutiny Committee considered the proposals on 3 September 2019 and had no comments.

### **Equalities considerations**

18. An Equality Impact Assessment (**Appendix 2**) was considered and the conclusion was that the impact is likely to be only positive.

## Appendix 1

### **Tees Valley Common Allocations Policy Consultation Summary Report**

#### **Background**

The Tees Valley Common Allocations Policy was last reviewed a number of years ago. The Tees Valley Lettings Partnership has identified areas within the Common Allocation Policy that need amending to ensure that it is fit for purpose, responsive to housing need across Tees Valley, with consideration to legislation and statutory guidance.

The Tees Valley Lettings Partnership is made up of five local authorities and a number of registered provider partners that either own or manage housing stock across the Tees Valley:

- Darlington Borough Council
- Hartlepool Borough Council
- Middlesbrough Council
- Redcar and Cleveland Borough Council
- Stockton-on-Tees Borough Council
- Beyond Housing
- Home Group
- North Star

Consultation took place between 3<sup>rd</sup> June and 12<sup>th</sup> July 2019 via the Compass website; partner organisations websites; via email to all third sector, voluntary and public sector organisations across Tees Valley; with housing, other relevant staff members and Elected and Board Members; and with residents via local resident forums and on-line panels. The on-line questionnaire was shared across Tees Valley by press teams and through the use of social media.

465 responses were received to the consultation across Tees Valley. 51% of responders were residents. From those who gave their postcodes 31% were Hartlepool residents, 22% Redcar & Cleveland, 18% Stockton, 17% Darlington and 12% from Middlesbrough.

Of the other responders 52% were staff members of the Tees Valley Letting Partnership's current partners. 13 members of staff from Darlington Borough Council responded to the consultation, 7 from Beyond Housing, 6 from Hartlepool Borough Council, 6 from North Star, 4 from Stockton Borough Council, 3 from Redcar and Cleveland Borough Council and 2 from Middlesbrough Council.

## Consultation Summary

The results from the consultation for each proposal are summarised below:

### Proposal 1 - Applicants in Low Paid Employment

#### Current Policy:

The Code of Guidance issued by Communities and Local Government in June 2012 urged local authorities to consider how they could use their allocation policies to support households in low paid employment and contributing to their community. Preference is currently given to applicants in low paid employment, *in addition* to any housing need priority band that they have been awarded.

#### Reason for Change:

This policy is not currently implemented in Hartlepool so in order to ensure fairness and consistency in applying the allocations policy across all the Partner organisations, applicants in a priority band should compete on their housing need only.

#### Proposal:

Remove additional preference for people in low paid employment from the policy. In effect, applicants will remain in the same band but not have an additional preference applied.

This change would only affect 0.4% of all applicants.

Results		Summary of comments	Response/ Recommendation
% agree	% disagree		
75.22%	24.78%	The majority of responses in disagreement did not appear to understand the reason for changing this policy and think that people in low paid employment would be overlooked in favour of people in higher paid employment rather than be considered on an equal basis regardless of their employment situation.	Additional preference for people in low paid employment will be removed from the policy in line with the majority of responses.  It is currently applied inconsistently, and it is believed that it is fairer to allocate properties regardless of employment status given the socio-economic status of Tees Valley.

		Other responses in disagreement thought retention of this policy would encourage people to seek employment.	
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Proposal 2 - Applicants with More Than One Need

Current Policy:

In Hartlepool, applicants in Bands 1 and 2 with more than one housing need are prioritised on the short-list and given preference for an offer of accommodation over applicants with a single housing need in the same band.

Reason for Change:

In order to ensure fairness and consistency in applying the allocations policy across all partners, applicants in a priority band would in future compete on their housing need only.

Proposal:

It is proposed that applicants in Hartlepool are prioritised consistently with applicants in the other Tees Valley local authority areas (i.e. cumulative need is removed). In future the applicant will remain in the same band but will not have an additional preference applied.

This change would affect less than 0.1% of the waiting list.

<b>Results</b>		<b>Summary of comments</b>	<b>Response/ Recommendation</b>
<b>% agree</b>	<b>% disagree</b>		
86.02%	13.98%	The majority of responses in disagreement thought cumulative need is fairer especially if the applicant has medical needs.	Cumulative need will be removed from the policy in line with the majority of responses.

Proposal 3 - Under-Occupancy

Current Policy:

Additional preference is currently awarded to transferring tenants (of partner landlords) who are under-occupying their homes and who are subject to a cut in housing benefit within Band 1 and Band 2. Band 1 is awarded if the tenant is under-occupying by two or more rooms and Band 2 if this is one room.

**Reason for Change:**

All partners wish to continue to support their tenants who are under-occupying their property and are financially affected, however we wish to achieve this in a fair and consistent manner.

**Proposal:**

Whilst different bandings will continue to be awarded to tenants (of partner landlords), depending on the number of bedrooms they are under-occupying, the additional preference will no longer be applied.

This change would affect just 0.9% of current applicants.

<b>Results</b>		<b>Summary of comments</b>	<b>Response/ Recommendation</b>
<b>% agree</b>	<b>% disagree</b>		
85.22%	14.78%	The majority of responses in disagreement did not appear to understand that people who are under occupying will still receive priority on the scheme.	Additional preference for people who are under occupying will be removed from the policy in line with the majority of responses.  Priority will continue to be awarded to partner landlord tenants who are under occupying.

**Proposal 4 - Overcrowding**

**Current Policy:**

Our current policy gives two different levels of priority to applicants who are overcrowded; Band 2 for those who are 3 or more bed spaces short of requirements; Band 3 for those who are 1-2 bed spaces short of requirements.

**Reason for Change:**

In order to ensure fairness and consistency in applying the allocations policy, all applicants who are overcrowded should be awarded an equal priority.

**Proposal:**

Priority for tenants who are overcrowded in their current accommodation should be awarded to all applicants, regardless of the number of bedrooms.



<b>Results</b>		<b>Summary of comments</b>	<b>Response/ Recommendation</b>
<b>% agree</b>	<b>% disagree</b>		
85.83%	14.17%	The majority of responses in disagreement to creating just one category for overcrowding commented that households who are severely overcrowded should have more priority.	All applicants who are overcrowded will be awarded an equal priority in line with the majority of responses.

Proposal 5 - Reasonable Offers of Accommodation

Current Policy:

A 'one reasonable offer of accommodation' policy has been adopted by all Tees Valley Lettings Partners, except Hartlepool Borough Council where applicants can receive up to three reasonable offers of accommodation before their priority is reviewed. A refusal of this offer can be accepted if the offer is deemed unsuitable for the applicant.

Reason for Change:

Just 4.3% of applicants on the waiting list are eligible for three offers under the current policy. Reducing the amount of offers from three to one in Hartlepool will effectively mean that all successful applicants are treated fairly and consistently.

Proposal:

Hartlepool Borough Council to remove the three reasonable offers of accommodation. All partners should work towards a one reasonable offer of accommodation policy.

<b>Results</b>		<b>Summary of comments</b>	<b>Response/ Recommendation</b>
<b>% agree</b>	<b>% disagree</b>		
77.18%	22.82%	The majority of responses in disagreement believe that giving one offer of accommodation takes away choice for applicants.	A one offer policy will be applied in Hartlepool as well as the other local authority areas in line with the majority of responses.  The procedures and updated policy will make the criteria clear

			for determining a reasonable offer of accommodation and an unreasonable refusal of that offer.
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Proposal 6 - Applicants' Behaviour

Current Policy:

An applicant (or members of their household) with a history of less-serious unacceptable behaviour (i.e. housing debt of under £1,500 or mid-low-level behaviour issues), can register on the scheme and bid on advertised properties. However, until a positive change in behaviour can be demonstrated (i.e. they have complied with a repayment plan for debts or have modified their behaviour) they will be considered *after* applicants with a record of good behaviour (in the same band). This is called reduced preference and is often referred to as 'overlooking'.

Reason for Change:

The process of reduced preference ('overlooking') is confusing for applicants.

Proposal:

To ensure clarity, it is proposed that applicants who would otherwise be 'overlooked' will now have their application suspended from bidding until they have complied with a repayment plan for debts or have modified their behaviour. Applicants who have been suspended will be notified of the decision and the reasons for this decision will be given in writing. An applicant will be able to request a review of the decision to 'suspend' their application.

*Each case will be considered on an individual basis and exceptional circumstances will be considered.*

Results		Summary of comments	Response/ Recommendation
% agree	% disagree		
92.35%	7.65%	Most of responses in disagreement to this change in policy have asked for more clarity on how decisions will be made and what constitutes modified behaviour.	There is overwhelming support for moving away from reduced preference to suspension, so this will be adopted.  The procedures will be clear about the decision-making process and criteria that will be adopted.

			Each case will be considered on an individual basis and exceptional circumstances will be considered.
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Proposal 7 - Housing Need Banding

Current Policy:

In line with legislation, specific housing needs must be included within our lettings scheme. Once assessed, applicants are awarded a “band” relevant to their housing needs. Each band represents differing housing need criteria.

Reason for Change:

The current five-tiered banding structure has been reviewed to recognise changes in legislation with the introduction of the Homelessness Reduction Act 2017. It has also been simplified to reflect changes in housing need across Tees Valley.

Proposal:

To simplify the current banding structure as follows:

Band 1+ will be removed and incorporated into Band 1

Band 1 will become Band 2 (except for statutory homeless and people owed the prevention or relief duty who will remain in Band 1)

Band 2 will become Band 3

Band 3 will be incorporated into the new Band 3

Band 4 will have no changes

Results		Summary of comments	Response/ Recommendation
<b>Do you agree with the proposed change from Band 1+ to the Urgent Housing Needs Band?</b>			
<b>% agree</b>	<b>% disagree</b>		
92.04%	7.96%		
<b>Do you agree with the proposed change from Band 1 to the High Housing Needs Band?</b>			
<b>% agree</b>	<b>% disagree</b>		
87.16%	12.84%		
<b>Do you agree with the proposed change from Band 2 to the Medium Housing Needs Band?</b>			
<b>% agree</b>	<b>% disagree</b>		
88.45%	11.55%		

<b>Do you agree with the proposed change to absorb Band 3 into the Medium Housing Needs Band?</b>			
<b>% agree</b>	<b>% disagree</b>		
92.79%	7.21%		
		<p>The banding changes are supported. However, there were comments that people suffering domestic abuse and leaving armed forces should be prioritised in the highest band and that prison leavers should not receive this priority. High medical needs should also be in the highest band. There were a few comments that the proposed changes are unfair and there was no need to change as this is now confusing. There was a suggestion that the bands should be re-titled so that people don't think they have been "demoted".</p>	<p>As a result of the consultation it is recommended that Domestic Abuse cases and HM Forces will be removed from the High Housing Needs band and dealt with in Urgent Housing Needs under homelessness legislation.</p> <p>The policy will provide clarity that applicants have not been "demoted" as a result of the changes in banding criteria.</p> <p>In relation to urgent medical needs this will remain in the high housing needs band as proposed. Applicants who are bed blocking in hospital or accepted as homeless will be prioritised as in Urgent Housing Need under homelessness legislation.</p>

**Recommendations**

Each proposal was supported by the majority of responders through the public consultation and it is recommended that the Tees Valley Allocations Policy is amended with these changes.

In addition, as a result of the feedback received, concerns relating to the need for guidance on reasonable offers, modified behaviour and length of time in a

band will be considered in the development of the new procedures and will be addressed accordingly.

The criteria within the High Housing Needs band for applicants suffering domestic abuse or leaving HM Forces has been reconsidered and will be removed from this priority and dealt with under homelessness legislation as part of the Urgent Housing Needs band.

The proposed new banding structure is as follows:

**Urgent Housing Needs (Band 1)**

- People losing their home due to a recognised regeneration scheme within any one of the local authorities within the sub region
- People assessed as statutory homeless and in priority need
- People who are owed the homeless prevention or relief duty

**High Housing Needs (Band 2)**

- Urgent Medical
- Ready for independent living
- Care Leaver/child in need
- Adoptive parents/foster carers
- Unsafe/insanitary housing conditions
- Under Occupation (2 rooms)

**Medium Housing Needs (Band 3)**

- High medical
- Overcrowding
- Under Occupation (1 room)
- Hardship
- Sharing Facilities

**Low Housing Need (Band 4)**

- People who are adequately housed; or
- Refused a reasonable offer of accommodation or worsened own circumstances

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## Initial equality impact assessment screening form

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

<b>Directorate:</b>	EG&NR
<b>Service Area:</b>	Housing Services
<b>Activity being screened:</b>	<p>Proposed changes to the Allocation Policy for social housing within the Tees Valley partnership. Partners include,</p> <ul style="list-style-type: none"> <li>• Darlington Borough Council</li> <li>• Hartlepool Borough Council</li> <li>• Middlesbrough Council</li> <li>• Redcar and Cleveland Borough Council</li> <li>• Stockton-On-Tees Borough Council</li> <li>• Beyond Housing</li> <li>• Home Group</li> <li>• North Star</li> </ul>
<b>Officer(s) carrying out the screening:</b>	Janette McMain – Housing Manager
<b>What are you proposing to do?</b>	<p>Implementation of the following changes,</p> <p>(a) Removal of additional preference for low paid workers;</p> <p>(b) Amending some of the criteria for a priority band award in line with the Homelessness Reduction Act 2017 and in line with local needs; Specifically</p> <ol style="list-style-type: none"> <li>1. Awarding an equal level of priority to applicants who are overcrowded</li> <li>2. Updating the housing allocation policy's banding structure to recognise changes in legislation with the introduction of the Homelessness Reduction Act 2017 and reflect changes in housing needs across the Tees Valley</li> </ol> <p>(c) Amending how reduced preference is applied for applicants with less serious rent arrears and anti-social behaviour</p>

<p><b>Why are you proposing this? What are the desired outcomes?</b></p>	<p>The allocation for social housing within the Tees Valley is currently carried out through the Tees Valley Common Allocation Policy.</p> <p>Recently, Thirteen Housing Group have made the decision to leave the current partnership.</p> <p>In addition to this, the introduction of new legislation through the Homelessness Reduction Act, which became effective from 2018 now highlights new statutory duties for the local authorities.</p> <p>These two events have prompted a review of the allocation policy, which has been in place in its current form since 2012, and now needs to meet the following requirements,</p> <ul style="list-style-type: none"> <li>(a) To enable the Council to meet its commitments in respect of the Tees Valley Lettings Partnership.</li> <li>(b) To ensure consistency of policy across the sub region, ensuring clarity, transparency and fairness for applicants.</li> <li>(c) To ensure that the policy is aligned with the legislative requirements – Homelessness Reduction Act 2017 and therefore meeting our statutory requirements.</li> <li>(d) To ensure that the policy is reflective of stakeholder feedback provided during the consultation process.</li> </ul>
<p><b>Does the activity involve a significant commitment or removal of resources? Please give details</b></p>	<p>No</p>

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

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


- **To what extent is this service used by particular groups of people with protected characteristics?**
- **Does the activity relate to functions that previous consultation has identified as important?**



- Do different groups have different needs or experiences in the area the activity relates to?

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

Protected characteristic	Yes	No	Don't know/ Info not available
Age			✓
Disability			✓
Sex (gender)			✓
Race			✓
Sexual Orientation			✓
Religion or belief			✓
Gender reassignment			✓
Pregnancy or maternity			✓
Marriage or civil partnership			✓
<b>Other</b>			
Carer (unpaid family or friend)			✓
Low Income			✓
Rural Location			✓
<b>Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.</b>	No		
<b>Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</b>	<b>All organisation in the Tees Valley partnership</b>  <b>Organisation that support people with housing issues including people with protected characteristics</b>		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:		Continue to full EIA: ✓

<b>Reason for Decision</b>	<b>To identify the potential impacts of these proposals on protected characteristic groups</b>
<b>Signed (Assistant Director)</b>	
<b>Date</b>	<b>16/09/19</b>



# Equality Impact Assessment Record Form

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

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

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

<b>Title of activity:</b>	Housing Allocations Policy Review	
<b>Name of Directorate and Service Area:</b>	EG&NR – Housing Services	
<b>Lead Officer and contact details</b>	Janette McMain Housing Manager <a href="mailto:Janette.mcmain@darlington.gov.uk">Janette.mcmain@darlington.gov.uk</a>	
<b>Assistant Director accountable for this EIA</b>	Pauline Mitchell	
<b>Who else will be involved in carrying out the EIA:</b>		
<b>When did the EIA process start?</b>		<i>September 2018</i>

## Section 2 – The Activity and Supporting Information

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

A review of the Tees Valley Common Allocations Policy has been undertaken and led to the following proposals

- (a) Removal of additional preference for low paid workers;
- (b) Amending some of the criteria for a priority band award in line with the Homelessness Reduction Act 2017 and in line with local needs; specifically,
  - 1. Awarding an equal level of priority to applicants who are overcrowded
  - 2. Updating the housing allocation policy's banding structure to recognise changes in legislation with the introduction of the Homelessness Reduction Act 2017 and reflect changes in housing needs across the Tees Valley
- (c) Remove reduced preference is applied for applicants with less serious rent arrears and anti-social behaviour

The proposals were consulted on between 3 June to 12 July 2019, by questionnaire via the following methods,

- Compass, DBC website and intranet
- Third sector partners to work with their client groups
- Voluntary and public-sector organisations
- Housing partners
- Staff members
- Residents
- Social Media

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

The aims of the proposed changes are as follows,

### **(a) Removal of additional preference for low paid workers**

The Code of Guidance issued by the Government in June 2012 urged local authorities to consider how they could use their allocation policies to support households in low paid employment and contributing to their community. Preference was therefore given to applicants in low paid employment, in addition to any housing need priority band that they have been awarded.

During the review this policy was found to be being applied inconsistently across the sub-region by different partners. In addition, it was found that where the policy was applied it was not effectively achieving fair outcomes.

To ensure fairness and consistency in applying the allocations policy across all the partner organisations, it proposed that applicants in a priority band should compete on their housing need only, regardless of employment status and so remove additional preference for people in low paid employment from the policy.

Applicants will therefore be assessed on their housing need, it will have no detrimental effect on households who are benefit dependant

**b) Amending some of the criteria for a priority band award in line with the Homelessness Reduction Act 2017 and in line with local needs**

**Under occupancy.** Additional Preference is currently awarded to transferring tenants (of partner landlords) who are under-occupying their homes and who are subject to a reduction in Housing Benefit, within Band 1 and Band 2. Band 1 is awarded if the tenant is under-occupying by two or more rooms and Band 2 is awarded if the tenant is under-occupying by one room. All partners wish to continue to support their tenants who are under-occupying their property and are financially affected, however they wish to achieve this in a fair and consistent manner, and so it is proposed that, whilst differing banding will continue to be awarded to tenants (of partner landlords) depending on the number of bedrooms they are under-occupying, the additional preference will no longer be applied and applicants will be assessed on their housing need.

**Overcrowding** The current policy gives two different levels of priority to applicants who are overcrowded. Band 2 is for those who are three or more bed spaces short of requirements and Band 3 is for those who are one or two bed spaces short of requirements. To ensure overcrowding is recognised as a serious housing need it is proposed that all applicants who are overcrowded should be awarded an equal level of priority.

**Banding.** In line with legislation, specific housing needs must be included within the allocations policy. Once assessed, applicants are awarded a band relevant to their housing needs and each band represents differing housing need criteria. The current five-tiered banding structure has been reviewed to recognise changes in legislation with the introduction of the Homelessness Reduction Act 2017. It has also been simplified to reflect changes in housing need across the Tees Valley. The proposed changes are,

Current Policy	Proposed Changes
<p><b>Band 1 +</b>  <b>Home loss through regeneration</b>                      People losing their home due to a recognised regeneration scheme within any one of the local authorities within the sub region</p>	<p><b>Band 1+</b> will be removed and incorporated in Band1                      because the review found that the number of applicants meeting the criteria for this band was negligible and it was therefore adding unnecessary administration and resources</p>
<p><b>Band 1</b>  <b>Statutory homeless and homeless prevention (Statutorily homeless and in priority need)</b></p> <ul style="list-style-type: none"> <li>• Owed the homeless prevention or relief duty</li> <li>• At risk of domestic abuse</li> <li>• Leaving HM Armed Forces</li> <li>• Urgent medical</li> <li>• Unsafe/insanitary housing conditions</li> <li>• Under-occupation (2 rooms)</li> </ul>	<p><b>Band 1</b> will become <u>urgent</u> housing needs to include anyone owed a statutory homeless duty</p> <ul style="list-style-type: none"> <li>• Statutory Homeless (including those owed prevention and relief duties)</li> <li>• Domestic Abuse</li> <li>• HM Forces</li> <li>• Decants – applicants who need to move from existing social housing due to demolition or significant refurbishment</li> </ul>

<p><b>Band 2</b> <b>High housing need</b></p> <ul style="list-style-type: none"> <li>• High medical need</li> <li>• Overcrowding (3 or more bed spaces short)</li> <li>• Under-occupation (1 room)</li> <li>• Hardship</li> <li>• Sharing facilities</li> </ul>	<p><b>Band 2</b> will become <u>high</u> housing needs</p> <ul style="list-style-type: none"> <li>• Urgent Medical</li> <li>• Ready for independent Living</li> <li>• Care Leaver/Child in Need</li> <li>• Adoptive parents/foster carers</li> <li>• Unsafe and insanitary housing conditions</li> <li>• Under occupation 2 bedrooms</li> </ul>
<p><b>Band 3</b> <b>Other housing needs &amp; efficient use of the housing stock</b></p> <ul style="list-style-type: none"> <li>• People leaving 'tied' accommodation within the sub region</li> <li>• Relationship breakdown</li> <li>• Overcrowding (1 or 2 bed spaces short)</li> </ul>	<p><b>Band 3</b> will become a medium housing needs</p> <ul style="list-style-type: none"> <li>• High medical needs</li> <li>• Overcrowding</li> <li>• Under occupation 1 bedroom</li> <li>• Hardship</li> <li>• Sharing facilities</li> </ul>
<p><b>Band 4</b> <b>No or low-level housing need</b></p> <ul style="list-style-type: none"> <li>• People who are adequately housed; or</li> <li>• Refused a reasonable offer of accommodation or worsened own circumstances</li> </ul>	<p><b>Band 4</b> Low housing need will have no changes</p>

During consultation on this proposal, we received a number of responses that stated that applicants effected by domestic abuse and HM Forces leavers should remain in band 1. As a result of this feedback the proposal was amended to allow these areas to remain in Band 1.

**c) Amending how reduced preference is applied for applicants with less serious rent arrears and anti-social behaviour**

An applicant (or members of their household) with, rent arrears of under £1,500 or a history of mid to low-level behaviour issues), can currently register on the scheme and bid on advertised properties. However, until a positive change in behaviour can be demonstrated (for example, they have complied with a repayment plan for arrears or modified their behaviour), they will be considered after applicants with a record of good behaviour (in the same band). This is called reduced preference

The process of reduced preference is confusing for applicants, as the current policy allows them to bid on properties however they will be over looked for offers by housing providers. To provide clarity and ensure applicants have a better and clearer understanding of their application, it is proposed that such applicants will now have their application suspended from bidding until they have complied with a repayment plan

for arrears or have modified their behaviour. Applicants who have been suspended will be notified of the decision and the reasons for this decision will be given in writing. An applicant will be able to request a review of the decision to suspend their application. Each case will be considered on an individual basis and exceptional circumstances will be considered

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

The proposed changes will ensure the Tees Valley partnership will deliver a consistent approach to applicants within the whole of the region.  
 It will enable applicants to have a clearer understanding of the system, to be fairer and more transparent. Applicants applying throughout the sub-region will be dealt with in a consistent manner.

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

Consultation document attached

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

Consultation took place between 3 June and 12 July 2019 through:

- (a) The Compass website;
- (b) Partner organisations websites;
- (c) E-mail to all third sector, voluntary and public-sector organisations across Tees Valley;
- (d) An on-line questionnaire for staff and residents to complete and shared across the Tees Valley by press teams and through social media.

465 Responses were received to the consultation across Tees Valley, 51% of which were from residents. From those who gave their postcodes, 31% were Hartlepool residents, 22% Redcar & Cleveland, 18% Stockton, 17% Darlington and 12% from Middlesbrough.

Of the other responders, 52% were from staff members of the Tees Valley Letting Partnership's current partners. 13% from Darlington Borough Council, 7% from Beyond Housing, 6% from Hartlepool Borough Council, 6% from North Star, 4% from Stockton Borough Council, 3% from Redcar and Cleveland Borough Council and 2% from Middlesbrough Council. These numbers include single responses on behalf of a whole team. The results from the consultation are summarised and attached

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

None

## Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
<b>Age</b>		✓		<p>Removal of the additional preference for low paid workers has ensured that applicants of all age groups are assessed on housing need.</p> <p>Currently additional preference is applied to people in low paid employment of a working age group.</p>
<b>Disability</b> <b>(Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)</b>	✓			<p>None identified</p> <p>The current policy identifies applicants with disabilities and places them in high priority banding based on their housing need. This will continue.</p>
<b>Sex (Gender)</b>	✓			<p>None identified.</p> <p>The proposals for change are on an applicant's housing need regardless of sex.</p>
<b>Race</b>	✓			<p>None identified</p> <p>The proposals for change are on an applicant's housing need regardless of gender</p>



<b>Gender Reassignment</b>	✓			None identified – as above
<b>Sexual Orientation</b>	✓			None identified – as above
<b>Religion or belief</b>	✓			None identified The proposals for change are on an applicant's housing need regardless of religion or belief
<b>Pregnancy or maternity</b>	✓			None identified The proposals for change are on an applicant's housing need
<b>Marriage or civil partnership</b>	✓			None identified The proposals for change are on an applicant's housing need
<b>How will the activity affect people who:</b>	<b>No impact</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	<b>Why will it have this effect?</b> (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
<b>Live in a rural location?</b>	✓			Preference is given to applicants already living in that rural village.
<b>Are carers?</b>	✓			None identified
<b>Are on a low income?</b>			✓	Applicants will now be considered on housing need and affordability.  This change may effect a small proportion of working families on low income, however, this impact is mitigated by their priority banding within the policy

			<p>Ensuring that we consider low income families as a whole not only families in low paid employment.</p>
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## Section 4: Cumulative Impacts

<p><b>Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics?</b> (e.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc)</p> <p><b>Are there any other activities of which you are aware which might also impact on the same protected characteristics?</b></p>
<p>Nothing identified</p>

## Section 5: Analysis

<p><b>a) How will the activity help to eliminate discrimination, harassment and victimisation?</b></p>
<p>The Homelessness Reduction Act 2017 is primarily focused around homeless prevention and support for people at risk of being homeless. Complying with legislation will ensure we can support those applicants with vulnerabilities, including people with protected characteristics</p> <p>The proposals to the policy will deliver a consistent approach throughout the Tees Valley, being more open and fair and transparent.</p>
<p><b>b) How will the activity help to advance equality of opportunity?</b></p>
<p>This will ensure fairness by ensuring consistent approach throughout the partnership</p>
<p><b>c) How will the activity help to foster good relations?</b></p>
<p>Consistency of equality and fairness to be delivered by all partners throughout the Tees Valley</p>
<p><b>During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.</b></p>
<p></p>

It was suggested that applicants leaving the armed forces or suffering domestic abuse be treated with high priority.

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

<b>Officer Completing the Form:</b>		
<b>Signed</b>	<b>Name:</b>	Janette McMain
	<b>Date:</b>	11.09.19
	<b>Job Title:</b>	Housing Manager
<b>Assistant Director:</b>		
<b>Signed</b>	<b>Name:</b>	<i>P. Mitchell</i>
	<b>Date:</b>	16/09/19
	<b>Service:</b>	Housing and Building Services

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

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

**Monitor impact during the implementation for a minimum of six months**

### Section 8 – Action Plan and Performance Management

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

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date

<b>Performance Management</b>	
<b>Date of the next review of the EIA</b>	April 2020
<b>How often will the EIA action plan be reviewed?</b>	No further reviews will be required.
<b>Who will carry out this review?</b>	Janette McMain, Housing Options & Lifeline Services

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**CABINET  
8 OCTOBER 2019**

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## **DARLINGTON CREMATORIUM REFURBISHMENT**

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**Responsible Cabinet Member – Councillor Paul Howell  
Leisure and Local Environment Portfolio**

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

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### **SUMMARY REPORT**

#### **Purpose of Report**

1. To provide Members with information about the current position concerning the Darlington Crematorium and the approaching end of life of the cremators, the work undertaken to date and options for replacement/refurbishment.

#### **Summary**

2. The existing cremators within Darlington Crematory are at the end of their lifespan and require replacement with modern, energy efficient, emission compliant equipment.
3. Alongside replacement of the cremators and associated emissions equipment, the existing chapel does not meet modern-day requirements and requires refurbishment/extension if at all possible. Therefore, a number of options to provide a cremation service that meets today's requirements are considered in this report for Members' consideration
  - (a) Option 1 – New build/new site
  - (b) Option 2 – To replace the existing cremators alongside limited improvements to the chapel
  - (c) Option 3 – Replace the existing cremators as well as redeveloping the existing chapel into a bereavement service office and new chapel within West Cemetery on part of the land identified for future burials

#### **Recommendations**

4. It is recommended that:
  - (a) Members approve proceeding with the improvements to the Crematorium in accordance with Option 3 as detailed in this report.

- (b) Members approve and release the capital funding of £4.5m as detailed in the report.
- (c) Members release the capital funding of £0.4m already approved in the Capital Programme for the laying out West Cemetery.
- (d) Members agree to add the project for the new crematorium to the Annual Procurement Plan to be designated as a strategic contract and note that works will be procured in accordance with the Council Contract Procedure Rules and the Public Contracts Regulations 2015.
- (e) The Assistant Director (Law and Governance) be authorised on behalf of the Council to complete the required deeds and contracts to deliver the works in accordance with this report.

### **Reasons**

- 5. The recommendations are supported by the following reasons:
  - (a) To enable the replacement and updating of the current cremators ensuring they meet the requirements of current legislation.
  - (b) To provide a Chapel that provides the facilities that are expected from a modern Crematorium.

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

### **Background papers**

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

Ian Thompson : Extension 6628  
IT/CD



S17 Crime and Disorder	There is no impact on crime and disorder as a result of this report.
Health and Well Being	No direct impacts.
Carbon Impact	Provision of new cremators and associated equipment to abate mercury emissions as well as ensuring any installation provides the opportunity to future-proof subsequent legislation as well as minimise carbon impacts. Provision to be able to abate NOx (a collective term for various oxides of Nitrogen which is a pollutant by-product of the combustion process having similar adverse effects to that of mercury).
Diversity	No direct impacts.
Wards Affected	The existing crematorium is located within West Cemetery in Hummersknott Ward, however residents will use the facility from all Wards.
Groups Affected	Different faith groups and non-faith groups require different services and iconography. Any new development will take account of the individual requirements where possible.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework. Costs with associated building works and lost income will be met from existing resources.
Key Decision	Yes
Urgent Decision	No
One Darlington: Perfectly Placed	No direct impacts.
Efficiency	By upgrading the existing equipment will improve the overall efficiency of the cremators and associated equipment.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

## MAIN REPORT

### History

6. Darlington was one of the pioneers in providing a crematorium. It was the fifth to open in the country in 1901 and cremations were first legislated in 1902. The Cremation Society originally ran the facility and when the original building was destroyed by fire in 1957 and replaced with the building used today, in 1960, the responsibility for the management and operation of the crematorium passed to the Council.
7. The building comprises of one chapel with seating for 65 mourners and an overspill annexe to accommodate a further 40 standing. There is also a waiting room, vestry and crematory, which houses three cremators and ancillary equipment required for the process of cremation. The building has been adapted over the years and now consists of three buildings, all with differing roof heights. The main crematory is

housed in a restricted area to the right-hand side of the main chapel. Preliminary studies on the condition of the building suggest the building is deemed to be in a satisfactory condition, although this is subject to more detailed structural, electrical, mechanical, asbestos and ecological surveys being carried out.

8. To the rear of the crematorium, there is the Book of Remembrance Room, which houses the volumes of remembrance and in the vicinity of the crematorium, there are two remembrance gardens, which are used for the strewing of remains.

### **Mercury Abatement**

9. In 2005, the Department of Environment, Food and Rural Affairs (DEFRA) issued a requirement for 50% of all cremations in the UK to be treated to ensure the removal of a range of identified toxic elements typically emitted from the main crematorium flue (including mercury, various dioxins and hydrogen chloride) by 31 December 2012. These toxins come from the cremation of both the cadaver (in the case of mercury particularly but not exclusively, from the incineration of amalgam fillings) and as a result of chemicals present in the materials used to manufacture the coffin.
10. It is anticipated that 100% abatement will be required by the end of 2020 to comply with Annex 2 of the Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR Convention), which was established in 1992. This is subject to final agreement by DEFRA, while at present there is no requirement to reach this standard, the industry belief is that there will be a requirement to abate 100% by the end of 2020 or soon thereafter.
11. Recent advice from the Institute of Cemetery and Crematorium Management is that there is no confirmation if, or when, 100% will be required, although it could be. However it is anticipated that good warning will be given.
12. In order to achieve this standard, crematoria in the UK will be required to install abatement equipment that meets the standards required by DEFRA, either by attaching to existing cremators (if this is technically possible) or with the installation of new cremators incorporating the abatement function.
13. In 2006, the Cremation Abatement of Mercury Emissions Organisation (CAMEO) was set up by the Federation of Burial and Cremation Authorities with a specific remit to share the best available independent knowledge on all aspects of abatement with the various cremation authorities. This enables the collection of statistical data on the number of cremation authorities who are abating in the UK and provides this information to DEFRA to demonstrate that the minimum 50% level of abatement is being met.
14. In addition, CAMEO was tasked with the administration of the UK-wide burden sharing scheme. In simple terms, this meant that from 1 January 2013, should an authority wish to join, a levy is charged on all unabated cremations, this is then distributed to all those facilities that have invested in compliant abatement equipment on a per cremation basis.
15. In April 2009, Darlington Borough Council started charging a £50 environmental surcharge on top of every adult cremation; this has now increased to £55. The intention being that this surcharge would be used to fund the levy or to contribute to the financing of any capital outlay required to abate the existing facility or provide a

new facility.

16. The Council have paid the following amounts into the CAMEO scheme since 2013.

<b>Year</b>	<b>£</b>
2013	40,668.60
2014	40,416.00
2015	45,084.00
2016	42,224.00
2017	43,407.00
2018	47,465.00
<b>Total</b>	<b>259,264.60</b>

17. **However, the real risk is now the failure of the existing cremators as they are approximately 25 years old and are effectively at the end of their lifespan. The manufacturer, L&P, no longer exists and there is a real risk of failure of one or more of the existing cremators. Ultimately without replacing the cremators within the next 12 to 24 months, would mean closure of the crematorium and therefore lost income to the Council of approximately £100,000 per month.**

#### **Other Crematoria in the Area**

18. There is no statutory responsibility for a local authority to provide a crematorium within its administrative boundaries. However, a number of local authorities within the region do and there are also private facilities. The nearest six are:

(a) **Durham**

Approximately 21 miles from Darlington, this crematorium was built in 1960 and replaced their cremators in 2012 to fully comply with the abatement requirements. This facility undertakes approximately 2400 cremations per annum.

(b) **Wear Valley (in Coundon)**

Approximately 13 miles from Darlington, this crematorium opened in April 2009 and is fully abated running one cremator. It is a privately-operated facility and averages 1000 cremations per annum.

(c) **Middlesbrough**

Approximately 19 miles from Darlington, this crematorium was built in 1961. They replaced their cremators in 2010 and it is fully compliant. The facility has one of the largest turnovers in the UK and undertakes approximately 3100 cremations per annum.

(d) **Hartlepool**

Approximately 25 miles from Darlington, this crematorium was built in 1954 and since September 2013 have fully installed mercury abatement equipment. This facility currently undertakes approximately 930 cremations per annum.

(e) **Kirkleatham**

Approximately 26 miles from Darlington, this crematorium began operation in January 2014 and is a privately-owned facility and is fully compliant. This facility currently undertakes approximately 1350 cremations per annum.

**(f) Stockton**

Construction is currently underway on a new facility in Stockton (approximately 15 miles from Darlington) that will have two chapels, a larger one and a second smaller chapel to cater for more intimate services, direct cremations and simple committal services. It is anticipated that it will undertake approximately 1500 cremations per year therefore a similar size to Darlington crematorium.

**Annual Cremations – Darlington Crematorium**

19. The number of cremations carried out over the past 12 years (April to March) at the Crematorium are as follows:

<b>Year</b>	<b>Number of Cremations</b>	<b>Percentage Increase/Decrease On Previous Year</b>
2008/09	1874	
2009/10	1721	- 8.0%
2010/11	1692	- 1.5%
2011/12	1659	- 2.0%
2012/13	1639	- 1.0%
2013/14	1594	- 2.5%
2014/15	1665	+ 4.0%
2015/16	1717	+ 3.0%
2016/17	1646	- 4.0%
2017/18	1703	+3.5%
2018/19	1658	-2.6%

20. Since 2008/09, the number of cremations has fallen by 216, although this does vary year on year.

21. The reduction in cremations coincides with the opening of the new crematorium in Coundon in April 2009. It is likely that historically people who have travelled to Darlington from the Wear Valley area will now use the facility at Coundon. As this new facility has been operating for nine years, it is reasonable to assume that the decline will now have bottomed out and cremations should continue at approximately 1650 to 1700 per annum. It remains to be seen what effect the opening of Stockton will have on Darlington's performance but inevitably it is likely that there will be some reduction, although it is anticipated that the biggest effect of such an opening will be on that of the crematorium at Middlesbrough. This makes it all the more imperative that the service at Darlington provides what mourners wish for and it is likely that any losses are mitigated to some degree by natural increases in overall population.

## The Current Situation

22. Darlington Borough Council have been working with Rose Project Management for a number of years now on possible options for the refurbishment/replacement of the existing facility.
23. A significant amount of work and studies have taken place since 2010 on potential options for Darlington Crematorium. The studies carried out include:
  - (a) A report into feasibility of installing new cremators and ancillary mercury dioxin abatement equipment at Darlington Crematorium (July 2010).
  - (b) An updated report on the feasibility of installing new cremators and ancillary mercury dioxin equipment at Darlington (September 2015).
  - (c) A report on possible site locations for a new-build crematorium to replace the existing facility at Carmel Road North (March 2016).
  - (d) A report outlining Funeral Directors' opinions on local crematoria (April 2016).
  - (e) An updated detailed report on the replacement of existing cremation equipment and installation of mercury abatement system (January 2018).
  - (f) A detailed report on the replacement of the existing cremation equipment, refurbishment of the crematory and construction of a new chapel (July 2018).
  - (g) Stakeholders (clergy, funeral directors, celebrants) Workshop and Research, providing the opportunity to discuss key requirements and options for the future (March 2019).
24. The current location and logistic of the Crematorium within West Cemetery is extremely challenging and while the facility has served the public of Darlington well over the years, it is appropriate to look at what options there are to improve and modernise the cremation service within Darlington.
25. The building has been adapted over the years and is actually three buildings, which are all at different levels and different roof heights. There are a number of challenges and limitations with the site such as:
  - (a) Access – currently served by a narrow road, which cannot be realistically widened due to proximity of graves either side of it;
  - (b) Parking – the existing limited car park is approximately 100m from the crematorium building meaning there is no safe segregation between the public and vehicles sharing the same narrow access road. The distance to travel from the car park to the crematorium puts people with mobility issues at a clear disadvantage;
  - (c) Options to extend – the existing building where it could be realistically extended is surrounded by graves. The process to move these is long and will require extensive consultations over a prolonged period of time. Such an option will also require permission of both the families affected and the Church of England (as

this is consecrated ground), which is not guaranteed;

- (d) Effect of refurbishment works – Any significant refurbishment works on the existing site will create a considerable amount of disruption and inconvenience to the crematorium service. This impact should not be underestimated. There will also be disruption to the cemetery and burials.

26. If the above challenges could be overcome satisfactorily, this still does not address the inherent shortcomings of the existing building.

- (a) The current chapel holds 65 mourners seated. A typical number in other similar crematoria elsewhere is usually in excess of 100-120 seated, with further provision for standing mourners.
- (b) The building is on three different levels. Whilst there is a lift, this can only take one person at a time.
- (c) Steps up to the catafalque are a potential trip hazard to the funeral directors bearing the coffin. New guidance, especially related to the increased size of coffins also make delivery of the coffin using a specialist bier especially hazardous.
- (d) There is no specific disabled parking anyway – especially adjacent to the main building.
- (e) The proximity of the existing waiting room and canopy to the chapel causes problems with noise; people can hear chatting during services.
- (f) The height of the entrance door is restrictive, causing an obstruction to flowers resting on the top of a coffin.
- (g) There is no receiving area for the hearse (known as a porte cochere) and the main mourners to drive under and access without getting wet in inclement weather. Such a facility (if present) would also provide additional shelter to mourners in the event of very well attended services where the numbers present will not all fit into the chapel.
- (h) The service yard and storage area are very limited and working machinery is on display to mourners all day.
- (i) There is no safe, secure or appropriate storage area for coffins to be held over.
- (j) Conveyor belt process; mourners arriving seeing those leaving through the same entry and exits from the cemetery. Previous industry research lists this as one of the main dislikes mourners complain about a crematorium layout.
- (k) The current location of the crematorium on the main driveway restricts other cemetery users when the cortege arrives and unloads, including those visiting nearby graves and memorials.
- (l) The Waiting Room is too small.

## Chapel Capacity

27. The Chapel at the Crematorium has a capacity of 65 people with an extended standing area for mourners located in the adjacent annex. This additional area has an obscured view of the Chapel through oblique glassed partitions with a capacity for an additional 30-40 people maximum. As part of the work and studies carried out to date, two separately recorded periods of services held at different times of the year, between 24 July and 4 August 2017 and between 11 September and 29 September 2017, were undertaken to record the number of mourners present.
28. Between 24 July and 4 August 2017, 51 cremation services were held, of which 40% utilised the annex for the service. For the period 11 September to 29 September 2017, a three-week period, 94 cremations were held of which 36% utilised the overflow area for the service. This evidence would suggest that for approximately a third of services held at Darlington Crematorium the annex has to be utilised to accommodate the mourners. Over this period congregation numbers were in excess of 90 to 100 people.

## Options for the Future

29. As a result of the work carried out to date there are three options to consider:
  - (a) Option 1 – New build, new site
  - (b) Option 2 – Replace the existing three cremators in the Crematory with two new “bariatric” cremators plus a mercury abatement system, alongside limited improvements to the Chapel. NB: The NHS lists “bariatric” as meaning any person over 25 stones (159kg) in weight.
  - (c) Option 3 – To build a new Chapel within the West Cemetery located on land identified currently for cemetery extension, replace the three cremators in the Crematory with two new energy efficient bariatric cremators plus a mercury abatement system, and refurbish the Chapel and associated areas to provide new Book of Remembrance Room, office accommodation for staff as well as welfare facilities for cemetery staff. Such a move would also place the existing DBC Bereavement Services staff close to the point of delivery.
30. The following considers each option in more detail.

### Option 1 – New build, new site

31. When considering building the Crematorium on a new site there are many requirements to take into consideration, including accessibility, location, highways, wildlife, utilities and size of the site, however the main limitation being the location as determined by the Cremations Act 1902 as per the extract below.

*“No crematorium shall be constructed nearer to any dwelling house than 200 yards, except with consent in writing of the owner, lessee and occupier of such house, not within 50 yards of any public highway, nor in the consecrated part of a burial ground.”*

32. This criteria rules out building a new crematorium within West Cemetery as at least 25 houses plus a local care home fall within the 200 yards limit, however if refurbishing/replacing existing equipment in the existing crematory then the above

does not apply, as the construction of the crematorium proceeded that of the surrounding houses..

33. Several sites were considered in consultation with colleagues across the Council with a short list of eight sites deemed to be worthy of further investigation. All of the sites have their challenges and potential for other uses, which would rule out building a crematorium on those sites. In addition, for some there would be land acquisition costs or lost opportunity costs of land in DBC ownership, alongside this an estimated cost for a new crematorium is approximately £6.5million. For these reasons, whilst a new crematorium on a new site would provide the best solution, it is neither feasible nor financially viable. A new site should also be ideally set in 10-15 acres (4-6 hectares) of surrounding land to ensure a peaceful and dignified environment, which is still easily accessible.
34. The sites considered were:
- (a) Banks Road (site to the rear of both the housing estate and busy industrial estate)
  - (b) Cummins (site located to the rear of Cummins Manufacturing facility)
  - (c) Low Brankin Moor (site located between A66 and main train line running from Darlington to Middlesbrough)
  - (d) Morton Grange Farmland (site lies between A66 and A67)
  - (e) Morton Palms Business Park (site located to the east of Morton Palms Business Park adjacent to the A66)
  - (f) Muscar House Farmland (site located in Brampton on the north-western outskirts of Darlington)
  - (g) Salters Lane South (location to the rear of the site)
  - (h) West of Aeolian House (site that lies between the A66 and A67).

**Option 2 - Replace the existing three cremators in the Crematory with two new bariatric cremators plus a mercury abatement system, alongside limited improvements to the Chapel**

35. Due to the location of the Crematorium in the centre of West Cemetery and the fact the building is surrounded on nearly every side by graves close against the walls, there is very little room for any extension to the building with the exception of the grassed area to the front and paved at the rear. The focus of any redevelopment is therefore mainly limited to the redesign of the inner spaces to provide an improved operational environment for staff and to potentially increase the capacity of the Chapel.
36. With any refurbishment or redevelopment project of an existing building, compromise on what is achievable or possible will always form part of the design process. With a site as restricted as this, compromise is likely to form an even larger part of the design with the end result often not providing the full package expected by the local community nor providing a solution fully compatible with future requirements.



37. The following are proposals but would require further work to ensure that they are deliverable prior to proceeding. The potential options would be:

### **Crematory Development**

- (a) Demolish the external toilets at the back of the crematorium and incorporate this space into the main building;
- (b) A new larger service yard could be incorporated allowing for the storage of materials associated with the new cremation equipment;
- (c) A new staff welfare facility incorporating a small kitchen area/locker area/WC could be created by combining the existing vestry toilet and store cupboard;
- (d) A new vestry room could be created in the existing waiting room next to the Chapel entrance;

### **Crematory Development Cremation Equipment**

This would involve:

- (a) Replacing three cremators with two bariatric new cremator units;
- (b) Installation of appropriate abatement system as well as future proofing the installation as far as possible with regard to emissions;
- (c) Installation of an external air-blast cooler – an integral part of the abatement equipment;
- (d) Installation of all other appropriate equipment associated with the new cremators.

### **Chapel Development**

The development/refurbishment of the Chapel is limited by the size and orientation of the existing building. There are a number of potential options for the extension of the Chapel, which to varying degrees require demolition and potential exhumation and reburial of up to 85 graves around the perimeter of the Chapel. Whilst this may well be possible, there would be significant risks, potential opposition, and there are no guarantees that 100% of the families concerned would give their consent to graves being repositioned. Some of the potential options would include:

- (a) To make no alterations to the Chapel, simply refurbish and redecorate, not increasing the capacity.
- (b) Demolish two small rooms at the rear of the Chapel, which would potentially increase capacity by ten.
- (c) Relocation of the existing Book of Remembrance Room to the new cemetery extension and expansion of the Chapel into this space. This would require further structural and construction work due to different floor levels, ceiling heights and potential viewing restrictions, however could potentially increase from the existing 65 to 85 persons seated;

- (d) Expansion of the Chapel into the annex area at the side of the Chapel is possible, however there would be restricted viewing as currently exists.

Therefore, no matter which of the above options or variants of the above was pursued, the maximum capacity would only be increased between 20 and 25, therefore still falling short of what would be expected from a modern-day chapel.

In addition to the above, it would also be possible to

- (a) Create a new larger waiting room incorporating toilets with a capacity of around 50 people on the grassed area to the front of Crematorium providing a more suitable area for people to wait in inclement weather; or
- (b) The incorporation of a fully covered canopy area from the Chapel entrance to the roadside could also be provided, giving an area of shelter and cover for the transfer of the coffin from the hearse to the Chapel, although the scope for this would be restricted to ensure that others using the cemetery could still gain access simultaneously;
- (c) Removing and raising the canopy and subsequent door header into the main Chapel may also help alleviate some of the current issues by bearers trying to negotiate the existing entrance with a coffin and flowers on their shoulders. Although this too is likely to be highly disruptive and relatively costly for only a marginal gain.

### **Car Parking Traffic Flow**

It would also be possible to improve the car parking and traffic flow within Option 2 by building a new car park on the cemetery extension land and providing a one-way system through the cemetery and exiting via Pondfield Close. However, it would not be possible to make any improvements to the existing disabled parking arrangements, so those visitors with mobility issues would still need to walk over 100m to get to the crematorium – including in adverse weather.

### **Risks**

Every project carries risks, however the refurbishment of an operating crematorium within a working cemetery presents a set of unique risks that need to be carefully managed and understood including:

- (a) Compromise over design features which can be supported by the existing building resulting in the building not necessarily meeting future needs or provide the facilities expected in a modern crematorium;
- (b) Chapel capacity would not substantially increase resulting in services being accommodated in overspill areas every week;
- (c) Car parking would remain unaltered with no alleviation of the current vehicle congestion;
- (d) The General Public are unlikely to see value for money as congregation sizes will continue to regularly overwhelm the Chapel and public areas are compromised

in terms of space, design and safety.

- (e) No space for future development of the building to accommodate any other features;
- (f) Prolonged disruption to the public for the provision of the works and continuation of service;
- (g) Impact on revenue whilst crematorium is operating on partial capacity and/or during shutdown. Historically any losses may take time to, or never, return to the crematorium in question, particularly with the forthcoming opening of Stockton crematorium relatively close by;
- (h) Continuing risk to the operation of the aging cremators whilst the project progresses.

### **Timescale**

There are potentially two approaches to deliver Option 2, either a phased approach which maintains some continuity of service throughout the period or full closure potentially allowing work to be carried out in a shorter period of time.

### **Phased Approach**

If the work was carried out in a phased way it would be possible to operate a cremation service throughout the period albeit at a reduced level at points during the work programme. By phasing the work, carrying out noisy elements at weekends and evenings away from service times and operating with reduced capacity, it is estimated that the project would take up to 18 months. Throughout this period there is an estimated loss of income of approximately £750,000. There is however a further cost of extending the timescale in relation to VAT and the Councils partial exemption position. If the works are not completed within one financial year there would be an additional £0.500m cost to the project. The VAT implications are discussed further in the VAT section below.

The advantages of carrying out the work in this way:

- (a) Continuation of service provision to the public;
- (b) Continuation of revenue during works albeit reduced at times;
- (c) Protection of business against competitors and future losses.

The disadvantages of the phased approach would be:

- (a) Disruption to the public in terms of reduced service;
- (b) Noise/visual impact of a building site;
- (c) The Crematorium will be operational on one cremator for a period of approximately three to four months;

- (d) Disruption to the public of moving service to temporary second Chapel within the cemetery;
- (e) Logistically more difficult to manage and phase;
- (f) Longer delivery period for the works;
- (g) Potential for reputational damage to the authority for distress caused during a sensitive time;
- (h) Possible permanent business/revenue lost due to disruption.

### **Full Closure**

Whilst all the existing challenges remain to refurbish the existing building, a full closure would significantly reduce the timescale for the work to be carried out down to approximately nine months. The income lost would be greater at an estimated £846,000, however the additional VAT as noted above of £0.500m would unlikely to be required as the works could be completed within one financial year

The advantages of this approach are:

- (a) Contractor control for quicker works and faster delivery;
- (b) Less restrictions on noisy works;
- (c) Multiple areas of the building can be worked on at the same time;
- (d) Organisationally easier to manage;
- (e) No potential for disruption during a service.

The disadvantages of this approach are:

- (a) Revenue loss for the eight to nine months required to complete the works;
- (b) There is a potential for future business to be lost to competitors;
- (c) Disruption to the public in having no local cremation service provided by DBC, during the construction phase;
- (d) Disruption to visitors to the cemetery.

### **Estimated Cost**

The indicative cost for Option 2 provided by Rose Project Management based on the assumption that there are no particular difficulties identified to deliver the project from the survey work, then the estimated cost is approximately £2million. On top of this there would be the lost income during the closure to take into account of between £750,000 and £846,000. Therefore, the total estimated cost of Option 2 is between £2.7million and £2.9million.

Whilst the build and loss of income costs of the phased approach are lower, given the

VAT implications of works spanning two financial years least risky, quickest and cheapest option would be the preferred one, which would be full closure during the works.

If the new car park and through road were included as part of this option, then there would be an additional cost of approximately £500,000.

**Option 3 – To build a new Chapel within West Cemetery located on land identified for cemetery extension. Replace the three cremators in the Crematory with two new bariatric cremators plus a mercury abatement system as well as future proofing the installation as far as possible with regard to emissions, and refurbish the Chapel and associated areas to provide new Book of Remembrance Room, office accommodation for cemetery staff as well as welfare facilities**

32. This would be a split site with the Chapel and Crematory in separate buildings with the Chapel located on the land identified for the cemetery extension and crematory refurbished in the existing building. The new Chapel would be built for 120 to 150 mourners with associated parking, Book of Remembrance Room and memorial garden with appropriate landscaping.
33. The intention would also be to create a through-road through the cemetery extension to Pondfield Close then exiting onto Salutation Road. This would enable a one-way system to be introduced minimising the issues currently caused by parking and traffic flow through the cemetery.
34. The existing crematorium building including replacement of the cremation equipment within current crematory as described in Option 2 alongside conversion of the Chapel area into the main bereavement services office as well as improved welfare and staff facilities. Within this area is planned to be a small family room, which provides a meeting area for families to discuss any issues with staff and which could also be used as a witnessing area for the faiths in which this is a requirement or indeed for any families that wish to do this.
35. Effectively the building will be divided into two halves, one side for public facing and other operational uses, the other half for the crematory with appropriate service yard to the rear of the building to receive coffins arriving from the Chapel located within the cemetery extension.
36. The provision of a split site crematorium where the chapel and crematory are separate is currently fairly unusual in the UK with only one other site just outside Poole in Dorset, which currently operates a similar split site arrangement. What this means is the service would take place in the Chapel, which would be located on the land within West Cemetery identified for extending the burial ground and the actual cremation taking place in the existing building, which is 165 metres away. The coffin would have to be transported from the Chapel to the crematory following the service.
37. Coffins would be transferred from the Chapel to the crematory throughout the day in an appropriate electric vehicle, suitable for this purpose. There would be a separately designated route from the rear of the Chapel through the cemetery away from the main through road to the rear of the crematory.
38. In discussions with the Federation of Burial and Cremation Authority (FBCA), they have confirmed that a split site complies with the FBCAs Code of Practice and there is

no impediment to building a split site.

### **Risks**

- (a) The public are unhappy with a split site which therefore results in some adverse reaction;
- (b) Would be limited space for future development of both buildings as eventually the Chapel would also be surrounded by burial space, albeit in a more controlled way than was the case historically;
- (c) Some disruption to the public during the works within the cemetery;
- (d) The impact on revenue whilst the crematorium is operating on partial capacity;
- (e) Continuing operation of aging cremators whilst the project progresses.

### **Timescales**

Again there are two approaches for delivering Option 3. The first one would be to construct the new Chapel while continuing services and cremations within the existing building. Once the new Chapel is complete, services could transfer to the new Chapel and then work would start at the existing facility to replace the cremators, install abatement equipment, refurbish the crematory and reconfigure the Chapel as described earlier. This approach would take up to 20 months and allow continued cremations albeit at times on a reduced capacity to continue throughout the period. The estimated lost income throughout the 20 months would be approximately £328,000. However as in Option 2 there are VAT implications of the works spanning two financial years with an estimated additional cost of £0.500m.

Alternatively, work could commence to build the new Chapel at the same time as replacing the cremators, refurbishing the crematory and reconfiguring the Chapel. To enable this approach to be taken, all services would either have to be conducted in other churches/chapels/buildings across the Borough or utilise the old restricted Chapel within the cemetery for a limited time. The main difference between the two approaches would be the significant potential reduction in the construction time from 20 months to between ten to 12 months. The lost income of this approach would be the same at an estimated £328,000.

### **Note:**

In both options there will be a period of time where cremations will not take place within Darlington. This will be kept to a minimum by phasing the replacement of the cremators. During the time when it is not possible to carry out cremations within Darlington, as mentioned earlier in this report, there are other crematoria in the area that Funeral Directors will discuss the options with residents.

### **Estimated Cost**

Further work has been carried out on looking at the design and potential costs of a new Chapel up to RIBA Stage 2 level (i.e. Concept Design), however the same issues apply to the replacement/refurbishment of the existing building based on the assumption that there are no particular difficulties identified to deliver the project. Should this be the case, the overall estimated cost for Option 3 is approximately

£4.5million and again on top of this there would be the lost income during the period of £328,000 resulting in a total cost of £4.8million

Should Option 3 be chosen as the preferred option then the alternative approach to the delivery, of building a new chapel and refurbishing the existing crematory at the same time, would be the preferred delivery option.

### Refurbishment Analysis

39. Below is a table comparing the various options against what would be expected from a modern crematorium.

Facilities	Existing Building/ Service	Option 1 New Build	Option 2 Refurbishment only	Option 3 New Chapel and refurbishment
Car Park with 45-60 spaces	X	✓	X	✓
Porte Cochere	X	✓	X	✓
Service Yard	X	✓	✓ (limited)	✓
Leave Entrance	✓	✓	✓	✓
Waiting Room to hold 30-40 people	X	✓	✓ (limited)	✓
External WC	✓	✓	✓	✓
Internal WC	✓	✓	✓	✓
Funeral Directors Room	X	✓	X	✓
Vestry	✓	✓	✓	✓
Janitors Store	✓	✓	✓	✓
Chapel that holds 90-120 people	X	✓	X	✓
Flower tribute area	✓	✓	✓	✓
Music room that incorporates electronic music system	✓	✓	✓	✓
Transfer Room	✓	✓	✓	✓
Coffin Cold Store	X	✓	X	✓
Crematory	✓	✓	✓	✓
Technical/Control Office	X	✓	✓	✓
Plant Room	X	✓	X	✓
Ash Processing Room	X	✓	✓	✓
Ash Store	✓	✓	✓	✓
Gas inlet	✓	✓	✓	✓
Electrical Cupboard	X	✓	X	✓
Viewing Room	X	✓	X	✓
Staff Room	✓	✓	✓	✓
Staff Locker Room	X	✓	✓	✓
Staff WC	✓	✓	✓	✓

40. From the above analysis it is clear that Option 2 fails to deliver most of the aspects of what would be expected from a modern crematorium. Option 3, providing a new Chapel and refurbishing the existing building as discussed earlier, will provide the facilities that are expected from a modern crematorium. In addition, one of the key challenges of the existing cemetery of traffic congestion can be resolved by providing a one-way through road exiting onto Salutation Road as well as adequate parking adjacent to the new Chapel.
41. However, there will be additional costs associated with providing two buildings and having to transport coffins from the Chapel to the crematory, albeit within the existing cemetery. A further disadvantage of Option 3 is that the Chapel will be built on land identified to extend the West Cemetery burial space. Assuming the whole site can be used for burials, which potentially practically won't be the case then there are 4500 plots available. Constructing the Chapel on part of this area will reduce this by 1800 plots leaving a total of 2700 plots, based on current purchase rates of 70 per annum. Once moving into the extension for burials, which will be approximately four to five years' time, means at the current rate West Cemetery will be full by 2061.

### **Government Review of Crematorium Provision and Facilities**

42. In the July 2015 budget, the then Chancellor introduced a review of the size and provision of crematoria facilities to make sure that they were fit for purpose and sensitive to the needs of all users and faiths. The Government sought advice from key faith groups, the Local Government Association and the industry during the autumn of 2015 and then held a number of round table discussions/events.
43. Views were sought on the following themes:
  - (a) Crematoria provision in England, including proximity to the nearest crematoria and demand for new facilities
  - (b) Size and capacity of crematoria, including ability to accommodate large groups or mourners and the availability of service times
  - (c) Crematoria facilities including:
    - (i) Accommodation and amenities to meet particular cultural or religious traditions
    - (ii) Iconography to meet the needs of faith of other community groups
    - (iii) Car parking to accommodate larger groups of mourners
  - (d) Staff training which pays sufficient regard to the cultural sensitivities of different faiths and other community groups.
44. Overall the best opportunity for Darlington to meet the outcome of the review with regard to the size and capacity of the crematoria, crematoria facilities including accommodation and amenities, iconography and car parking are via Options 1 and 3. Option 2 would only give limited ability to modernise the existing building, meeting the outcome of the review.



## Consultation with Local Religious Leaders and Funeral Directors

45. Consultation has also taken place with local religious leaders and funeral directors with regard to the options for replacement/refurbishment of the Crematorium. A workshop was held on 1 March 2019 for which 49 invites were sent out and 9 individuals attended from a number of funeral directors and religious leaders/celebrants. The workshop was held to discuss Options 2 and 3, appropriate concerns and potential solutions.
46. Overall the construction of a separate second Chapel did not seem to generate significant adverse reaction from the workshop attendees, although it was noted that the transportation of coffins from the new Chapel to the existing Crematorium would need to be explained to the families (and their permission sought to do so) and that whatever method was employed would need to be discreet, appropriate, respectful and dignified. The only stated misgiving regarding the method was from one of the ministers, although this was accepted as being slight.
47. The option of increasing services from 30 to 45 minutes was universally supported as this would ease traffic congestion on car parking, traffic to and from the site in general, and improve the experience for mourners making them feel less like they were on a conveyor belt. Doing so would also reflect a general move in the industry to lengthen time between funeral services.
48. Similarly having a one-way traffic system through the cemetery was liked for similar reasons, although it was generally felt that it would be inappropriate to have the hearse and funeral cortege pass by the care home situated in Pondfield Close.
49. Existing traffic via Pondfield Close would also need to be carefully managed to ensure that residents and emergency services would not be unduly affected. Traffic at particular times, notably at the end of the school day, may result in service times being limited during those periods.
50. Having a traffic controlled and separate route of exit for funeral directors was also considered to be good and appropriate if a one-way system was adopted possibly back via the existing main entrance.
51. As there was limited attendance to the workshop, albeit with a reasonable cross section, across most of the stakeholder groups regularly using the crematorium, a follow-up letter and questionnaire were sent to 26 funeral directors who use the crematorium and 32 celebrants and faith leaders covering Protestants, Catholics, Hindus, Buddhists and Humanists.
52. Nine responses were received (16% return). The great majority were in favour of Option 3, the least favourite option was Option 2. The key issues highlighted from those responding were:
  - (a) No particular comment was made about transporting coffin in Option 3 from the chapel to the crematory.
  - (b) All were in favour of a bigger chapel with several expressing a desire for having a second smaller chapel if possible.

- (c) All were in favour of a larger car park.
- (d) All were in favour of better level access for pedestrians and those with mobility issues.
- (e) Several commented on having longer service times, which they said would also help to alleviate congestion.
- (f) All commented on the difficulties of traffic on site and the frequency of bottle necks. Some suggested installing a one-way system around the existing cemetery grounds to alleviate congestion. Some suggested using Pondfield Close as an exit or entrance although others were concerned about this option due to location to the nearby care home.

53. From both the workshop and further follow up, no major objections have been raised to Option 3, which would be the preferred option if building a new crematorium on a new site was not possible or affordable.

### **Place Scrutiny**

54. Place Scrutiny considered the report on the Crematorium, presenting the three options on Thursday 12 September 2019. Members of the committee resolved that:

- (a) The report be received.
- (b) Cabinet be advised that Place Scrutiny Committee identified Option 3 to be the preferred option.
- (c) The views of Place Scrutiny Committee be taken into consideration by Cabinet when considering the Darlington Crematorium refurbishment at its meeting on 8 October 2019.

### **Financial Implications**

55. Funding to support the cost of refurbishment will come from the environmental surcharge as well as additional fees that were introduced from 2016/17. At the end of 2018/19 the total fund is £0.940m and is expected to increase to £1.185m by the end of 2019/20.

56. Furthermore the Council received a VAT rebate £1.4m this financial year in relation our cultural exemption. £0.550m of this has already been committed with the remainder to be returned to balances. This can therefore be utilised to partially offset the VAT implications of this scheme whichever option is chosen.

57. The ongoing borrowing cost of the capital works will be offset by the continued application of both the environmental surcharge and the additional fees.

58. If Option 2 is chosen there is estimated to be an annual surplus of £178,000 which would assist the MTFP.

59. If Option 3 is chosen, then there will potentially be a small annual surplus on the fund after borrowing. This can be utilised to support the increased running costs associated with 2 buildings and expansion of the planned maintenance fund for the cremators.

## VAT

60. As a local authority the Council is able to reclaim all of its input VAT arising from exempt activities as long as the total exempt input VAT is less than 5% of the council's total input VAT.
61. If the Council exceeds this 5% limit in any given year it must repay HMRC all of its input VAT arising from exempt activities for the year of breach.
62. As the crematorium is predominately an exempt activity if we carry out work on any options offered then the council will exceed this 5% limit.
63. If the work is completed within one financial year (April to March) then the cost to the council will be approximately £1M (option 2) or £1.5M (option 3), however if the work is split across two financial years the cost would increase by a minimum of £0.5M for either option.
64. If the Council carries out any other capital works associated with other exempt activities, e.g. Dolphin Centre, in the same year as the Crematorium works then the exempt VAT linked to the work will also need to be repaid to HMRC.
65. The cost to the Council is on top of the values already given as part of the estimated costs for each option and has been factored into the table below. It is therefore imperative that any works are contained within one financial year to minimise the cost and VAT risk.

## Operational Financial Implications

66. The table below shows the difference between Option 2 and Option 3 based on a comparison against the existing budget, including capital spend and VAT implications.

Category	Budget 19/20	Option 2 Refurbishment Only	Option 3 New Chapel & Refurbishment
Timescale		9 months	12 months
<b>Capital cost of scheme</b>			
Capital cost		2,000,000	4,500,000
New car park & through road (option 2)		500,000	included above
<b>Total capital cost of scheme</b>		<b>2,500,000</b>	<b>4,500,000</b>
<b>Funding of the impact to MTFP in year of works</b>			
Loss of Income for duration of works		846,000	328,000
VAT Repayment to HMRC**		1,000,000	1,500,000
Contribution from Crematorium Reserve		-1,185,000	-1,185,000
Contribution from VAT rebate		-661,000	-643,000
<b>Net Cost to MTFP in year of works</b>		<b>0</b>	<b>0</b>

\*\*As a consequence of carrying out the refurbishment the Council will exceed it's 5% de minimis level for partial exemption and will be required to repay HMRC all input VAT associated with exempt activities.

These figures assume work will be completed within a single tax year (April to March).  
If project is falls across 2 tax year this would increase the repayment for option 1 to £1.5M & for option 2 to £2M.

Category	Budget 19/20	Option 2 Refurbishment Only	Option 3 New Chapel & Refurbishment
<b>Impact on general fund (following completion)</b>			
Staffing	116,000	116,000	116,000
R&M	14,000	14,000	24,000
Utilities	61,800	38,000	68,900
Cleaning	6,600	6,600	13,200
Other Premises Costs	39,800	39,800	39,800
Planned Maintenance	27,900	77,900	77,900
Transport	700	700	9,000
Supplies & Services	118,900	118,900	118,900
Borrowing	0	88,000	197,000
<b>Total Cost</b>	<b>385,700</b>	<b>499,900</b>	<b>664,700</b>
<b>Income</b>	<b>-1,180,000</b>	<b>-1,473,000</b>	<b>-1,473,000</b>
<b>Net Cost/(Surplus)</b>	<b>-794,300</b>	<b>-973,100</b>	<b>-808,300</b>
<b>Additional Cost/(Saving)</b>		<b>-178,800</b>	<b>-14,000</b>

67. When comparing Option 2 against Option 3 with regard to overall facilities against cost, clearly Option 3 provides the opportunity to enhance the existing service and facilities, improving the overall experience for mourners and those attending the cemetery. It provides a far greater opportunity to futureproof the service within the required timescale and financial envelope. However, Option 2 is still functional, albeit not meeting the expectations of a modern cremation service but would contribute an additional £178,000 per annum to the MTFP. In addition to the funding for the Crematorium, there is also a £400,000 allocation in the capital programme for laying out West Cemetery extension.

### Equalities Advice

68. Detailed consultation has been carried out as further detailed above and a high-level Equalities Impact Assessment has not identified additional equalities issues.

### Legal and Property

69. The Council has wide powers under the Localism Act 2011 which include the delivery of a non-statutory service for local wellbeing purposes and the levying of charges to the public to recover costs.

70. The carrying out of the works will be subject to satisfactory planning and listed building approvals (in the case of Option 2 or 3 as the West Cemetery is a Grade II listed site) and to conditions attaching to those permissions.

71. Due diligence carried out on the title and property matters has not revealed any matters which would affect either Option 2 or 3 as proposed in this report.

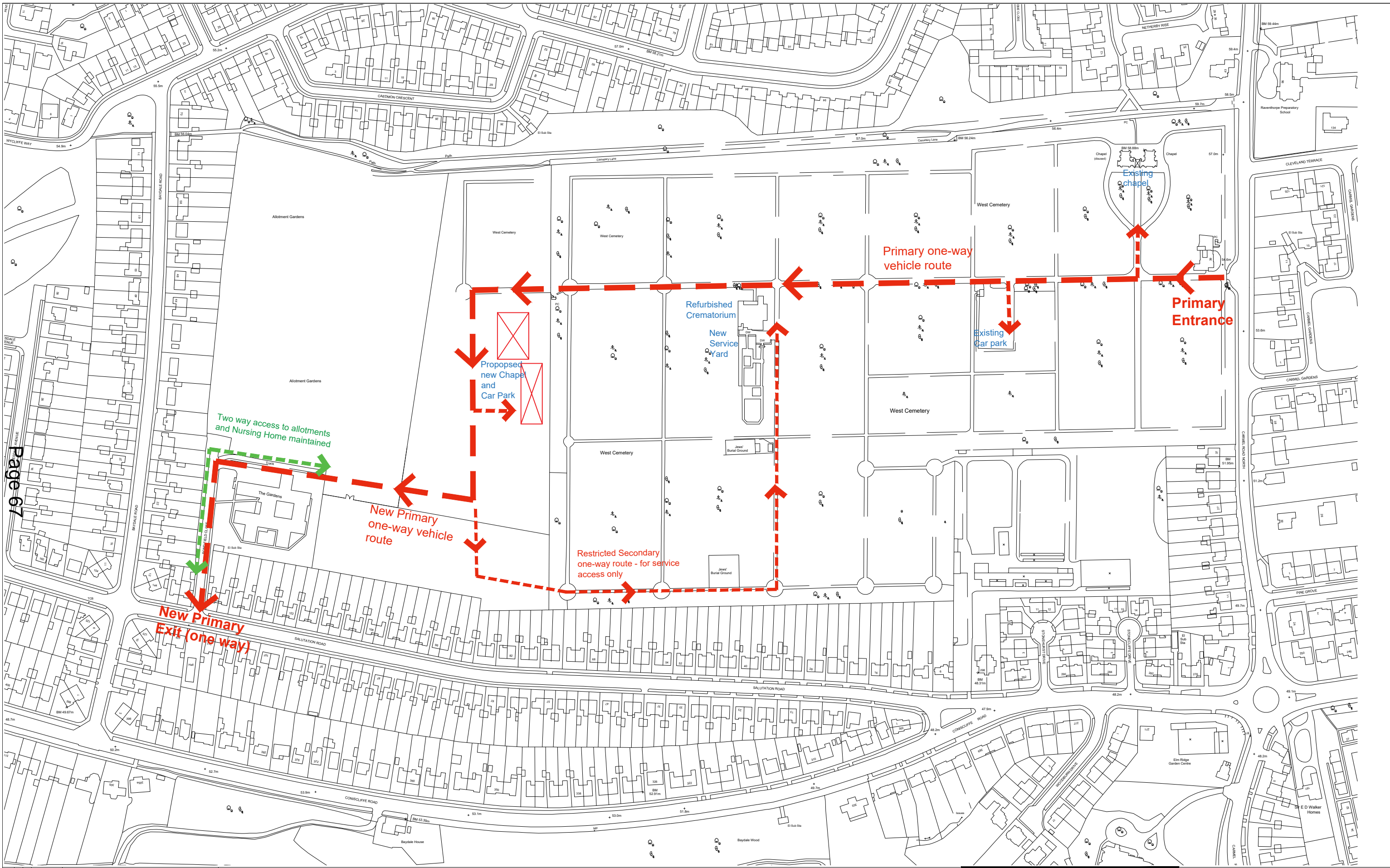
## **Procurement**

72. It is proposed that a traditional procurement route will be followed. The design will be delivered by an Architect to be procured from an OJEU compliant framework and the building works associated with the new Chapel and reconfiguration of the existing Crematorium will be carried out in-house through Building Services. The procurement of the specialist equipment will be via OJEU compliant process based on the Architects design (and specialist advice). In all cases the design contracts must be on suitable terms relating to the standard of care and liability for design. Warranties will be sought as appropriate.
73. Contractual commitments will be entered into subject to planning with initial design work to support planning being carried out in the first stage.
74. The procurement has been assessed by the Corporate Procurement team to be a Strategic Contract based on value, complexity and risk and Cabinet is asked to approve the designation of the contract as strategic and note that the award decision be delegated to Procurement Board and that the outcome be reported back to Cabinet in the Annual Procurement Plan.

## **Conclusion**

75. A significant amount of work has been undertaken in the last few years with regard to the most suitable option for the upgrade replacement of the existing crematory and Chapel within West Cemetery. The three key options that have been explored are: New Build – New Site, Refurbishment of the Crematory and Replacement of the Cremators with the addition of suitable abatement equipment and limited refurbishment of the Chapel, with a third option being New Chapel provided within West Cemetery extension land, refurbishment of the Crematory, replacement of the cremators and abatement equipment as well as converting existing chapel into the cemetery offices, staff and welfare facilities.
76. The most desirable option would be to build a modern, new crematorium on a suitable site, however to date an appropriate location has not been found and the cost of a new build of approximately £6.5million with associated land costs on top of this, is not financially deliverable. Therefore, when considering the other two options, Option 3 delivers the requirements of a modern crematorium, however there are compromises; a split site and loss of burial space within West Cemetery.
77. Taking into account the information presented in this report the proposed option is Option 3. In order to complete the work in the shortest timescale to minimise impact on the service and the West Cemetery, and to avoid additional VAT charges it is proposed to carry out the work to the existing building and new chapel at the same time. Work would commence on site in April 2020 and be completed by March 2021.

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Rev	C	R	Date	AMENDMENT



# 191008 CABINET APPENDIX 1

**NAPPER**

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Project : West Cemetery, Darlington		Job Number : 181020	
Client : Darlington Borough Council		Scale : 1:2500 at A3	
Drawing : Proposed New Access & Vehicle Flow		Date : April 2018	
Drawing No : AL (0) 10		Rev : 1	

Notes: OS Licence No: 10006354 All dimensions to be checked on site. DO NOT SCALE FROM DRAWING. Discrepancies ambiguities and/or omissions between this drawing and information given elsewhere must be reported immediately to the architect before proceeding. THIS DRAWING IS COPYRIGHT.

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**CABINET  
8 OCTOBER 2019**

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## **TOWN CENTRE CAR PARKING**

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**Responsible Cabinet Members –  
Councillor Paul Howell, Leisure and Local Environment Portfolio  
Councillor Alan Marshall, Economy and Regeneration Portfolio**

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

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### **SUMMARY REPORT**

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

1. To consider car parking initiatives in the town centre to support the town centre economy.

#### **Summary**

2. An initial review of town centre parking and charges has been undertaken to consider options to further support town centre trading.
3. In June 2018 the Council introduced a low cost long stay parking offer in East Street Car Park in the town centre and a free two-hour parking offer in numerous car parks to support the town centre. The first year of this offer was subject to review following an initial year of operation and was funded through a one-off financial contribution. It is proposed to retain this parking offer (subject to paragraph 5 below) with additional promotion by businesses and the Council to further stimulate town centre trading.
4. To provide further free parking and encourage greater use of the town centre a Free on Sunday initiative is proposed from 1 November 2019 to send a simple message that can be promoted by both the Council and Business. The offer will apply in all Council operated pay and display car parks, Feethams multi-storey car park and all on-street pay and display parking bays. This initiative will support trading and town centre use on the approach to Christmas and extend beyond Christmas. This offer will replace the offers that have been previously run on the approach to Christmas.
5. It is intended that both these offers run until 1 May 2020, with a review of their impact during the offer period. More initiatives to encourage town centre activity are being developed as part of the Town Centre Strategy and Future High Streets Fund and these will be brought forward as they are developed.

6. The review identified that the Imperial Quarter and Duke Street areas of the town centre are some of the busiest parking areas. The Council proposes to develop plans that can be consulted on to increase the amount of parking spaces available in these areas. This will be developed and built into the Council's Local Transport Plan programme. In developing the options for the Duke Street area, the Council will also look to investigate other known issues in terms of road safety and the general environment as a potential holistic scheme for area.
7. The Council has been investing in the refurbishment of car parks across the town and Abbots Yard Car Park will be refurbished next year. The Council will consider the pedestrian approaches to the car park to try and improve the arrival into the town centre, the spaces available and layout of spaces to make it more user-friendly car park. This will be developed and built into the Council's Local Transport Plan work programme.
8. The Council will work with business to promote the range of offers in the town centre to encourage support for the town centre.
9. The potential cost of the offer is £205,000 but this depends on usage and other factors. The cost will be funded by the Town Centre Futures Fund and the financial position will be kept under review.

## **Recommendations**

10. It is recommended that:
  - (a) a Free on Sunday initiative is introduced from 1 November 2019 in all Council operated pay and display car parks, Feethams Multi-storey car park and on-street pay and display parking bays. The initiative will run until 1 May 2020 with a review taking place ahead of the end date as referred to in (c) below.
  - (b) the parking offer introduced in June 2018 be continued to cover the same period as the Free on Sunday offer as referred to in (a) above; The offer being:
    - (i) two hours free car parking in specific car parks located outside of the ring road,
    - (ii) East Street car park having an offer of all day parking for £2.00.
  - (c) both the Free on Sunday initiative and the parking offers introduced in June 2018 are reviewed ahead of May 2020:
    - (i) determine their impact.
    - (ii) consider them in conjunction with the emerging Town Centre Strategy as it is developed.
    - (iii) have regard for the Council's overall financial position.
  - (d) Plans are developed that can be consulted on to increase the amount of parking spaces available in Duke Street and the Imperial Quarter areas.

## Reasons

11. The recommendations are supported by the following reasons:

- (a) To approve the amendment to charges
- (b) To enhance the attractiveness of the town centre to visitors and residents.

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

## Background Papers

Town Centre Car Parking Cabinet Report 5 June 2018

Dave Winstanley: Extension 6618

S17 Crime and Disorder	Whilst anti-social behaviour and crime does on occasions take place in car parks, there is no impact on crime and disorder as a result of this report.
Health and Well Being	No additional impact on health and wellbeing of residents as a result of this report.
Carbon Impact	There may be an impact on carbon emissions as a result of encouraging more car journeys into the town centre.
Diversity	An Equality Impact Assessment was undertaken on the offer introduced in June 2018. Equality and diversity will be considered in the development of the parking proposals outlined in this report in the design stages. Removing parking charges on a Sunday is not considered likely to have an impact on diversity but implementation will be monitored to ensure any potential adverse impacts are identified and addressed.
Wards Affected	Car parks are located in Park East and Northgate, however residents from across the Borough and beyond will utilise them.
Groups Affected	No group is affected any differently to any other.
Budget and Policy Framework	There is no impact on the Budget or Policy Framework.
Key Decision	This a key decision as the proposals result in financial implications which are significant to the budget for the service.
Urgent Decision	Not an urgent decision.
One Darlington: Perfectly Placed	The proposals contained in this report have an impact on the Perfectly Placed element of the strategy; encouraging more people to utilise the town centre for business, retail, social and leisure.
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	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

12. The Council's Parking Policy is in place to try and manage the space available within the town centre between the competing demands. The general principle is that within the inner ring road parking is generally intended for short stays with a regular turnover and availability of space for shopping and leisure visits. Commuters and more longer-term parking requirements are generally provided outside the inner ring road.
13. Town centre retail trading across the country continues to be challenging and Darlington is no exception. Well known high street retailers are regularly announcing profit warnings and many businesses are contracting or closing.
14. The Council is responding through the Town Centre Strategy and has been successful in progressing to the next stages of the High Streets for the Future Fund. However, car parking and parking charges continue to be cited by the public and traders as a barrier to town centre footfall. It is difficult to demonstrate cause and effect; however, views are very strong that parking availability and pricing is a key consideration.
15. As the Town Centre Strategy and Future High Streets Fund initiative are developed and delivered there will be a need to review the parking strategy and other policies to further support town centre activity. Therefore, it is probable that there will be changes to parking arrangements over the short, medium and longer terms to adapt as these strategies are delivered. The parking policy will be reviewed and amended to reflect the changes.
16. In June 2018 a parking offer was introduced that provided low cost long stay parking in the town centre at East Street Car Park and also introduced a two-hour free period in car parks outside the inner ring road. This effectively offered three hours parking for £1. This offer was funded through a one-off contribution. The continuation of the offer will have financial impact on the Council that will need to be considered.
17. A further review has been undertaken looking at the present offer and further options that could be introduced to assist and support the town centre economy in the short term.

### Review and Parking Options

18. In reviewing and developing options the current car park arrangements and usage levels have been a starting point to develop options based on the data available. The review has considered several factors:
  - (a) the parking charges
  - (b) the times of operation
  - (c) occupation and usage of parking areas
  - (d) the location of parking; inside or outside the inner ring road.
  - (e) the type of parking whether it be on-street parking bays or car parks.

19. As mentioned above it is the intention to continue to review and develop parking options to support the town centre. However, some initial outcomes that are recommended to be progressed are as follows:

#### Imperial Quarter and Duke Street Areas

20. Some of the busiest parking spaces exist in the Duke Street and Imperial Quarter of town. A review has identified the possibility of increasing the number of on-street parking bays in this area. It is proposed that the Council develops options and consults on proposals to increase the amount of parking spaces available in these areas. This will be developed and built into the Council's Local Transport Plan work programme.
21. In developing the options for the Duke Street area, the Council will also look to investigate other known issues in terms of road safety and the general environment as a potential holistic scheme for area.

#### Abbots Yard Car Park

22. The Council has been investing in the refurbishment of car parks across the town and Abbots Yard Car Park will be refurbished next year. As part of the refurbishment the Council will consider the pedestrian approaches to the car park to try and improve the arrival into the town centre, the spaces available and layout of space to make it more user-friendly car park. This will be developed and built into the Council's Local Transport Plan work programme.

#### **Offer Approved by Cabinet in June 2018**

23. In June 2018 Cabinet approved the following offers to stimulate and support the town centre.
  - (a) East Street car park, which is within the inner ring road changed to allow people to park all day for £2. This is low cost long stay parking in the town centre.
  - (b) Specific car parks outside the inner ring road have a two-hour free offer. This provides a free option for two hours and offers three hours parking for £1.
24. The estimated cost of this proposal was £120,000 per annum, but this was caveated on the fact that this was dependent on usage and other factors. It was agreed that the costs for the first year were to be funded from the Town Centre Futures Fund, however subsequently the call on this account was not required due to savings in other areas of parking. The offer has a financial implication of around £158,000 per annum and has provided low cost all day parking in the town centre and free two-hour parking in numerous car parks. It is recommended that the parking offer continues until 1 May 2020 and be supported by additional promotion by businesses and the Council to further stimulate town centre trading. It is recommended that this offer is reviewed again as the emerging Town Centre Strategy initiatives are developed.

## **Further Offers**

25. In addition to the initiatives mentioned above a new parking offer is proposed. A Free on Sunday initiative is intended to send a simple message that can be promoted by both the Council and Business to encourage use of the town centre.
26. The offer is proposed to commence on 1 November 2019 and will extend to all Council operated pay and display car parks, Feethams multi-storey car park and on-street pay and display parking bays. It is proposed that this offer be introduced for a six month offer period to support the approach to Christmas and extend beyond to provide further free parking in the town centre. There is a financial impact of around £73,000 for the initial six-month period. This offer will replace the offers that have been previously run on the approach to Christmas
27. The impact of the Free on Sunday offer, and the offer introduced in June 2018 will be reviewed ahead of May 2020 and the offers will continue until a decision is made regarding their continuation.
28. The Free on Sunday offer removes both charges and control of parking duration to encourage free longer stay visits into the town centre for shopping and leisure the spaces will operate on a first come, first served basis. This could mean prime spaces are occupied all day and this will require review and monitoring during the trial period.
29. It is recommended that this is reviewed in conjunction with Town Centre Strategy initiatives as they are developed and the overall financial position of the Council.

## **Financial Implications**

30. The reviews of parking areas in the Imperial Quarter and Duke Street will have a cost implication to implement and this would be considered as part of the development of a proposal and the Local Transport Plan Programme. However, if additional spaces are created there could potentially be additional parking revenue generated.
31. The Council receives income from car parking charges which is used to offset the running costs such as repair and maintenance, business rates and staffing. Although not included as a cost in the budget, there is an apportionment cost of holding the land for the purpose of car parking. This net income provides resources to fund other services provided by the Council and if income is not achieved, it is to the detriment of the Council's overall financial position.
32. Car parking charges are used in many ways and, whilst it is a view held by some that they are only levied to raise income for the Council, this is not the case. A pricing structure clearly needs to cover costs and is acknowledged as a town centre issue. The Council's overall financial position must also be a significant factor when considering the pricing structure.
33. The funding predictions this year show that income is likely to be less than that set in the Council's Financial Plan and as such any continuation or new offer will compound the predicted position and the Council's overall financial position.

34. The cost associated with maintaining the offer introduced by Cabinet in June 2018 until May 2020 is estimated in the region of £132,000 and the estimate of costs associated with the Free on Sunday offer from 1 November 2019 until 1 May 2020 is £73,000.
35. It is proposed the full cost of £205,000 is funded from the Town Centre Futures Fund.
36. The Council recognises the importance of the town centre and need to encourage trade and use of the town centre. However, it must carefully consider the offers that can be provided in relation to the Council's overall financial position which is why these offers are to be reviewed and in tandem with emerging work on the Town Centre Strategy.

### **Legal Implications**

37. Subject to Members' approval the necessary legal notice will be made to implement the offer.

### **Equalities Considerations**

38. An Equalities Impact Assessment (EIA) was carried out for the parking offer introduced in June 2018. The main impacts identified were as a result of the 9 long stay car parks being located outside the inner ring road, which means a short/moderate walk into the town centre that some individuals may find more difficult. The particular groups of people with protected characteristics this affects are; Age, Disability, Pregnancy, and Carers. However, as a result of introducing the 2 hours free parking it is likely that the pressure on the short stay parking within the inner ring road will be reduced, freeing up more spaces for individuals who find the walk difficult to access parking. In addition, on street car parking for Blue Badge Holders is not affected and there is also a car park exclusively for Blue Badge Holders at the Town Hall.
39. An EIA screening exercise has also been undertaken for the proposal to remove car parking charges on Sundays for a trial period. This concluded there is a very low risk of the proposal leading to insufficient car parking spaces to meet demand – including for Blue Badge holders – and therefore people with disabilities and/or older people not being able to park in the town centre as easily, however the likelihood of this is considered to be minimal. Sufficiency of parking spaces will however be monitored during implementation to ensure any potential adverse impacts are identified and addressed.
40. Equality and diversity will be considered in the development of the parking proposals for Abbots Yard, Imperial Quarter and Duke Street area as part of the feasibility and design stages.

### **Consultation**

41. The proposals for Abbots Yard, Imperial Quarter and Duke Street will be subject to consultation as part of the feasibility and design stages.

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**CABINET  
CABINET ACTING AS SOLE TRUSTEE OF CROWN STREET LIBRARY  
8 OCTOBER 2019**

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**CROWN STREET LIBRARY TRUSTEES**

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**Responsible Cabinet Members – All Cabinet**

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

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**SUMMARY REPORT**

**Purpose of the Report**

1. To make arrangements for the appointment of additional trustees of the Crown Street building, independent of the Council.

**Summary**

2. Members requested to consider and approve both the concept of the appointment of a number of independent trustees of the Crown Street building and also the process to be followed. Further details are set out in the main body of the report.
3. Members are also updated on plans to develop a Library Service Consultative Group, made up of service users and others who are interested in the Library Service.

**Recommendation**

4. It is recommended that Members:-
  - (a) Agree to the appointment of up to 3 independent trustees.
  - (b) Delegate responsibility for the recruitment process of independent trustees, as follows:
    - (i) To the Assistant Director Law and Governance, to arrange the advertising, interview arrangements and deal with the legal formalities of appointment.
    - (ii) To a Cabinet Sub Committee comprised of three Portfolio holders of Leisure and Local Environment, Children and Young People and Housing Health and Partnerships (or substitute Cabinet Members) to interview and determine who to appoint.
  - (c) To confirm the appointment of the independent trustees will be made at the next Cabinet meeting following conclusion of the recruitment process.

- (d) To note the intention to set up a Library Service Consultative group

## Reasons

5. The recommendations are supported by the following reasons :-
- (a) To give more formal recognition to the role of the wider community, by moving from the Council as the Sole Trustee of the Crown Street building to appoint in addition a number of independent trustees.
  - (b) To avoid potential future conflicts of interest between the Council's service provider role and the building trustee role, by having independent Trustees who will be able to discharge the trustee role.
  - (c) To widen participation about issues concerning library provision in Darlington (re the establishment of a Library Service Consultative group).

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

## Background Papers

Sole Trustee of the Crown Street Library (Members of Cabinet) 19.06.17 – Trustee Role

Luke Swinhoe : Extension 5490

S17 Crime and Disorder	There are no implications.
Health and Well Being	There are no implications.
Carbon Impact	There are no implications
Diversity	There are no direct implications
Wards Affected	There is no direct impact on any individual Ward
Groups Affected	There are no Groups affected.
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 links.
Efficiency	This report does not identify any efficiency implications.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Appointment of additional trustees, independent of the Council

6. The Crown Street Library was transferred to the 'Corporation of Darlington' on 23<sup>rd</sup> October 1885 after construction using funds from the estate of Edward Pease. The building including the two extensions completed in 1900 and 1930, is recognised by the Council to be held on Trust by the Council for the purpose of being used as a public library.
7. The Council is currently the sole trustee. As the Council operates a Leader and Executive model of decision making, the role of the sole trustee sits with the Council's Executive body - Cabinet.
8. As both the separate legal responsibility for the service and the building sit with the same decision makers there is the potential for conflict between these two roles, as was recognised in 2017. One of the ways of dealing with this in future would be to appoint additional independent trustees who would then be able make decisions should Cabinet be in a position of potential conflict.
9. The appointment of independent trustees would also be something that could help in giving more formal recognition to the role of the wider community, given the original aims of the bequest of Edward Pease.
10. As there is no trust instrument, we can use the legal powers to appoint trustees that come from Section 36 of the Trustee Act 1925, which enables a further three trustees to be appointed.
11. Subject to approval of Cabinet the suggested approach to appoint additional trustees would be as follows:
  - (a) The Assistant Director Law and Governance be delegated to arrange the advertising and, interview arrangements and deal with the legal formalities of appointment.
  - (b) A Cabinet Sub Committee be formed, comprised of the Portfolio holders of Leisure and Local Environment, Children and Young People and Housing Health and Partnerships (or substitute Cabinet Members) to interview and determine who to appoint to the role of Trustee.
  - (c) The recommended appointments to be confirmed at the next Cabinet meeting following conclusion of the recruitment process.
12. There are a number of points to clarify about the role of Trustee of the Crown Street building:
  - (a) The role is about the trust over the building (which sets out the purpose for which the building can be used i.e. as a public library). It is not about the provision of the library service which is the sole responsibility of the Council (the provision of a library service is a statutory duty for the Council to discharge - under the Museums and Libraries Act 1964).

- (b) The legal estate of the Crown Street building will continue to be registered in the sole name of the Council (at the Land Registry). The role is a custodian one as the legal interest will be subject to the terms of the trust with the building held 'for the purposes of a public library for the Borough of Darlington'.
- (c) What will change is that instead of the Council being the sole trustee, the recruitment of additional trustees will mean that there will be other trustees who can play a role in decision making should the need arise.
- (d) The remit of the Board of Trustees will be limited to matters concerning the trust property. As long as the library continues to be maintained (which the Council has taken responsibility for) and used as a public library the trustees will not need to meet.
- (e) The circumstances when the Board of Trustees would need to meet would include; where there was a possible change of the trust purpose (ie as public library), a possible disposal of the building, or disrepair of the building that could jeopardise it continuing to remain open.
- (f) The Board of Trustees would be comprised of the Council as a Trustee and the Independent Trustees. The Council as Trustee will have a single vote and the Independent Trustees will each have a single vote. Decisions of the Board of Trustees will be made by simple majority voting.

### **Establishment of a Library Service Consultative Group**

13. Plans are being made to develop a Library Service Consultative Group. This will enable opportunities for service users and others who are interested in the Library Service to meet key staff and the Portfolio holder and to discuss matters relating to the Library Service. This will be the main forum for concerns and issues about the Library service to be raised.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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