

Cabinet Agenda



**5.00 pm Tuesday, 15 September 2020
Via Microsoft Teams**

In accordance with Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, Members will join the meeting remotely rather than by attending a venue. Members of the public can view a live stream of the meeting at:

<https://www.darlington.gov.uk/livemeetings>

Members of the public may make representations on items on this agenda and these will be taken into account when making the decisions. Representations should be submitted to Lynne Wood (Lynne.Wood@darlington.gov.uk) by 5.00 p.m. on Monday 14 September 2020

1. Introductions/Attendance at Meeting.
2. Declarations of Interest.
3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.
4. To approve the Minutes of the meeting of this Cabinet held on Tuesday, 14 July 2020. (Pages 1 - 16)
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) Borough of Darlington Local Plan 2016/36 – Updated Local Development Scheme 2020/23 –
Report of the Director of Economic Growth and Neighbourhood Services.

(Pages 17 - 36)

- (b) Town Centre Car Parking –
Report of the Director of Economic Growth and Neighbourhood Services.
(Pages 37 - 52)
- 8. Redevelopment of the Victorian Indoor Market –
Report of the Director of Economic Growth and Neighbourhood Services.
(Pages 53 - 74)
- 9. Delivery of New Homes at Neasham Road - Joint Venture Proposal and Land Disposal –
Report of the Managing Director and the Director of Economic Growth and Neighbourhood Services.
(Pages 75 - 112)
- 10. Exchange of Land at Whessoe Road and Drinkfield Marsh, Darlington –
Report of the Managing Director and the Director of Economic Growth and Neighbourhood Services.
(Pages 113 - 120)
- 11. Review of Outcome of Complaints Made Ombudsman –
Report of the Managing Director, Director of Children and Adults and Director of the Economic Growth and Neighbourhood Services.
(Pages 121 - 126)
- 12. Complaints, Compliments and Comments Annual Reports 2019/20 –
Report of the Managing Director, Director of Children and Adults Services and the Director of Economic Growth and Neighbourhood Services.
(Pages 127 - 224)
- 13. Proposed Write-Off of Irrecoverable Debts 2019/20 –
Report of the Managing Director and the Director of Economic Growth and Neighbourhood Services.
(Pages 225 - 236)
- 14. Investment Fund Update –
Report of the Managing Director.
(Pages 237 - 244)
- 15. Membership Changes - To consider any Membership Changes to Other Bodies to which Cabinet appoints.
- 16. 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.
- 17. Questions.

EXCLUSION OF THE PUBLIC AND PRESS

- 18. 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



**Luke Swinhoe
Assistant Director Law and Governance**

Monday, 7 September 2020

**Town Hall
Darlington.**

Membership

Councillors Clarke, Dulston, Johnson, Keir, Marshall, Mills, K Nicholson and Mrs H Scott

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

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**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 27 JULY 2020**

CABINET
Tuesday, 14 July 2020

PRESENT – Councillors Mrs H Scott (Chair), Clarke, Dulston, Johnson, Keir, Marshall, Mills and K Nicholson

INVITEES – Councillors Curry, Harker and Snedker

APOLOGIES – Councillors

ABSENT – Councillors

ALSO IN ATTENDANCE – Councillors

C1 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

**C2 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE
GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

In respect of Minute C10 below, representations were made by a Member and a member of the public.

**C3 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON
TUESDAY, 3 MARCH 2020**

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 3 March 2020.

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

REASON - They represent an accurate record of the meeting.

**C4 TO CONSIDER THE TIMING OF MEETINGS OF THIS CABINET FOR THE
REMAINDER OF THE 2020/21 MUNICIPAL YEAR**

RESOLVED - That meetings of this Cabinet be held at 5.00 p.m. for the remainder of the 2020/21 Municipal Year.

REASON – To comply with the views of Cabinet.

C5 MATTERS REFERRED TO CABINET

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

C6 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C7 KEY DECISIONS:-

(1) SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) CAPITAL PROJECTS - ADDITIONAL RELEASE OF FUNDS

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 release of government grant to fund the creation of additional school places for young people with Social, Emotional and Mental Health (SEMH) needs.

The submitted report stated that Cabinet had previously agreed the Special Educational Needs and Disabilities (SEND) Strategy (Minute C125/Mar/19 refers); a key element of the Strategy was to increase the provision of school places for young people with SEMH needs in order to allow more young people to be educated locally; two schools had agreed to work with the Council to provide additional places; and outlined the final designs and costs following consultation with the schools, completion of the planning process and final tenders.

It was reported that a number of the elements in producing the final designs and costs had been impacted by COVID-19 and that additional grant was requested to cover the final design costs of those projects.

Particular reference was made to the increase in costs, particularly for the scheme at Rise Carr College; the additional traffic that may be generated in residential streets around the Rise Carr College; and requesting that consideration be given to improving the processes in future to ensure that the estimates are more realistic. The Cabinet Member with the Children and Young People Portfolio responded thereon.

RESOLVED - That the remaining funding of £148,837 from the Special Provision Fund allocation and an additional £906,520 from the Basic Need Capital allocation, as detailed in the submitted report, be released, and the additional costs for individual projects as detailed below, be noted, namely:

- (a) Red Hall Primary additional £65,709; and
- (b) Rise Carr College additional £989,648.

REASONS - (a) Release of the additional funds will enable capital investment to be undertaken in the SEND areas identified with the greatest need.

(b) Development of the SEMH units will provide an important link in the escalation process for children and young with SEND to reduce the number who eventually progress into specialist provision, often out of area.

(2) DARLINGTON SPORTS VILLAGE BUSINESS PLAN

The Cabinet Member with the Health and Housing Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated)

updating Cabinet on Darlington Mowden Park's (DMP) proposal for a Darlington Sports Village (DSV) and seeking agreement to the approach as detailed in the submitted report.

The submitted report outlined the background to the proposal to develop the DSV and its funding; the proposals contained in the DMP business plan that had been received in October 2019; stated that the Council commissioned Grant Thornton to carry out a due diligence exercise to assess the deliverability of the scheme and test the key assumptions and the risks which could be potentially exposed to the Council; and outlined the areas analysed in relation to the development of the Sports Village including a financial analysis of DMP and two subsidiary companies, a review of key assumptions in the business plan and a valuation of tangible Joint Value inputs.

It was reported that following receipt of the Due Diligence report officers had met with representatives of Darlington Mowden Park Rugby Club (DMPRC) and explained that due to the conclusions of that report, it was highly unlikely that the Joint Venture with DMPRC to develop the Sports Village would be supported; DMPRC had now confirmed that they had identified a new source of financial support which they had used to settle their outstanding debt; this had released the Council from the £2.1m guarantee had been agreed by Cabinet; and that this did not in any way compromise the ongoing interest the Council holds in the Arena land relating to overage payments and covenants on future use of the land.

Discussion ensued on how that funding could be used for the development and provision of sports facilities in the Borough.

RESOLVED - (a) That given the risks, as detailed within the due diligence report on the Sports Village Business Case, it be agreed that the plans for a Joint Venture with Darlington Mowden Park, on the development of a Sports Village, not be progressed.

(b) That the Council maintains its interest in the Arena and surrounding land in terms of overage payments and covenants relating to future land use.

REASONS - (a) The conclusions of the due diligence report highlight several financial and reputation risks to the Council which cannot be mitigated.

(b) Protects the Council from future financial implications and commitments.

(3) DRAFT CLIMATE CHANGE STRATEGY

The Cabinet Member with the Economy Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the Climate Change Strategy (also previously circulated) and the approach to staff and Member training.

The submitted report stated that Climate Change Strategy detailed the Council's approach to achieving the carbon neutral council target adopted in the motion passed by Full Council in July 2019 (Minute 19/Jul/19 refers); 2010/11 had been used as the baseline year, allowing the Council to demonstrate how it had been addressing its energy use and carbon emissions for some time; for the financial year 2018/19, the carbon footprint had reduced to 8197 tonnes CO₂e; and that a zero carbon electricity

tariff had been chosen that reduced the Council's carbon footprint from 8197 tonnes to 5011 tonnes CO₂e.

Particular references were made to the four principles contained within the Strategy which underpinned the proposed actions namely reducing overall energy consumption; reducing demand for fossil fuel based energy; contributing to a greener grid; and sequester carbon.

It was reported that an e-learning training module had been developed for staff and Members; quarterly update reports would be produced along with an annual report outlining progress made against the net zero target; lead officers would be tasked with producing plans for their own departments, which would form part of the overall Council action plan; and that the action plan would likely be a rolling three to five year plan, which would be reviewed every three years, to take advantage of new technologies, examples of good practice and any changes in government policy.

Discussion ensued on the ambition to be carbon neutral by 2050; the work of the Climate Change Cross Party Working Group; the need to obtain robust data on areas that are currently 'out of scope' of the strategy; and the importance of new builds being environmentally and energy efficient.

RESOLVED - (a) That the Climate Change Strategy, as appended to the submitted report, be adopted.

(b) That climate change training be included in compulsory training modules.

REASON - As with increasing public pressure to take action on climate change, the Council runs the risk of significant damage to its reputation if it does not deliver on its stated commitment to dealing with its contribution to climate change.

(4) TEES VALLEY JOINT WASTE MANAGEMENT CONTRACT

The Cabinet Member with the Local Services Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to entering into an Inter-Authority Agreement (IAA) with Middlesbrough Borough Council, Stockton Borough Council, Hartlepool Borough Council, Redcar and Cleveland Borough Council, Durham County Council and Newcastle City Council in respect of the Tees Valley Energy Recovery Facility (ERF) project; commencing the formal procurement for the project; and extending the existing waste management contract with Stonegrave Aggregates.

The submitted report provided an update on the ERF project including the IAA; the outline planning application for the ERF at South Tees Development Corporation (STDC); the proposed use of a local Authority Special Purpose Vehicle (SPV) for the management of the Project Agreement; negotiations for the Heads of Terms Agreement for the South Tees Development Corporation (STDC); the mandatory use of the Reference Site for the development of the ERF; and the proposed contract extension discussions with Stonegrave Aggregates.

Reference was made to the main changes to the project since the previous report to Cabinet (Minute C65/Nov/19 refers), particularly the inclusion of Durham County Council and Newcastle City Council in the project, the benefit of which was that the

ERF would increase from a 250,000 tonnes per annum facility to a 450,000 tonnes per annum facility, which in turn would reduce the cost of the contract through the gate fee to each authority and to the revision required to the IAA as a result of the two extra authorities joining the project.

RESOLVED - (a) That the IAA with Middlesbrough Borough Council, Stockton Borough Council, Hartlepool Borough Council, Redcar and Cleveland Borough Council, Durham County Council and Newcastle City Council, as appended to the submitted report, be approved.

(b) That the procurement process, as detailed in the submitted report, be approved.

(c) That the Director of Economic Growth and Neighbourhood Services, be authorised in consultation with the Assistant Director – Resources, Assistant Director – Law and Governance and the Cabinet Member with the Local Services Portfolio, to accept minor changes to the IAA.

(d) That the extension of the existing waste management contract, in line with the details contained within paragraphs 28 to 30 of the Part III report, as appended to Annex 1 of the submitted report, be approved.

(e) That the lease for the Household Waste Recycling Centre be extended to tie in with the extension to the waste management contract.

REASONS - (a) To enable the procurement of the Tees Valley Energy Recovery Facility.

(b) To put in place a contingency plan for waste management in case of any delay to the delivery of the ERF and have continuity of service going forward.

(5) ANNUAL PROCUREMENT PLAN

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the Annual Procurement Plan (also previously circulated) including the assessment of contracts that are considered to be strategic or non-strategic and updating Members on the outcomes of procurement(s) previously designated as Strategic; the decisions taken by the Procurement Board to waive the Contract Procedure Rules; and Savings and Social Value measures achieved in the previous financial year.

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

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

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

(b) That the contents of the submitted report, in respect of the update of strategic procurements, Procurement Board waiver decisions, Savings Register and Social Value Register for 2019/20, 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.

(c) To supplement the reports that are taken to Cabinet about proposed spend over £100,000, that are set out in the Annual Procurement Plan and the in-year update to that report.

C8 COVID-19 UPDATE REPORT AND NEXT STEPS

The Leader introduced the report of the Chief Officers Executive (previously circulated) informing Members on the response of the Council to the COVID-19 Pandemic, and to note decisions taken by officers, in consultation with Cabinet during the pandemic.

The submitted report outlined the background to the report; a number of key dates; partners and work of the Local Resilience Forum (LRF); the impact on the Council's employees; financial implications; work in establishing the Darlington Community Support Hub; public health response; children and adult social care provision; support to businesses; hardship relief and the role of the voluntary sector; neighbourhood, housing, homeless and lifeline services; recovery planning; and decision making throughout the pandemic.

In presenting the report, the Leader acknowledged the support of Cabinet, Members and staff at all levels of the organisation, highlighting in particular those staff who worked in the 'hub' and those who provided front-line services. It was reported that sadly there had been 84 reported deaths, to date, as a result of COVID-19 in the

Borough and it was proposed to purchase and plant 84 locally sourced trees, across the Borough, to commemorate each of those lives.

References were also made to others that had contributed to caring and helping people through the pandemic including care home staff, volunteers and neighbours; lack of capacity within the early years provision; the lessons learnt from managing the pandemic; and the importance of adhering to public health guidelines.

RESOLVED - (a) That the actions and decisions taken to date in respect of the Council's response to the pandemic, as detailed in the submitted report, be noted.

(b) That all staff, partners and volunteers be thanked for their significant contributions during the pandemic so far.

(c) That the tragic loss of life in the Borough and across the Country, be acknowledged.

(d) That further reports on the response to the pandemic and recovery plans, be reviewed.

(e) That free car parking in the town centre be retained until the end of September 2020 at an anticipated cost of £342,000 and receive a further report be submitted to the September Cabinet meeting.

REASONS - (a) To enable Cabinet to formally receive an update and to pass on thanks to key players in the response and acknowledge the loss of life in the Borough.

(b) To support the town centre economy by encouraging more visitors to the town.

C9 DARLINGTON LOCAL OUTBREAK CONTROL PLAN

The Cabinet Member with the Health and Housing Portfolio introduced the report of the Director of Children and Adults Services (previously circulated) requesting that consideration be given to the Local Outbreak Control Plan (also previously circulated) that was published at the end of June 2020.

It was reported that the Plan was a working document and would be updated regularly to reflect changes required to ensure it remained up to date and could be successfully implemented during outbreaks.

The submitted report outlined the background to the production of the Local Outbreak Control Plan; stated that the Plan built on existing health protection plans and partnerships already in place; the Plan was centred around the seven key themes highlighted by the Department of Health and Social Care (DHSC); outlined the role of contract tracing; governance arrangements; and how the Plan would be triggered.

RESOLVED - That the Darlington Outbreak Control Plan, as appended to the submitted report, be received.

REASON - All Local Authorities in England are required by the Department of Health

and Social Care to have a local COVID19 outbreak control plan in place.

C10 REPLACEMENT OF DOG CONTROL ORDERS WITH PUBLIC SPACE PROTECTION ORDERS

Pursuant to Minute C66/Nov/19, the Cabinet Member with the Stronger Communities Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the responses received (also previously circulated) to the consultation exercise undertaken on the proposed introduction of Public Space Protection Orders (PSPOs) to replace existing Dog Control Orders and introducing wider powers concerning the walking and supervision of dogs.

The submitted report stated that the consultation exercise on the implementation of PSPO's for the control of dogs had initially run for eight weeks, however due to public interest in the orders, it was extended for a further four weeks and it had ran from November 2019 to February 2020; PSPOs were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014; a PSPO was designed to deal with a particular nuisance or problem in an area; the behaviour must be having a detrimental effect on the quality of life of those in the community and it must be persistent or continuing and it must be unreasonable; and that should the Council wish to continue enforcing the provisions within the existing Dog Control Orders, which lapsed under legislation in October 2017 and had to be replaced by 20 October 2020, then they would need to be replaced with a PSPO.

In presenting the report the Cabinet Member with the Stronger Communities Portfolio stated that the draft PSPO had been amended since the report was first published, as originally consulted on, the draft PSPO set out the East, North and West Cemetery as being areas subject to a ban on dog walking (with them included in the list Schedule 2 of areas with dog walking bans), however, following the consultation the proposal was that dogs would be permitted on leads in the cemeteries and an amendment was made to move the 3 cemeteries from Schedule 2 to Schedule 3 (which dealt with areas where dog walking on leads was permitted).

A letter of representation was submitted to oppose allowing dog walking in Cemeteries, which was summarised by the Cabinet Member with the Stronger Communities Portfolio. The representation made reference to the history of the Victorian West Cemetery and North Cemetery and the appropriateness of dogs being allowed to access heritage settings; the consultation process which it was felt, should have been wider and included the Gardens Trust; plans for the West Cemetery Crematorium; dog walkers who unashamedly used the West Cemetery, despite the 'no dogs' signs; stated that a clear bye law forbidding dog-walking was required rather than a weak PSPO; there were other more appropriate places where people could walk dogs; dog bins would spoil the garden environment in the cemetery; dog owners would be an unnecessary nuisance and financial risk, as there may be the potential for legal claims with more people using West Cemetery when the crematorium works got underway; and the ability of council staff to police and enforce the PSPO.

A Member in attendance addressed the meeting in respect of allowing dog walking in the cemeteries and enforcement and asked a number of questions relating to whether the number of fines and dog bins were sufficient and whether there was sufficient resource within the enforcement team to enforce the PSPO. Discussion ensued the

original proposal to restrict the number of dogs that could be walked by one person; the impact on dog walking businesses; and the monitoring of the PSPO. The Cabinet Member with the Stronger Communities Portfolio responded thereon.

RESOLVED - (a) That the consultation feedback, as appended to the submitted report, the representations made at the meeting, and the contents of the submitted report, be noted.

(b) That the amended Public Spaces Protection Order, as set out in Appendix 2 of the submitted report, be made, to replace the current Dog Control Orders for:-

- (i) failure to remove dog faeces;
- (ii) not keeping a dog on a lead on specified land;
- (iii) not putting a dog on a lead and keeping on a lead when directed by an authorised officer;
- (iv)** permitting a dog to enter land from which dogs are excluded; and
- (v) not keeping a dog on a lead in East, North and West Cemeteries.

REASONS - (a) Current Dog Control Orders cease to exist by October 2020.

(b) For improved dog control/responsible dog ownership in Darlington.

(c) To improve the quality of life of persons visiting and working in the areas covered by the PSPO.

C11 TOWNS FUND

The Leader introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the Towns Fund Deal bid process and the proposed timetable for the forthcoming Town Investment Plan (TIP) which will form the application to the fund.

The submitted report outlined the background to the proposal; the strategic aims and ambitions of Darlington Towns Fund Deal bid; necessary actions; and the financial and legal implications of the bid.

RESOLVED - That the submission of a Towns Fund bid by 31 July 2020, as detailed in the submitted report, be agreed.

REASON - If successful and implemented it will contribute to the economic growth of the Borough

C12 REPRESENTATION ON OTHER BODIES 2020/21

The Leader introduced the report of the Managing Director (previously circulated) requesting that consideration be given to this Council's representation on other bodies for the 2020/21 Municipal Year, to which Cabinet appoints.

RESOLVED:- That the appointment to the other bodies, as detailed below, for the 2020/21 Municipal year, be approved, namely:-

Name of Body or Organisation	Nomination(s)
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Association of Rail North
Partnership Authorities

Rail North Ltd.	Councillor Mrs H Scott (Leader of the Council)
Transport for the North	Councillor Mrs H Scott (Leader of the Council)
North East Rail Management Unit	Councillor Mrs H Scott Leader of the Council)
Community Library (Cockerton) Limited	Councillor Cossins
County Durham and Darlington Foundation Trust – Board of Governors	Councillor Tostevin
Creative Darlington	Councillor Keir (Cabinet Member with Local Services Portfolio) and (Chair of Communities and Local Services Scrutiny Committee as named substitute)
Crown Street Library Trustee Board	Councillor Mrs H Scott (Leader of the Council)
Darlington Cares	Councillor K Nicholson
Darlington Partnership Board	Councillor Mrs H Scott (Leader of the Council), Councillor K Nicholson (Cabinet Member with Health and Housing Portfolio), Councillor Clarke (Cabinet Member with Children and Young People Portfolio) and Councillor Harker (Leader of the Opposition)
Darlington Railway Museum Trust	Councillor Keir (Cabinet Member with Local Services Portfolio)
Darlington Town Centre Deal Bard	Councillor Mrs H Scott (Leader of the Council)
Durham County Pension Fund Committee	Councillor Johnson (Cabinet Member with Resources Portfolio) and Chair of Economy and Resources Scrutiny Committee
Family Help Organisation	Councillors Curry, Crumbie and Newall

Fostering Panel	Councillor Layton
Maidendale Nature and Fishing Reserve (Associate Member)	Councillor Tait (Ward Member)
North East Ambulance Service	Councillor K Nicholson (Chair of Health and Well Being Board)
North East Child Poverty Commission	Councillor Clarke (Cabinet Member with Children and Young People Portfolio)
North East Regional Employers Organisation	Councillor Johnson (Cabinet Member with Resources Portfolio), Chair of Economy and Resources Scrutiny Committee and Vice Chair of Economy and Resources Scrutiny Committee
Executive Committee	Councillor Johnson (Cabinet Member with Resources Portfolio)
North East Strategic Migration Partnership	Councillor Clarke (Cabinet Member with the Children and Young People Portfolio) (Councillor Mrs H Scott (Leader of the Council as named substitute))
Northern Housing Consortium	Councillor K Nicholson (Cabinet Member with Health and Housing Portfolio)
Northumbrian Regional Flood and Coastal Committee	Councillor Snedker
Poor Moor Fund	Councillor Marshall (Cabinet Member with Economy Portfolio)
RELATE North East	Councillors Curry and Layton
Teesside International Airport Limited - Board	Councillor Mrs D Jones (to be appointed as Director) (Councillor Culley as named substitute Director)
Teesside International Airport Limited - Consultative Committee	Councillor Keir (Cabinet Member with Local Services Portfolio)
Tees Valley Local Access Forum	Chair of Communities and Local Services Scrutiny Committee
Tidy North Regional Consultative Committee	Councillor Keir (Cabinet Member with Local Services Portfolio)

RESOLVED - That the appointments to the other bodies, as detailed in the submitted report, for the 2020/21 Municipal Year, be approved.

REASON - To comply with the nominations received from the Political Groups.

C13 XENTRALL SHARED SERVICES ANNUAL REPORT 2019/20

The Cabinet Member with the 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 was now in 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 £17.2m of savings; quality and performance of services had improved; 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 the report be noted and the continuing success of Xentrall Shared Services and the £17.2m savings it had achieved over the twelve years since it was formed, be acknowledged.

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

C14 RELEASE OF CAPITAL ALLOCATION IN THE MEDIUM TERM FINANCIAL PLAN (MTFP) : TOWN HALL FIRE ALARM SYSTEM AND TOWN HALL HEATING CONTROL SYSTEM CAPITALISED REPAIRS

The Cabinet Member with the Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the release of funding allocated in the Capital Medium Term Financial Plan (MTFP) 2020/21 to replace the Fire Alarm and Heating Controls Systems in the Town Hall and to undertake Capitalised Repairs in corporate buildings.

The submitted report outlined the background to the proposals; financial and legal implications; and Corporate Landlord and Procurement advice.

RESOLVED - That the funds allocated in the Capital Medium Term Financial Plan (MTFP) for the Fire Alarm and Heating Controls Systems in the Town Hall and to undertake Capitalised Repairs in corporate buildings, be released, for essential work to progress.

REASON - To safeguard the condition of the Council's corporate buildings and to meet statutory and legal obligations.

C15 REVENUE OUTTURN 2019/20

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) presenting the revenue outturn 2019/20 (subject to Audit), to allow Members to consider the results in light of the Council's Medium Term Financial Plan (MTFP) and also to consider the Collection Fund and Housing Revenue Account outturn.

The submitted report stated that the latest projection showed an overall improvement against the 2020/21 MTFP of £0.751m; £0.477m was required to fund the council tax collection fund deficit leaving £0.274m available for utilisation; outlined variances from the original budget along with changes since the quarter three position; stated that there were a number of carry forward requests totalling £0.466M; and that although the Coronavirus pandemic had had a significant impact on the Council's financial position in the Revenue Budget Quarter One 2020/21 report (see Minute C16 below) there was limited impact on the 2019/20 outturn, other than lost income from the leisure and culture facilities.

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

(b) That the proposed carry forward of resources referred to in paragraphs 19 to 21 of the submitted report, be noted and approved.

(c) That £0.477m be earmarked against general fund reserves to fund the council tax collection fund deficit.

(d) That the earmarked reserves, requested in paragraphs 28 to 33 of the submitted report, be approved.

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

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

C16 REVENUE BUDGET MONITORING - QUARTER ONE 2020/21

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) providing an early forecast of the 2020/21 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 2019/20 outturn results.

The submitted report stated that this was the first revenue budget management report for 2020/21; the impact of COVID-19 (CV19) was projected to be significant on both expenditure and income levels; to date the Government had provided a grant of £6.231m to assist with pressures however there remained a predicted CV19 deficit of £8.064M; on 2 July 2020 a further package of support to Councils was announced with a further £500m being distributed to Council's; following the budget rebasing exercise £0.897M was returned into general fund reserves; the year-end projection, taking into account the CV19 pressures showed an overall reduction in the 2020/21 financial position of £6.484m; and outlined a number of areas of uncertainty which

had not been included such as home to school transport, as it had not been possible to quantify the impacts, but they were on-going risks.

RESOLVED - (a) That the significant financial pressure in the forecast revenue outturn for 2020/21, 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.

C17 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING OUTTURN 2019/20

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director and Director of Economic Growth and Neighbourhood Services (previously circulated) updating Members on the delivery of the Council's Capital Programme; the financial outturn position as at 31st March 2020; proposed financing of the 2019/20 capital expenditure; the current status of all construction projects currently being undertaken by the Council; and requesting that consideration be given to a number of changes to the programme.

The submitted report stated that significant enhancements had been made to the Council's assets in three major programme areas of schools, housing and transport, mostly using external funding; those investment were delivering a wide range of improvements to the Council's assets and services; capital expenditure in 2019/20 totalled £42.939M; there were 42 live projects currently being managed by the Council with an overall value of £136.217M; the majority of those projects were running to time, cost and quality expectations with no foreseeable issues; and that the projects were managed either by the Council's in-house management team, a Framework Partner or by Consultants sourced via an open/OJEU tender process.

RESOLVED - (a) That the delivery and financial outturn of the 2019/20 Capital Programme, 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 25 of the submitted report, be approved.

REASONS - (a) The recommendations are supported to enable Members to note the progress of the 2019/20 Capital Programme and to allow the capital spend to be fully financed.

(b) To inform Cabinet of the current status of construction projects.

(c) To maintain effective management of resources.

C18 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING -

QUARTER ONE 2020/21

The Cabinet Member with the Resources Portfolio and the Director of Economic Growth and Neighbourhood Services introduced the report of the Managing Director (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 for a number of changes to that programme.

The submitted report stated that the projected outturn of the current Capital Programme was £252.094m against an approved programme of £252.194m; the investment was delivering a wide range of improvements to the Council's assets and services; the programme remained affordable; the Council had 42 live projects, with an overall project outturn value of £136.217m, 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 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 22 of the submitted report, be approved.

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.

C19 SCHEDULE OF TRANSACTIONS

The Cabinet Member with the Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the schedule of transactions (also previously circulated).

RESOLVED - That the schedule of transactions, as detailed in the submitted report, be approved and the transactions completed on the terms and conditions detailed therein.

REASON - Terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

C20 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

C21 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-

RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

**DECISIONS DATED –
FRIDAY 17 JULY 2020**

**CABINET
15 SEPTEMBER 2020**

**BOROUGH OF DARLINGTON LOCAL PLAN 2016 – 2036
UPDATED LOCAL DEVELOPMENT SCHEME 2020 – 2023**

**Responsible Cabinet Member –
Councillor Alan Marshall, Economy Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. To seek Members' approval for the revised timetable for producing the new Local Plan, which requires the revision of the Local Development Scheme, previously approved by Cabinet and Council.

Summary

2. An up-to-date Local Plan is essential to meet the development needs of the Borough and to enable the Council to shape and maintain control of development.
3. The Local Plan is a framework for growth and aims to ensure that Darlington becomes an even more sustainable location in which people increasingly choose to live, work and visit. Not only does it help to deliver the economic strategy, it also makes provision for new housing to meet local needs supporting the needs of our current and future workforce, and other new developments with the provision of key new infrastructure.
4. The success of the Borough is predicated on growth and underpins the future vibrancy of our town centre and our local communities. The Local Plan sets out how Darlington will grow, adapt and change and importantly how this will be achieved and managed. It provides the Council with the required spatial guidance and direction to contribute to and enable the structured development of the Borough – in support of both the Council's drive for a growing economy, building stronger communities and creating opportunities for all.
5. The new Local Plan will cover the period 2016 to 2036. Members approved changes to the plan in February this year and representations are currently being sought on the Proposed Submission Local Plan (Regulation 19). Accompanying that report was a Local Development Scheme setting out the programme for the Local Plan preparation. Since approval the Coronavirus Pandemic has caused some delay to this anticipated timetable so we are therefore coming back to Members to seek approval for an updated version with the ambition of submitting the plan for inspection by December 2020/January 2021 (with adoption likely by

August/September 2021).

6. Owing to Coronavirus lockdown restrictions affecting our ability to engage fully with the public, the Regulation 19 representation stage was delayed by 4 months. Subsequent target dates have also been adjusted by the same amount to factor this in.

Recommendations

7. It is recommended that Cabinet agree that the attached 'Local Development Scheme (2020-2023) August 2020 Update' is approved to take immediate effect.

Reasons

8. The recommendations are supported by the following reasons:-
 - (a) Local Planning Authorities must prepare a Local Plan that sets out the local planning policies for their local planning authority area. Government guidance requires that Local Plans must be positively prepared, justified, effective and be consistent with national policy, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework (NPPF).
 - (b) The Council is required to have an up to date Local Development Scheme (Planning & Compulsory Act 2004, as amended by Section 111, Localism Act 2011).

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

- (i) National Planning Policy Framework, CLG February 2019
- (ii) Planning and Compulsory Purchase Act 2004
- (iii) Town and Country Planning Act (Local Planning) (England) Regulations 2012
- (iv) Localism Act 2011

David Hand : Extension 6294

S17 Crime and Disorder	The Local Plan has a role in reducing crime through the promotion of good design and location of development.
Health and Wellbeing	A key objective of Local Plan policies will be to improve people's health and wellbeing by protecting and improving the economic, social and environmental conditions in the Borough.
Carbon Impact and Climate Change	A Sustainability Appraisal has been carried out on the strategic issues and options. Achieving sustainable development will be a fundamental objective of the Local Plan.
Diversity	An Equalities Impact Assessment will be part of the local plan preparation process.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	The Local Plan will be prepared using existing budgets and will ultimately form part of the Council's Planning Policy Framework.

Key Decision	Yes
Urgent Decision	No
One Darlington: Perfectly Placed	The Local Plan will represent the spatial implications of the overarching aims of One Darlington: Perfectly Placed.
Efficiency	The consultation stage of the Local Plan represents the most efficient way to produce the Local Plan having regard to the legislative and engagement requirements.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

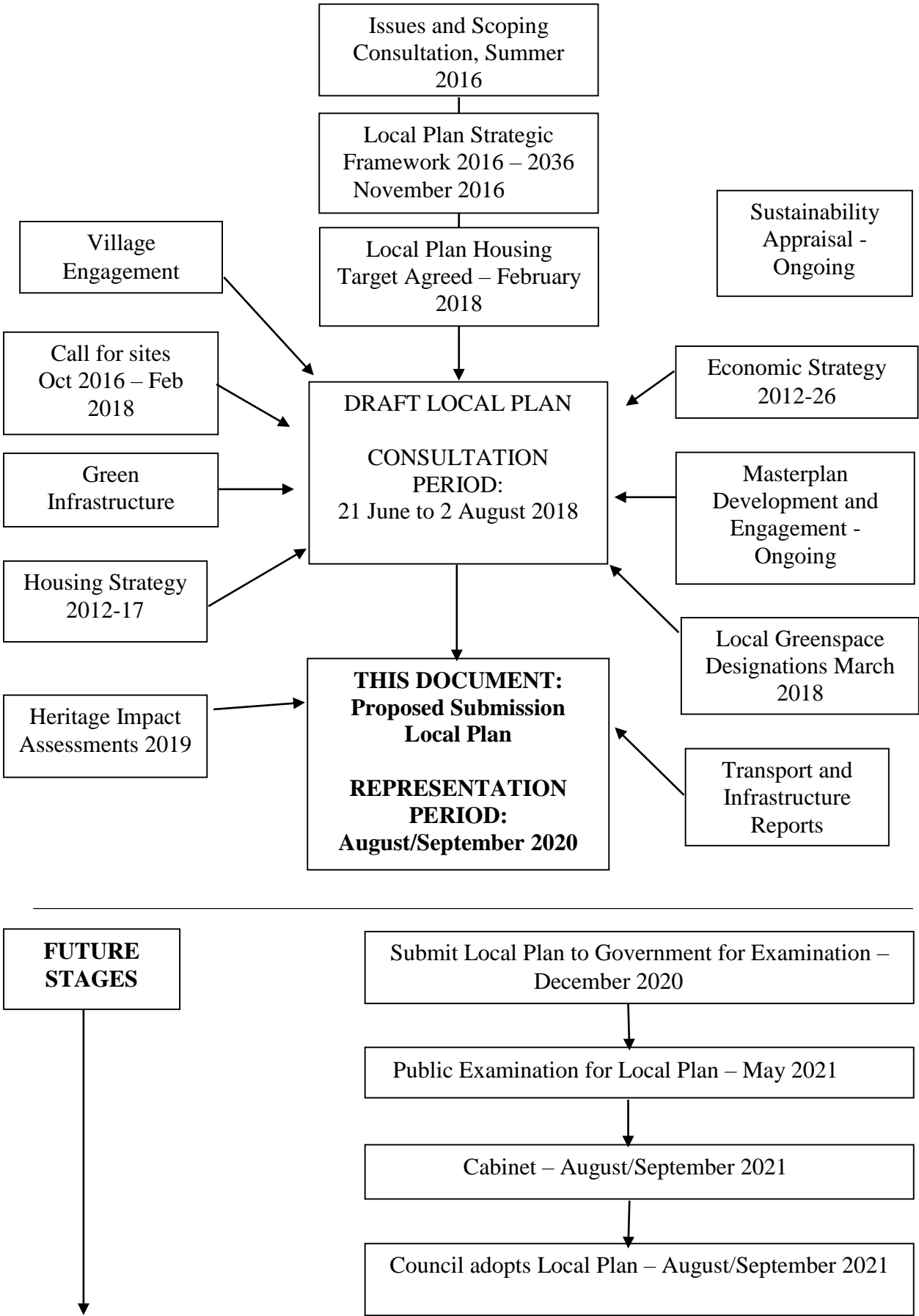
Information and Analysis

9. The Local Development Scheme (LDS), attached at APPENDIX 1, is a statutory requirement. It sets out the planning policy documents that the Council will prepare over the next three years, when the key stages of preparation will be, the scope of each document, the resources available for, and risks to, their preparation. It will replace the existing LDS 2020 to 2023 which was approved by Cabinet and Council in February 2020 prior to delays caused by Coronavirus restrictions.
10. The focus over the next 1-2 years will be on producing the Local Plan itself and carrying it through Examination to Adoption. Work is also planned to revise the current Planning Obligations and Design Supplementary Planning Documents. It is also hoped that with the co-operation of other Tees Valley Authorities work will begin on a joint Tees Valley Climate Change Supplementary Planning Document.
11. Following the adoption of the Local Plan the policies and proposals will need to be monitored to assess their effectiveness and an Implementation Plan produced to ensure delivery of the Plan.
12. This report proposes that the LDS should take effect the day after the next meeting of Full Council.
13. **Figure 1.1** overleaf shows the development stages and various evidence bases which have informed the Plan to date and the future process reflected in the updated Local Development Scheme.

Legal Implications

14. There are no direct legal implications arising from this report.

Figure 1.1: Stages of Preparation of the Local Plan



APPENDIX 1



DARLINGTON LOCAL DEVELOPMENT SCHEME 2020-2023

**Preparation Programme for the
Darlington Local Plan
and other
Local Development Documents**

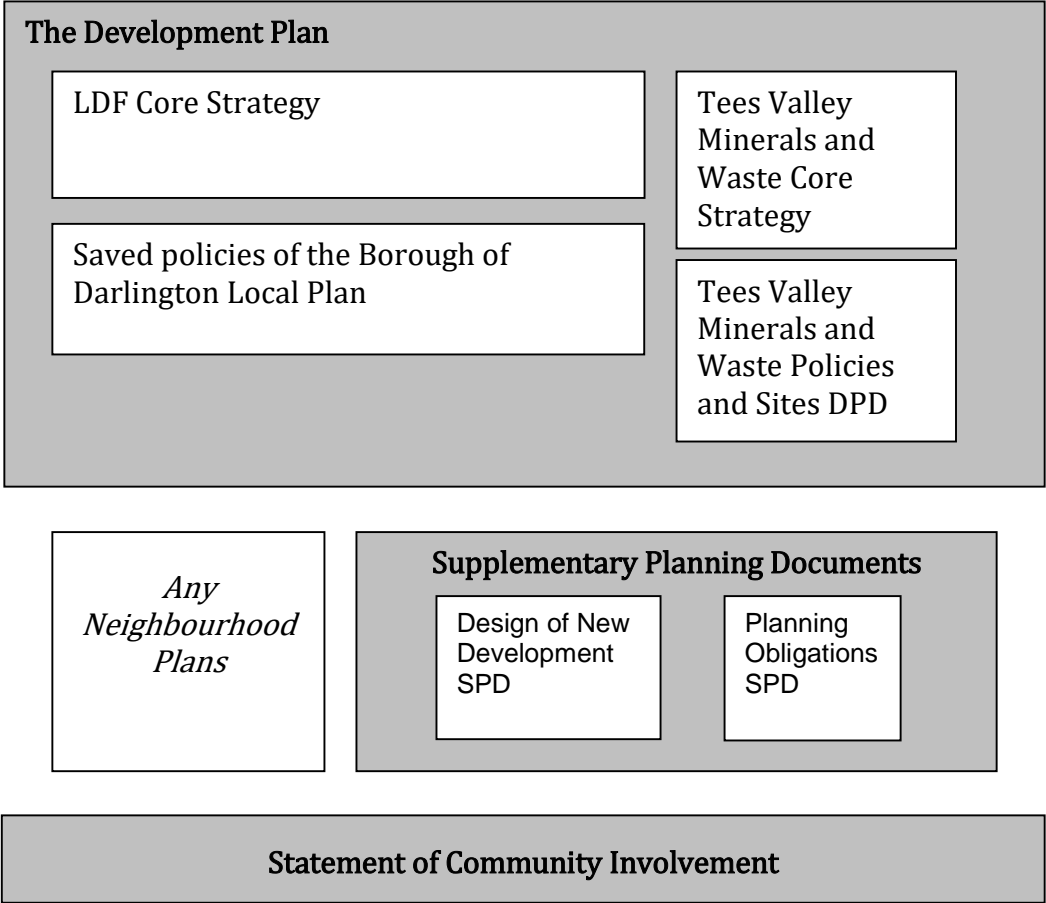
August 2020

**Planning Policy
Economic Initiatives Division**

1. INTRODUCTION

- 1.1 A Local Development Scheme (LDS) is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS sets out the timetable for the production of the Local Development Documents (LDDs) which make up the Council’s Local Plan. The LDS must include certain types of LDDs, namely Development Plan Documents (DPDs) and a Statement of Community Involvement (SCI). The LDS must be made available publically and kept up-to-date. This LDS replaces the 2018 – 2021 LDS.
- 1.2 Figure 1.1 below shows the Council’s current planning policy documents, which are part of, or support the Development Plan. It also shows the relationship of documents to one another. All statutory development plan documents and supplementary planning documents can be viewed on the Council’s website, www.darlington.gov.uk/planningpolicy.

Figure 1.1: Planning Policy Documents for Darlington Borough



- 1.3 In November 2015 Darlington Borough Council decided to halt work on the emerging Making and Growing Places allocations document (an adopted Core Strategy was already in place) based mainly on concerns around the robustness of the housing supply and requirement figures. The decision was taken to produce a new comprehensive Local Plan. For the period before the new plan is adopted, an Interim Planning Position Statement has been produced to provide guidance to developers on

the local interpretation of National Planning Policy. A copy is available on the Council's website at www.darlington.gov.uk/planningpolicy

3. THE DARLINGTON LOCAL DEVELOPMENT SCHEME 2020-23

- 3.1 This Local Development Scheme (LDS) sets out the content, timing and resourcing of planning policy document preparation for the next three years, 2020-23. It plans for effective development plan coverage of the whole Borough, and is published to provide up to date information direct to the public about the Council's plan making activities. It will be updated as necessary to ensure it remains realistic and definitive. This will replace the earlier version of the LDS 2020-23 from February 2020 which was published and approved prior to the coronavirus pandemic and it's associated restrictions which caused a delay in the plan preparation process.

The New Local Plan

- 3.2 On 15 November 2015 Cabinet agreed to proceed with a new Local Plan, to replace the existing Development Plan (the LDF Core Strategy (2011) and various saved Darlington Local Plan (2001) policies. The exception to this is the Tees Valley Minerals and Waste Core Strategy and Policies and Sites DPDs, to be reviewed at a later date. The Council aims to submit the Local Plan for inspection this year (with adoption likely to take another few months). The new Local Plan will cover the period between 2016 -2036.
- 3.3 A successful Local Plan will help create the conditions to deliver the following outcomes for Darlington:
- Well planned, high quality, sustainable places
 - Inclusive and accessible places, to serve all needs and communities
 - An attractive place to live, visit and invest
 - Economic growth, new jobs and prosperity
 - A vibrant town centre with strong retail, leisure and commercial sectors
 - Celebrate and protect Darlington's heritage assets and key open spaces
 - Integrated strategic social and physical infrastructure, phased to meet the needs of new development
 - Increased resilience to climate change
 - Greater certainty for residents, investors and stakeholders

- 3.4 **Table 1** sets out the timeline and key tasks for preparing the Local Plan. Progress will be monitored against it and revisions made if necessary.

Statement of Community Involvement (SCI)

- 3.5 The SCI sets out how people and organisations can get involved in shaping the Local Plan. Specifically it explains how and when the Council will engage with people and communities. Thus, throughout the preparation of the Local Plan the Council will consult with individuals, local communities, interest groups, businesses and statutory bodies. The responses to these consultations will be reviewed by the Council and considered in full, informing the Local Plan as necessary, before a final version is submitted to the Planning Inspectorate for independent examination.
- 3.6 A revised Statement of Community Involvement (Part 1) was adopted in July 2016 that covered the Local Plan process. Minor amendments were made to the SCI in July 2020

to reflect the temporary measures put in place by the government for local plan consultations during the coronavirus pandemic.

- 3.7 In addition to the overarching principles set out in the SCI, before all key stages of a Local Development Document, officers will produce an Engagement Plan, setting out details of when and how we will consult/ engage throughout the process. This will ensure consideration is given to the most effective way of communicating the particular issue, and that the methods engaged are proportionate.
- 3.8 The nature of Engagement Plans will be determined depending on the nature of the issues, and those likely to be affected. For example, they could be area based if the particular issue concerns a specific site, or they could target a particular sector. Consultations plans will ensure that consultations always meet statutory requirements.

Other Local Planning Documents

- 3.9 A Planning Obligations Supplementary Planning Document (SPD) was adopted by the Council in January 2013. It helps the Council to get contributions from developers towards affordable housing and the costs of mitigating the impact of new development on local infrastructure. The SPD includes a commitment to review the operation of the policies and, in light of the Council's experience using the SPD, changing market circumstances and development costs, and government guidance on the use of Section 106 Agreements and the Community Infrastructure Levy, it is proposed that a revision of the SPD will be undertaken for any obligations not replaced in the local plan
- 3.10 The Design of New Development SPD sets out general and detailed design guidelines for new development to provide a framework to secure high quality, safe, distinctive, sustainable design in new developments. It needs to be revised to reflect changes to Building Regulations, Code for Sustainable Homes, and Development Management amenity issues. Further, there are matters that have arisen from the Healthy New Town Project that maybe usefully incorporated into this guidance. The Design SPD is very light on shop fronts and the Council have relied on a dated shopfront guide produced by Durham County Council. It is proposed therefore that we prepare a shopfront and security design guide.
- 3.11 **Table 1 (page 6)** gives an overview of the Local Development Scheme. More detail on the documents that will be prepared over the next three years is given in **Section 5** of this report.

Neighbourhood Planning

- 3.12 Introduced by the Localism Act 2011, the Council has a duty to support Parish Councils and neighbourhood forums that wish to prepare Neighbourhood Plans. When adopted Neighbourhood Plans form part of the statutory development plan alongside the Local Plan. The 5 areas, formally designated as Neighbourhood Plan Areas:
- Sadberge Parish Council, (decision subsequently taken not to proceed)
 - Middleton St George/Low Dinsdale Parish Councils, and
 - Blackwell Neighbourhood Forum.
 - Low Conniscliffe Parish Council (Approved at referendum on 23 May 2019)
 - Hurworth Parish Council

Other local communities may start work on Neighbourhood Plans during the Local Plan preparation period.

- 3.13 No contingency has been built into the Planning Policy team's work programme to respond to requests for advice and support on Neighbourhood Planning, and the situation will be continually monitored.

TABLE 1 – LOCAL DEVELOPMENT SCHEME 2019-2022

Document Title	Status	Role and Subject	Chain of Conformity	Commence	Draft Plan	Publication	Submission	Adoption
Darlington Local Plan	DPD	Sets out development policies for day to day use in considering a range of spatial development proposals, allocates sites for new development, and identifies areas of constraint. Covers the whole Borough.	National Planning Policy Framework	January 2016	June 2018	August 2020	December 2020/ January 2021	August/ September 2021
Proposals Map and Insets	DPD	Illustrates on an Ordnance Survey map the policies and allocations of the Local Plan.	Consequential to the preparation of the Local Plan.	Updated as part of Local Plan				
Revised Planning Obligations	SPD	Detailed application of planning obligations	National guidance & Development Plan	Winter 2020		Spring 2021		Summer 2021
Revised Design of New Development	SPD	Design guidelines for new development	National guidance & Development Plan	Winter 2020		Spring 2021		Summer 2021
Joint Tees Valley Climate Change SPD	SPD	Guidance on energy efficiency standards and other climate change initiatives	National Guidance and Development Plan	Spring 2021		Autumn 2021		Spring 2022
Shopfront and Security Design SPD	SPD	Design guidance on shopfronts and security measures.	National Guidance and Development Plan	Spring 2021		Autumn 2021		Spring 2021

4. SUPPORTING STATEMENT

- 4.1 This statement explains the approach to preparing the Local Plan and how resources and risks will be managed.

Relationship with Local Strategies

- 4.2 'One Darlington Perfectly Placed', Darlington's Sustainable Community Strategy, sets out the community's shared vision and outcomes for the future of Darlington for the period 2008-2026. The Local Plan reflects spatially aspects of the strategy and ensures that the land use requirements arising from it are addressed.
- 4.3 Council, and other local strategies, with land use implications directly inform the preparation of DPDs and SPDs. These can all be found on the Council's website www.darlington.gov.uk/planningpolicy. Key examples include the Housing Strategy, the Economic Strategy, the Green Infrastructure Strategy, the Parking Strategy and the Sport and Physical Activities Strategy.

Joint Working

- 4.4 The benefits of joint working on issues with strategic cross boundary implications have been recognised for some time by the local authorities within the Tees Valley. The Localism Act 2011 introduced the 'Duty to Co-operate' placing this work on a statutory footing. A Tees Valley Development Plans Officers' Group meets on a regular basis, to share information and best practice, facilitate joint working and explore further opportunities. Membership of the group also includes representatives of Tees Valley Combined Authority (TVCA), and approximately every quarter meetings have been opened up to local authorities adjacent to the Tees Valley in County Durham and North Yorkshire. The council will prepare a statement of common ground with adjoining authorities in line with national policy requirements.

Evidence

- 4.5 The NPPF states that Local Plans should be based on an up to date and robust evidence base. A large amount of evidence gathered to inform the withdrawn Making and Growing Places DPD was used for the new Local Plan, although a significant amount of additional evidence has also been produced to reflect the extended Plan Period to 2036 as appropriate.

Sustainability Appraisal

- 4.6 Sustainability appraisal (SA) is carried out for all the development plan documents prepared (and SPDs where screening indicates it is necessary), and is an integral component of all stages of plan preparation. SA identifies the significant environmental, social and economic impacts of the policies and proposals and identifies if/how policies and proposals can be amended to achieve net gains across all three dimensions of sustainability. The process is undertaken to accord with the Strategic Environmental Assessment Directive (European Directive 2001/42/EC). Cabinet have already agreed the Sustainability Appraisal Framework being used to

test the Local Plan options against and an SA produced and consulted upon in Summer 2018 alongside the Draft Plan and has been updated in line with the changes made in the Proposed Submission Draft Plan (representation period August to September 2020).

- 4.7 The Sustainability Assessment is being assessed using internal resources.

Equalities Impact Assessment

- 4.8 Equalities Impact Assessment and Disability Equalities Impact Assessment is undertaken and its findings will be submitted alongside the Proposed Submission Draft Local Plan. It is undertaken in-house within the team, with the views of protected characteristics groups being sought at key stages.

Staff Resources

- 4.9 The Planning Policy team is within the Economic Growth Directorate. It leads the preparation of the Local Plan and other planning policy documents. The team currently includes a Head of Planning Policy, Economic Strategy & Environment, one Principal Planning Officer, two full-time Planning Officers, (one seconded to a temporary Garden Communities Officer role), one part-time Planning Officer (4 Days a week) two part-time Technical Officers and a Graduate Planner (Fixed Term for 2yrs). The Assistant Director (Economic Growth) also assists with various aspects of preparation including providing the strategic steer, the Member interface and public consultation.
- 4.10 Success in achieving the milestones set out in this LDS will depend on the amount of non plan preparation work the team does, on the amount and timeliness of help from colleagues across the Council in specific policy areas, such as transport and housing, and on there being no further cuts to the staffing resources available for planning policy work.
- 4.11 A Local Plan Members Reference Group (all party) and a Local Plan Steering Group (LPSG) (including non-Council stakeholders) is also in place to ensure input into planning policy document preparation from across the Council. These groups inform the recommendations that are placed before the Joint Management Team (JMT) or Chief Officers Board (COB), and/or Members.
- 4.12. Consultants are also used on specific pieces of work, particularly work carried out jointly by the Tees Valley authorities, and specialist technical studies and work. Officers from Tees Valley Combined Authority provide some statistical information and manage specific joint commissions of the Tees Valley authorities, such as for the economy and infrastructure.

Financial Resources

- 4.13 A consolidated budget has been established across the Economic Initiatives Division which covers the costs associated with Local Plan preparation (consultant's fees for evidence gathering, consultations and printing).
- 4.14 It is not anticipated there will need to be any significant further evidence gathering or consultation work during the remaining stages of plan preparation. There will be a

need to carry out a Public Examination into the Local Plan in 2021, and an appropriate budget has been reserved for that.

- 4.15 The programme proposed in the LDS assumes that the budgetary resources that have been allocated to Planning Policy work in the Council's Medium Term Financial Plan are available in their entirety.

Monitoring

- 4.16 Up to date information about the Council's progress in plan preparation will be included in the Local Plan Authorities Monitoring Report (AMR), together with any reasons why plan making targets have not been met, and reporting on the effectiveness of and delivery against saved Local Plan and Core Strategy policies. It is published as soon as is convenient after the end of the reporting year (31st March). It includes the following information:

- Progress in preparing the Darlington Local Plan, compared with the milestones set out in the latest LDS, reasons for and proposed actions to address any slippage
- Any factors affecting the current year's LDS milestones and planned action.
- The need for new evidence or research.
- A review of policy effectiveness.
- Information showing future housing provision against housing requirements.

Risk Assessment

- 4.17 A risk assessment has been carried out for the LDS. The key areas of risk have been identified below as well as the actions that will be put in place to mitigate the risks:

Risk Identified	Mitigating Actions
Implications of changes to the national planning system and policy framework.	<ul style="list-style-type: none"> • Keep up to date with best practice, Inspectors and Court decisions relating to plan preparation. • Keep up to date with changes to national policy and implications for the Local Plan process • Maintain up-to-date local evidence base.
Change of political priorities.	<ul style="list-style-type: none"> • Controlling party has changed during plan preparation causing additional work and delay in communicating work and decisions made thus far. • Member involvement throughout the plan preparation process.
Not meeting 2017 government deadline for Local Plan adoption, leading to possible intervention by SoS (NB – Darlington has not yet been identified as a Planning Authority requiring intervention measures)	<ul style="list-style-type: none"> • Keep up to date with Government criteria for intervention and consider likelihood of intervention. • Maintain up-to-date LDS showing key milestones towards adoption. • Maintain progress against milestones. • Planning inspectorate have not indicated concern with progress thus far and were invited by the council to undertake an Advisory Visit in ##### 2019.
Ability to maintain staffing levels.	<ul style="list-style-type: none"> • Regularly review the plan preparation programme through this LDS and its updates to match any changes in staff resources, changes of planning policy workstreams and other policy workstreams that staff are required to contribute to. • Recruit extra (temporary) staff, where necessary, to meet peaks in workload around key stages of plan development
Staff turnover, maternity leave or long term illness within core team.	<ul style="list-style-type: none"> • Continues to be a challenge. • Prioritise recruitment activity as soon as notice given. • Manage workloads to reduce stress. • Spread knowledge within core team to ensure a back-up if specialist absent.

Darlington Local Development Scheme 2019-2022

Risk Identified	Mitigating Actions
	<ul style="list-style-type: none"> Use short and medium term work experience placements for mutual benefit.
Completion of evidence base takes longer than expected.	<ul style="list-style-type: none"> Clear specification in consultancy briefs, and tighter project management of consultancy commissions. Ensure core team is kept abreast of latest good practice cited on discussion fora and other sources. Ensure team carries out appropriate CPD to keep up to date with best practice. Allow contingency in LDS for project overrun.
Increased volume, complexity or scope of non Local Plan work	<ul style="list-style-type: none"> Regular review of extent of non Local Plan work handled by core team. Assess options for further redeployment from within or outside of the Council.
Key stakeholders/ partners, such as infrastructure providers, unable to provide information or other input at key stages in the process.	<ul style="list-style-type: none"> Secure commitment to contributing to Local Plan at the highest level in partners organisations, highlighting role of Local Plan in delivering the sustainable community strategy. Provide stakeholders/partners with good notice of what will be required of them, and when. Investigate ways of pooling resources to achieve desired outcomes.
Volume and complexity of representations and comment exceeds expectations.	<ul style="list-style-type: none"> Engage with key stakeholders, developers, landowners and other local interests throughout the policy development Build capacity outside of team to deal with processing representations received, e.g. colleagues within section and wider Division Clarify through SCI how representations will be handled and do not respond on an individual basis. Depends on number of comments at draft stage and how many we are able to negotiate to withdraw to save Examination time.
DPDs prepared are not found sound, have to be withdrawn, or are subject to legal challenge.	<ul style="list-style-type: none"> Checking against the tests of soundness at each key stage of the plan preparation process, making use of the PAS self assessment toolkit. Carry out community engagement in accordance with the Council's adopted Statement of Community Involvement. Be diligent in undertaking and recording actions against new 'duty to co-operate'.
Ongoing impacts of Coronavirus Pandemic	<ul style="list-style-type: none"> Imposition of local lockdown measures or other restrictions could impact upon our ability to keep to the timetable setout in this LDS.

5. LOCAL DEVELOPMENT DOCUMENT (LDD) PROFILES

5.1 This section provides a standard profile for each of the LDD's we intend to prepare, as identified in **Table 1**.

Local Plan	
DOCUMENT DETAILS:	
Role & Content:	Borough-wide detailed generic development policies, policies related to specific designations and environmental safeguarding areas and land allocations for different types of new development, cross referenced to a Policies Map.
Geographical Coverage:	Borough of Darlington
Status:	Development Plan Document
Review	Considered through the Local Plan Authority Monitoring Report.
TIMETABLE:	
Commencement of process	January 2016

Consultation on Strategic Issues and Options (Reg 18)	April 2016 to September 2016
Draft Local Plan (Reg 18)	June 2018 to August 2018
Pre-submission publication (Reg 19)	August 2020
Submission to Secretary of State (Reg. 22)	December 2020/ January 2021
Pre-hearing meeting	April 2021
Hearing Sessions Commence	May 2021
Estimated Date Adoption	August/September 2021
PRODUCTION:	
Organisational Lead:	Director of Economic Growth
Lead Section	Planning Policy Team
Management Arrangements	Cabinet Economy and Resources Scrutiny Committee and Members Panel Joint Management Team & Chief Officers Board Economic Growth Senior Leadership Team Local Plan Members Reference Group Local Plan Steering Group
Internal Resources:	Economic Growth Division, Communications Unit, Xentrall Design and Print Unit, Development Management. Input from other divisions of the Council as required.
External Resources:	Consultancy and development industry support for specific aspects of preparing and updating the evidence base, such as master planning and the Housing and Employment Land Availability Assessment.
Evidence Base	The Sustainable Community Strategy for Darlington, a range of technical studies (available on the Council's website) and previous consultation responses, sustainability appraisal and other assessment work carried out by the Council.
Community & Stakeholder Involvement	Consult Council Members. Consult local people, including Darlington Partnership, Parish Councils, development industry representatives, business groups, business operators and government agencies, in accordance with the Council's adopted SCI.

Revised Planning Obligations SPD	
DOCUMENT DETAILS:	
Role & Content:	Borough wide detailed technical guidance relating to the provision of planning obligations for a range of physical, social and green infrastructure from new development. It includes standard charges and formulae. The SPD develops and reflects the requirements of the National Planning Policy Framework and the emerging local plan.
Geographical Coverage:	Borough of Darlington

Darlington Local Development Scheme 2019-2022

Status:	Supplementary Planning Document – adopted January 2013
Conformity	National Planning Policy Framework and Emerging Local Plan
Review	The current SPD includes a commitment to review the operation of the policies and, in light of the Council's experience using the SPD, changing market circumstances and development costs, and government guidance on the use of Section 106 Agreements and the Community Infrastructure Levy, it is proposed that a revision of the SPD will be undertaken.
TIMETABLE:	
Commence preparation of Draft Revised SPD	Winter 2020
Consultation on Draft Revised SPD	Spring 2021
Estimated Date Adoption	Summer 2021
PRODUCTION:	
Organisational Lead:	Director of Economic Growth
Lead Section	Planning Policy Team
Management Arrangements	Cabinet Economy and Resources Scrutiny Committee Joint Management Team / Chief Officers Board Economic Growth Senior Leadership Team Local Plan Members Reference Group Local Plan Steering Group
Internal Resources:	Asset Management Working Group Input from other divisions of the Council as required Communications Unit Xentrall Design and Print Xentrall Web Team
External Resources:	Viability information provided by the District Valuer.
Evidence Base	Economic Viability of Housing Land and Non Housing land studies and addendum, various needs analyses; national guidelines; Sustainable Community Strategy, Infrastructure Delivery Plan
Community & Stakeholder Involvement	Council Members, local people, Darlington Partnership, Parish Councils, development industry representatives, government agencies, in accordance with the Council's adopted SCI.

Revised Design of New Development SPD	
DOCUMENT DETAILS:	
Role & Content:	Sets out general and detailed design guidelines for new development to provide a framework to secure high quality, safe, distinctive, sustainable design in new developments.
Geographical Coverage:	Borough of Darlington

Darlington Local Development Scheme 2019-2022

Status:	Supplementary Planning Document – adopted July 2009
Conformity	National Planning Policy Framework and elements of Policy CS4 of the Core Strategy (to be replaced by Policy DC 1 in the new Local Plan).
Review	It needs to be revised to reflect changes to Building Regulations, Code for Sustainable Homes, and Development Management amenity issues. Review will be dependent on whether Local Plan Policy covers issues
TIMETABLE:	
Commence preparation of Draft Revised SPD	Winter 2020
Consultation on Draft Revised SPD	Spring 2021
Estimated Date Adoption	Summer 2021
PRODUCTION:	
Organisational Lead:	Director of Economic Growth
Lead Section	Planning Policy Team and Conservation Officer
Management Arrangements	Cabinet Economy and Resources Scrutiny Committee Joint Management Team / Chief Officers Board Economic Growth Senior Leadership Team Local Plan Members Reference Group Local Plan Steering Group
Internal Resources:	Development Management Communications Unit Xentrall Design and Print Unit.
External Resources:	None
Evidence Base	
Community & Stakeholder Involvement	Council Members, local people, Darlington Partnership, Parish Councils, development industry representatives, government agencies, in accordance with the Council's adopted SCI.

Joint Tees Valley Climate Change SPD	
DOCUMENT DETAILS:	
Role & Content:	Sets out expectations on energy efficiency standards for new development.
Geographical Coverage:	Tees Valley Wide
Status:	New Supplementary Planning Document
Conformity	National Planning Policy Framework and elements of Policy CS4 of the Core Strategy (To be replaced by DC 1 in the new Local Plan)
Review	N/A
Timetable:	
Commence preparation of Draft Revised SPD	Spring 2021
Consultation on Draft Revised SPD	Autumn 2021
Estimated Date Adoption	Spring 2022
Production:	

Organisational Lead:	Director of Economic Growth
Lead Section	Tees Valley Development Plans Officers Group
Management	Cabinet
Arrangements	Economy and Resources Scrutiny Committee Joint Management Team / Chief Officers Board Economic Growth Senior Leadership Team Climate Change Group
Internal Resources:	Development Management Building Control Communications Unit Xentrall Design and Print Unit.
External Resources:	None
Evidence Base	
Community & Stakeholder Involvement	Other Tees Valley Authorities, Council Members, local people, Darlington Partnership, Parish Councils, development industry representatives, government agencies, in accordance with the Council's adopted SCI.

Shop Front and Security SPD	
DOCUMENT DETAILS:	
Role & Content:	Sets out expectations on shop front design and shop front security
Geographical Coverage:	Darlington Town centre
Status:	New Supplementary Planning Document
Conformity	National Planning Policy Framework and elements
Review	N/A
Timetable:	
Commence preparation of Draft Revised SPD	Spring 2021
Consultation on Draft Revised SPD	Autumn 2021
Estimated Date Adoption	Spring 2022
Production:	
Organisational Lead:	Director of Economic Growth
Lead Section	Planning Policy and Conservation Officer
Management	Cabinet
Arrangements	Economy and Resources Scrutiny Committee Joint Management Team / Chief Officers Board Economic Growth Senior Leadership Team
Internal Resources:	Development Management Building Control Communications Unit Xentrall Design and Print Unit.
External Resources:	None
Evidence Base	

Community & Stakeholder Involvement	Council Members, local people, Darlington Partnership, Parish Councils, development industry representatives, government agencies, in accordance with the Council’s adopted SCI.
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**CABINET
15 SEPTEMBER 2020**

TOWN CENTRE CAR PARKING

**Responsible Cabinet Members –
Councillor Andy Keir, Local Services Portfolio
Councillor Alan Marshall, Economy Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. This report provides an update on Town Centre Car Parking charges and seeks approval for funding to continue a range of parking offers to the end of December 2020.

Summary

2. The Council approved a series of parking offers to support the town centre in June 2018 and in October 2019. Members agreed to continue the offers and introduce further offers and some other initiatives to be investigated. The report recommended that the initiatives be reviewed in May 2020 with regard to their impact, the emerging Town Centre Strategy and importantly to have regard for the Council's overall financial position.
3. The response to COVID-19 delayed consideration of these offers and at the start of the lockdown period in March 2020 a decision was taken to temporarily cease all parking charges to support the control of the virus. Financial provision has been made for this to continue until the end of September 2020.
4. This report considers the impact of the offers prior to COVID-19, the temporary suspension of parking charges introduced as a result of COVID-19 lockdown and considers the continuance of an offer beyond September 2020.
5. Many local authorities have already reintroduced parking charges or controls but Members in recognising the challenges ahead want to try and support business and the town centre. However, as the recovery continues demand for parking is growing and more and more spaces are being taken by commuters and long-term parkers. It is important that we have spaces for short stay visits and for shoppers and it is considered appropriate to now revisit the approach.

6. Following consultation with Members and acknowledging the need for further business recovery, they wish to introduce an amended offer on parking to support the town centre and on the approach to the Christmas period.
7. More detailed information on the offers is included at **Appendix 1**, but in summary:
 - (a) The principle of charging to park will be reinstated across the town, but there will be a two-hour free offer in most Council parking areas.
 - (i) Drivers will be expected to check details of the charges at machines.
 - (ii) In pay and display bays tickets will be issued for the free offer and must be displayed. Drivers will need to pay for time above the initial two hours where available.
 - (iii) In the MSCP there will be two hours free, but drivers will need to pay for time above the initial two hours.
 - (iv) The only exceptions or changes are:
 - a) Market Square - this area is presently limited to a 30-minute max stay. The free for two hours will be introduced to provide consistency across the town centre. The area will be free on Sunday, which applies to all areas.
 - b) Park Lane Car Park is a car park linked with rail journeys from the Station and as such no offers are proposed, other than free on Sunday, which applies to all areas.
 - (b) Parking in all Council parking areas will remain Free on Sunday.
 - (c) The long stay parking offer in East Street Car Park be retained permanently.
8. It is noted that the Tees Valley Combined Authority is to consider initiatives to support Town Centre recovery and such support includes provision for parking offers. The impact of COVID-19 on the Council's MTFP is still being assessed and whilst the above measures would cost an additional £392,883 until the end of December 2020, Members consider the development and vibrancy of the Town centre to be a top priority and a necessary initiative to aid recovery and to encourage people back to the High Street. This report seeks approval for the funding necessary to cover this extended parking offer.
9. In January 2021 parking charges would revert to pre-offer levels unless there is any further support received from Government or any other sources. The ongoing position of the Medium-Term Financial Plan (MTFP) would also be kept under review with reports back to Cabinet as required.
10. The report to Cabinet in October 2019 identified the potential to increase the number of on-street parking bays in the Imperial Quarter and Duke Street area. Whilst, still in the work programme that was not progressed as a result of COVID-19 and other priorities. This will remain in the Council's Local Transport Plan work programme. Abbots Yard car park has been refurbished to provide an improved quality car park with spaces and aisles that are more accessible and user friendly. The car park provides 61 parking bays, 22 accessible parking bays.

Recommendations

11. It is recommended that Cabinet approve:

The following parking offers and recommend to Council on 24 September 2020;

- (a) £392,883 additional funding to extend the parking offers outlined in Appendix 1 until the end of December 2020 to be funded from General Fund Reserves
- (b) The long stay parking offer in East Street car park be retained permanently

Reasons

12. The recommendations are supported by the following reasons:

- (a) To approve the amendment to charges
- (b) To support the recovery of the town centre.

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

Town Centre Car Parking Cabinet Report June 2018

Town Centre Car Parking Cabinet Report October 2019

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	Users of car parking facilities will be encouraged to pay by contactless methods and follow public health hygiene guidance in terms of hand cleansing following use of any machines.
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 and this has been updated to consider the proposals in the report. Equality and diversity will be considered in the development of the parking proposals outlined in this report in the design stages.
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	The extension of the parking offers will have a financial impact on the MTFP
Key Decision	This a key decision as the proposals result in financial implications which are significant to the budget for the service.

Urgent Decision	This is 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

13. In October 2019 Cabinet agreed a series of Town Centre Parking initiatives that included:
 - (a) Free on Sunday, 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.
 - (b) The parking offer introduced in June 2018 be continued:
 - (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) Plans to be developed that can be consulted on to increase the amount of parking spaces available in Duke Street and the Imperial Quarter areas.
 - (d) Abbots Yard Car Park Refurbishment
14. It was agreed that these measures would continue until 1 May 2020 and be reviewed ahead of that date to:
 - (a) Determine their impact;
 - (b) Consider them in conjunction with the emerging Town Centre Strategy as it is developed.
 - (c) Have regard for the Council's overall financial position.
15. A COVID-19 related decision was taken in March 2020 to cease all parking charges and financial provision has been made to cover this decision until the end of September 2020.
16. When the initiatives were introduced it was clear that these would need to have regard for the Council's overall financial position. This has clearly changed dramatically as a result of COVID-19. This report provides an update on the initiatives introduced.

17. The impact of the offers has been assessed and more detail is included at **Appendix 2**. In summary:
- (a) The parking offers introduced have resulted in a slight increase in monthly tickets being issued of around 2000-3000 per month, which is positive for the town centre.
 - (b) A pattern of displacement has been identified, with on street parking decreasing in usage significantly and the locations with free offers increasing, which will have changed footfall patterns in these areas.
 - (c) The free offer in outer ring road has had an impact on long-stay car parking capacity and as such an impact on business operations for staff and business who rely on long stay parking and the ability to use their vehicles during the day.
 - (d) The Feethams MSCP has seen slight increases in usage until the free on Sunday offer was introduced.
 - (e) The East Street Long Stay offer has proved popular, possibly associated with the capacity issues associated with the free offer short stay offer in long stay car parks identified above.
18. The impact of COVID-19 will have an impact on the town centre and therefore a corresponding impact on assumptions on parking income with the MTFP. The temporary position of free parking in all areas during and post COVID Lockdown means it is difficult to understand the parking patterns over recent months as tickets are not issued and data has not been collected. Therefore, it is difficult to predict what levels parking demand will return as the recovery from COVID-19 continues.
19. There are multiple issues arising from COVID-19 that will impact on parking patterns and behaviour that will need to be reviewed and assessed as recovery continues.
- (a) Walking and cycling have been promoted and encouraged and people are being more active.
 - (b) Public transport usage has seen a significant decline and for periods of lockdown and recovery the use of public transport was actively discouraged except for absolute essential journeys. Capacity on buses is still at reduced levels and occupancy levels are much lower than pre-COVID-19, at the time of writing the report circa 30-35%.
 - (c) Driving was encouraged as lockdown started to be lifted as a means of travelling and social distancing from others. At the start of lockdown traffic levels reduced to around 70 to 80% of normal levels and at the time of writing this report had returned to around 10% below.
 - (d) Shopping patterns have changed with more on-line shopping and less frequent shopping patterns, with people limiting exposure to risk. It is early in the recovery phase to understand this in any detail with more town centre businesses opening and town centre activity commencing, which may see

some people to revert to patterns, but there will be a new normal that has yet to form.

- (e) Home working has been and remains a necessity given social distancing requirements. This will have reduced the demand on long stay parking and some town centre activity for those businesses that are town centre located.
 - (f) Future lockdowns need to be considered in terms of any parking initiatives.
 - (g) As the recovery phase continues the lack of parking control will have an impact as there are already anecdotal reports that prime parking spaces are being taken up by commuters and town centre workers occupying the spaces all day. This could have an increasingly negative impact on town centre visits as more workers return taking free spaces without time control. This could result in demand issues in terms of visitors being forced to park further from the town centre and choosing not to visit.
20. All these factors will have a contributory effect on predicted parking income that is built into the Council's Medium-Term Financial Plan (MTFP). As confidence returns and shops and business re-open, parking levels could return to pre-COVID-19 levels. However, this is uncertain and could be over a long and gradual period.

Continuation of Offers

21. Many local authorities have already reintroduced parking charges or controls, but Members recognise the challenges of the recovery and want to try and support business and the town centre. However, as the recovery continues demand is growing and more spaces are being taken by commuters and long terms parkers. This is contrary to supporting town centre activity and ensuring there are spaces for short stay visits to shops and businesses.
22. In consultation with Members they wish to see a continued offer to support the town centre business on the approach to Christmas. It is therefore proposed that controls are reintroduced across the town with a number of parking offers continued to help support the town centre. More detailed information on the offers is included at Appendix 1, but in summary:
- (a) The principle of charging to park will be reinstated across the town, but there will be a two hour free offer in most Council parking areas.
 - (i) Drivers will be expected to check details of the charges at machines.
 - (ii) In pay and display bays tickets will be issued for the free offer and must be displayed. Drivers will need to pay for time above the initial two hours where available.
 - (iii) In the MSCP there will be two hours free, but drivers will need to pay for time above the initial two hours.
 - (iv) The only exceptions or changes are:
 - a) Market Square - this area is presently limited to a 30-minute max stay. The free for two hours will be introduced to provide consistency

across the town centre. The area will be free on Sunday, which applies to all areas.

- b) Park Lane Car Park is a car park linked with rail journeys from the Station and as such no offers are proposed, other than free on Sunday, which applies to all areas.

(b) Parking in all Council parking areas will remain Free on Sunday.

(c) The long stay parking offer in East Street Car Park be retained permanently.

- 23. The Tees Valley Combined Authority are considering support initiatives for Town Centres later in the year that could include support for parking offers. The impact of COVID-19 on the Council's MTFP is still being assessed and whilst the above measures would cost an additional £392,883 until the end of December 2020, Members consider this necessary to support the town centre recovery and to encourage people back to the High Street. This report seeks approval for the funding necessary to cover this extended parking offer.

Imperial Quarter and Duke Street Areas

- 24. The report to Cabinet in October 2019 identified the potential to increase the number of on-street parking bays in this area. Whilst, still in the work programme that was has not progressed as a result of COVID-19 and other priorities. This will remain in the Council's Local Transport Plan work programme but is currently deferred.

Abbots Yard Car Park

- 25. Abbots Yard car park has been refurbished with improved drainage, a second pay and display machine and a new surface. The layout has been reviewed to ensure that the spaces and aisles are more accessible and user friendly. The car park provides 61 parking bays, 22 accessible parking bays (in two blocks) and five motorbike parking spaces.

Financial Implications

- 26. 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.
- 27. The impact of the COVID-19 on the Councils MTFP is still being assessed and whilst the above measures would cost an additional £392,883 until the end of December 2020, Members consider this necessary to support the town centre recovery and to encourage people back to the High Street. The additional costs will be funded from General fund reserves.
- 28. The anticipated financial impact is based on reduced patronage for the October to December period of 70% of normal to reflect the impact of COVID-19.

29. The reviews of parking areas in the Imperial Quarter and Duke Street will have a cost implication to consider and implement and this would be considered as part of the development of a proposal and the Town Centre Strategy and Local Transport Plan Programme. However, if additional spaces are created there could potentially be additional parking revenue generated.

Legal Implications

30. The necessary legal notices are being progressed and arrangements being put in place for implementation of these measure subject to approval by Cabinet and Council. These arrangements enable the Council to implement the recommendations swiftly to support the town centre and business recovery.

Equalities Considerations

31. 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 nine 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 two 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. This EIA has been reviewed.
32. The demand for car parking has increased as traffic levels and economic activity have increased, and this has an impact on the availability of parking spaces near to shops and businesses. Short stay parking spaces in the town centre are predominantly for people visiting for a short period of time, but without control these are effectively blocked by cars parking for longer period of time or even all day. This reduces the availability of spaces for some people who have difficulties walking a moderate or long distance, in particular those with the protected characteristics of age, disability, pregnancy and carers. Reintroducing controls will increase the turnover of spaces, helping to ensure that there is more availability of spaces in the town centre.
33. The numbers of blue badge parking bays in the town centre car parks will remain the same; on street car parking for Blue Badge Holders is not affected, but controls will be reintroduced to create more turnover of spaces and prevent blocking; and there is also a car park exclusively for Blue Badge Holders at the Town Hall.
34. As controls are introduced and tickets are required there will be greater enforcement within the car parks and on-street to ensure that the appropriate payments are made but also that drivers comply with the rules. As demand for parking has increased there has been an increase in drivers parking outside of parking bays and in blue badge parking bays, creating issues in particular for people with disabilities, but also creating obstructions for others such as carers and those who are pregnant/on maternity.
35. An EIA screening exercise was 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.

36. Equality and diversity will be considered in the development of the Imperial Quarter and Duke Street area as part of the feasibility and design stages.

Consultation

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

Proposed Charging Structure October to December 2020 (inclusive)

APPENDIX 1

Off Street Car Parks – Town Centre within Inner Ring road

		Charges Prior to Offers <i>(any offers introduced highlighted in italics)</i>		PROPOSED October to December inclusive			
Parking Location	Spaces	Mon-Sat 8am to 6pm including bank holidays	Sunday 8am – 6pm	Mon-Sat 8am to 6pm including bank holidays	Sunday 8am – 6pm		
Abbotts Yard	80	1 hour £1	£1 all day	First 2 hours FREE (NO CHARGE BUT MUST DISPLAY TICKET FROM MACHINE) £1 for each subsequent hour 3 hours £1 4 hours £2 5 hours £3 6 hours £4 7 hours £5 8 hours £6 No return for 1 hour on expiry of initial ticket.	No Charge		
Commercial Street East	117	2 hours £2 3 hours £3 4 hours £4	FREE ON SUNDAY OFFER introduced October 2019				
Commercial Street West	156	5 hours £5 6 hours £6 7 hours £7					
Winston Street North	25	8 hours £8 9 hours £9 10 hours £10					
Winston Street South	36						
Town Hall	8						
Feethams MSCP	650						
East Street MSCP has traditionally been under-utilised as a short stay car park. It has been converted to include a low cost long stay parking offer within the town centre.							
East Street	338	£1 per hour £4 per day £2 per day introduced June 2018.	£1 per day			First 2 hours FREE (NO CHARGE BUT MUST DISPLAY TICKET FROM MACHINE) £2 per day No return for 1 hour on expiry of initial ticket.	No Charge

Off Street Car Parks – Town Centre outside the inner ring road

Car Park	Spaces	Charges Prior to Offers <i>(any offers introduced highlighted in italics)</i>		PROPOSED October to December inclusive	
		Mon-Sat 8am to 6pm including bank holidays	Sunday 8am to 6pm	Mon-Sat 8am to 6pm including bank holidays	Sunday 8am to 6pm
Archer Street	62	£1 per hour -up to 3 hours	£1 per day <i>FREE ON SUNDAY OFFER Introduced October 2019</i>	<i>Continue Offer introduced in June 2018</i>	<i>Continue Free on Sunday Offer introduced October 19</i>
Kendrew Street East	76	More than 3 hours - £4 per day			
Kendrew Street West	85	2 days - £8 3 days - £12			
Park Place East	95	Weekly ticket (up to 7 days) £16			
Park Place West	115	<i>First 2 hours Free Introduced June 2018 3 hours £1 £4 per day</i>			
Garden Street	72				
Hird Street	14				
St. Hilda's Tannery Yard Parkgate	15	<i>Daily and weekly tickets remained the same</i>			

On Street Parking Bays

	Charges Prior to Offers (any offers introduced highlighted in <i>italics</i>)		PROPOSED October to December inclusive	
Parking Location	Mon – Sat 8am – 6pm	Sunday	8am – 6pm	Sunday
Barnard Street Barnard East Back Street Beaumont Street Beaumont Street West Duke Street Gladstone Street Kendrew Street North Lodge Terrace South Arden Street Victoria Road Winston Street	Max Stay 2 hours 50p for each 30 mins or part thereof No return within 1 hour	Max Stay 2 hours 50p for each 30 mins or part thereof No return within 1 hour FREE ON SUNDAY OFFER Introduced October 2019	<u>First 2 hours</u> <u>NO CHARGE</u> (NO CHARGE BUT MUST DISPLAY TICKET FROM MACHINE) A max stay of 2 hours exists Free 2 hours and must display a ticket No return for 1 hour on expiry of initial ticket.	Continue Free on Sunday Offer introduced October 19
East Row Horsemarket	Max Stay 30 mins 50p for maximum 30 mins or part thereof No return within 1 hour	Max Stay 30 mins 50p for maximum 30 mins or part thereof No return within 1 hour FREE ON SUNDAY OFFER Introduced October 2019	<u>First 2 hours</u> <u>NO CHARGE</u> (NO CHARGE BUT MUST DISPLAY TICKET FROM MACHINE) A max stay of 2 hours exists Free 2 hours and must display a ticket No return for 1 hour on expiry of initial ticket. NOTE: this changes the maximum stay from 30 minutes in these bays to 2 hours No return for 1 hour on expiry of initial ticket.	Continue Free on Sunday Offer introduced October 19

Grange Road, Town centre Northumberland Street (Imperial Quarter)	Max Stay 3 hours 50p for each 30 mins or part thereof No return within 1 hour	Max Stay 3 hours 50p for each 30 mins or part thereof No return within 1 hour FREE ON SUNDAY OFFER <i>Introduced October 2019</i>	First 2 hours NO CHARGE (NO CHARGE BUT MUST DISPLAY TICKET FROM MACHINE) 2½ hours - 50p 3 hours - £1 A max stay of 3 hours exists 50p for each 30 mins above the or part thereof to a Max of 3 hours total No return for 1 hour on expiry of initial ticket.	Continue Free on Sunday Offer introduced October 19
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Parking Location	Charges Prior to Offers (any offers introduced highlighted in <i>italics</i>)		PROPOSED	
	Mon – Sat 9am – 5pm	Sunday (Introduced – Oct 19)	Mon – Sat 9am – 5pm	Sunday
East Raby Street Hargreave Terrace Larchfield Street Napier Street Park Place Powlett Street Primrose Street Raby Street Swan Street Victoria Embankment West Powlett Street	Max 2 hours 50p for each 30 mins or part thereof No return within 1 hour	Max 2 hours 50p for each 30 mins or part thereof No return within 1 hour FREE ON SUNDAY OFFER <i>Introduced October 2019</i>	First 2 hours NO CHARGE (NO CHARGE BUT MUST DISPLAY TICKET FROM MACHINE) A max stay of 2 hours exists Free 2 hours and must display a ticket No return for 1 hour on expiry of initial ticket.	Continue Free on Sunday Offer introduced October 19

CAR PARKS WITH SPECIFIC PURPOSE AND CHARGING STRUCTURE

		Charges Prior to Offers		June 18 Offer		SEPT 2020	
Car Park	Spaces	Mon-Sat 8am to 6pm including bank holidays	Sunday 8am to 6pm	Mon-Sat 8am to 6pm including bank holidays	Sunday 8am to 6pm	Mon-Sat 8am to 6pm including bank holidays	Sunday 8am to 6pm
Chesnut Street	109	£2 per day HGVs and coaches free Weekly ticket (cars only, up to 7 days) £8 per week HGVs and coaches 6pm-8am every night £4 per night	£1 per day, HGVs and coaches free	<u>First 2 hours NO CHARGE</u> <u>3 hours £1</u> £2 per day HGVs and coaches free Weekly ticket (cars only, up to 7 days) £8 per week HGVs and coaches 6pm-8am every night £4 per night	<u>First 2 hours NO CHARGE</u> £1 per day, HGVs and coaches free FREE ON SUNDAY OFFER Introduced October 2019	No change to June 2018 offer	<i>Continue Free on Sunday Offer introduced October 19</i>

Park Lane (Station)

Park Lane is predominantly linked to Rail Station usage and as such there are no planned changes associated with this car park.

		Charges Prior to Offers (any offers introduced highlighted in italics)		Proposed Sept 2020	
Car Park	Spaces	Mon-Sat 8am to 6pm including bank holidays	Sunday 9.30am to 5pm	Mon-Sat 8am to 6pm including bank holidays	Sunday 8am – 6pm
Park Lane	108	£5 all day	£1 all day FREE ON SUNDAY OFFER Introduced October 2019	£5 all day	<i>Continue Free on Sunday Offer introduced October 19</i>

Assessment of Initiatives**APPENDIX 2**

1. Some assessment has been undertaken on the impact of the initiatives.
2. Parking patterns have changed as a result of the initiatives introduced. Some analysis and anecdotal evidence has been undertaken:

- a) Free 2 hours in car parks outside the ring road.

The offer was introduced in July 18 and a steady increase in uptake was observed up until Christmas 2018 and since then has remained relatively steady at around 14,000 free tickets issued per month.

The figures in the table below show the average number of tickets issued in these car parks has almost doubled.

	Average monthly Paid Ticket Numbers	Average Monthly Free Ticket Numbers	TOTAL Average monthly Tickets issued
Pre-Offer Aug 17 to May 18	10778	nil	10778
Offer period Aug 18 to Feb 20	6263	13318	19581

The plateau reached at Christmas 2018 of around 14,000 free tickets per month is likely due to the capacity of car parks being reached and ability to find space.

The offer did result in some issues for business and commuters, who use these car parks as long stay parking areas. If business users left a space for a visit it was unlikely that they could find a long stay space on their return. This was a negative impact of the offer especially when trying to encourage town centre business growth. The offer has resulted in a general pressure on long stay parking capacity for business and commuters.

There was also evidence of meter feeding to secure free parking for long periods, which is contrary to the intention of the parking offer to generate turnover of spaces and more visits to the town centre. This has added to the figures reported.

Impact across the Town

In analysing the impact of the offers across the town the table below shows average monthly ticket numbers over 3 periods:

1. Pre-Offer period
2. Offer Period 1 – where two hours free car parking in specific car parks located outside of the ring road & East Street Car Park having an offer of all day parking for £2.00 were introduced.
3. Offer Period 2 – As Offer 1 plus free on Sunday in all Council Parking areas

Average monthly tickets	Pre-Offer Aug 17 to May 18	Offer period 1 Aug 18 to Sep 19	Offer Period 2 Oct 19 to Feb 20*	Difference from current offer to pre-offers
On Street Parking	30340	25376	23950	-6390
All Car parks (incl MSCPs)	88483	95714	97643	9160
Total	118823	121090	121593	2770
Feethams MSCP	20685	21056	19071	-1614

*Free on Sundays introduced

The average number of monthly tickets has shown a slight increase in tickets issued per month (2000-3000), which is positive for the town centre and suggests the offers have assisted support the town centre.

Not surprisingly the tickets in car parks generally have increased, which is expected given the free two-hour offer in the outer ring road car parks. However, it is interesting that Feethams MSCP (with no offers) had a slight increase until the free on Sunday offer was introduced.

The major change has been On-Street parking locations with a significant drop. This change in parking habits and locations will have changed footfall through certain parts of the town and particularly footfall past businesses where on-street parking exists. However, this also suggests there may simply have been a displacement of parking patterns and not the impact of significantly increasing visits into the town centre.

b) East Street £2 all Day

East Street was a relatively under-used car park. The offer was designed to introduce low cost long stay parking in the town centre. Ticket numbers have increased and has provided useful additional long stay parking options and capacity with short stay parking displacing to the car parks with Free 2 hour offers.

Average monthly tickets	Pre-Offer Aug 17 to May 18	Offer period 1 Aug 18 to Sep 19	Offer Period 2 Oct 19 to Feb 20*	Difference from current offer to pre-offers
East Street	4194	5599	6228	2034

c) Free Sunday – Evidence had not been gathered prior to lockdown in relation to the impact of not charging on Sundays. However, based on previous income levels this represents a potential loss of £80,000 at pre-Covid19 parking occupancy levels.

Ticket numbers in on-street locations showed a further drop of around 1426 tickets per month when the free on Sunday offer was introduced.

Anecdotal evidence suggested that on street spaces were used by longer term parkers either all day or cars remained occupied by town centre residents or people choosing to leave their vehicle overnight following an evening out. This potentially had the impact of reducing the amount of free short stay spaces.

CABINET
15 SEPTEMBER 2020

REDEVELOPMENT OF THE VICTORIAN INDOOR MARKET

Responsible Cabinet Member – Councillor Alan Marshall
Economy Portfolio

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

SUMMARY REPORT

Purpose of the Report

1. To gain Cabinet approval for and release of funds for the delivery of a Temperate Garden as part of the redevelopment of Darlington Victorian Indoor Market.

Summary

2. In 2017 the Council entered a lease with Market Asset Management Darlington Ltd (MAM) for the management, refurbishment of the Victorian Indoor Market and the management and improvement of Darlington's outdoor market.
3. The overall aim of the Council was to ensure that both markets functioned in a more efficient manner, with capital improvements to the Indoor Market with an enhancement in the quality of the merchandise sold from the stalls and an increase in footfall.
4. As part of the lease MAM are obliged and committed to invest £1,500,000 in repairs to the roof and structure of the building and improvements to the mechanical and electrical supplies, ventilation and heating system.
5. In July 2019 Cabinet agreed to support the ongoing redevelopment unfortunately due to several management issues, design implications and COVID19 the redevelopment has stalled over the last 12 months. However, since July 2020 the project has begun to get back on track with design briefs being completed and tender/procurement exercises commencing.
6. Since the last report in July 2019 there has been a re-design of the proposals to reflect the ambition of ensuring the market becomes a focal point within the town. The project features installation of a bio-mass heating system and the re-development and re-purposing of approximately one third of the market hall to provide a street food scene, bar and events stage, an enhanced entrance and additional public toilets. MAM will produce and manage a full events diary and focus efforts on driving family-based evening economy to benefit the market and the wider town-centre and to dovetail with ongoing improvements to the outdoor markets and enhance events programme , which are all set to continue. Further

phases will involve a face-lift to the remaining shop floor of the market providing a more exciting place to shop and a mezzanine level business centre.

7. An important element of the overall re-development will be the installation of a temperate garden on the eastern facing elevation of the building, adjacent to the market square. This exciting development will include the construction of a new temperate garden and redevelopment of large sections of the market vaults into a bar and restaurant. It is hoped that the redevelopment will act as a real catalyst for the wider town centre and attract visitors from across the Tees Valley, Durham and North Yorkshire.
8. In the July 2019 report to Cabinet early cost projections anticipated that the temperate garden may cost in the region of £1,500,000. However, following structural engineer reports which resulted in the redesign of the temperate garden facility and further tender evaluations the costs are £2,050,000. The Tees Valley Combined Authority have agreed to support this project from the Indigenous Growth Fund. Any funding will be subject to grant funding conditions
9. Illustrations of the proposed redevelopment of the market hall and temperate garden development are attached in **Appendix 1**.

Recommendations

10. It is recommended that Members (subject to grant funding conditions being agreed with MAM) agree:
 - (a) to support a grant of £2,050,000 to MAM for investment into the Victorian Indoor Market for the development of the temperate garden and food and beverage outlets
 - (b) to release money from the TVCA Indigenous Growth Fund allocation for that purpose.

Reason

11. The recommendations are supported to contribute to the further economic wellbeing and vitality of the Town Centre.

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

MAM – Indoor Market Proposals

Mark Ladyman: Extension 6306

S17 Crime and Disorder	This paper supports and complements the actions detailed in the Darlington Town Centre Footfall Strategy to reduce ASB in the Town Centre.
Health and Wellbeing	No direct impacts
Carbon Impact	No direct impacts
Diversity	No direct impacts

Wards Affected	All
Groups Affected	All
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework. Any works highlighted in the report will be met through Tees Valley Indigenous Growth Fund.
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	The actions detailed in the report aim to improve the attractiveness of the Town Centre therefore directly impacting on Perfectly Placed.
Efficiency	The report aims to utilise the Councils and partner resources in a collective more efficient manner.
Impact on Looked After Children and Care Leavers	This report does not impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

The Development of Darlington Victorian Indoor Market

12. Darlington's Victorian Indoor Market plays an important anchor for the Town Centre going forward. In terms of a unique proposition the market should and could act as an attractor for many people to come to the town. However, this building is underperforming and is not fulfilling its potential. The Council has recognised the need for further investment.
13. The reinvigoration of the Indoor Market is considered one of the key components of the future development of our town centre and should be viewed in terms of a place of interest, distinctiveness, and diversity of a quality hospitality and trading retail offer.
14. It is proposed that approximately one third of the market hall will be developed into a street food scene with a bar and events stage and an enhanced entrance and additional public toilets. It is the aim of the redevelopment of the facility should be a place where higher quality small independent retailers and food operators can operate. In addition, the objective is to create a higher quality, safer and more engaging environment that will attract workers, residents and families and be complimentary to our development of a growing evening economy.
15. A newly refurbished and refreshed Indoor Market is a key part of creating a unique and local offer which distinguishes Darlington Town Centre from other high street developments. The importance of Indoor Market to the local economy is well recognised by the Council. Despite current challenges the Indoor Market still enjoys some unique advantages. It is centrally located and enjoys strong customer loyalty and it retains a sizeable fresh food offer but there is undoubtedly opportunity for significant improvement and growth which will add to its vitality and viability and make a more telling contribution to the Town's vibrancy.
16. The most notable feature of the new proposal is the 'temperate garden' on the eastern elevation of the market building. This will be situated beneath a new

canopy and will include enclosed glazed sides to create an internal environment food and beverage operators.

17. The above addition to the market hall will cost £2,050,000. The Tees Valley Combined Authority have agreed to support this project from the Indigenous Growth fund.
18. The Council is confident that this investment and transformation of this much-loved heritage building into a modern retail and leisure venue would not only provide the retail offer to residents but act as a regional attraction for visitors.

Financial Considerations

19. As noted above the improvements will cost £2,050,000 and will be funded from the Indigenous Growth fund from The Tees Valley Combined Authority. Therefore there are no direct financial implications for the Council.

Legal Implications

20. The leasehold of the indoor market building is owned by MAM under a 99-year long lease from Darlington Borough Council which commenced in September 2017.
21. Under the term of the long lease MAM are obligated to deliver required improvement works before the break clause date or the Council will be entitled to terminate the lease. MAM are also subject to minimum operational requirements and to a restriction of the use of the building.
22. There is a potential state aid issue, however it is considered that the funding falls into the European Union General Block Exemption Regulations and in particular aid for culture and heritage conservation.
23. Any funding to MAM will need to meet grant funding conditions and be documented by formal funding agreements. The conditions will include satisfying the requirements of the Tees Valley Combined Authority (as the senior funder) and in addition state aid issues will need to be addressed.

Consultation

24. MAM carried out a consultation exercise previously and the response was overwhelmingly in favour of incorporating a temperate garden into the Victorian Market redevelopment.

DARLINGTON MARKETS

A VISION FOR THE FUTURE

A REDEVELOPED MARKET FOR ALL SECTORS OF THE DEMOGRAPHIC

BREATHING FRESH LIFE INTO DARLINGTON'S
MOST ICONIC BUILDING



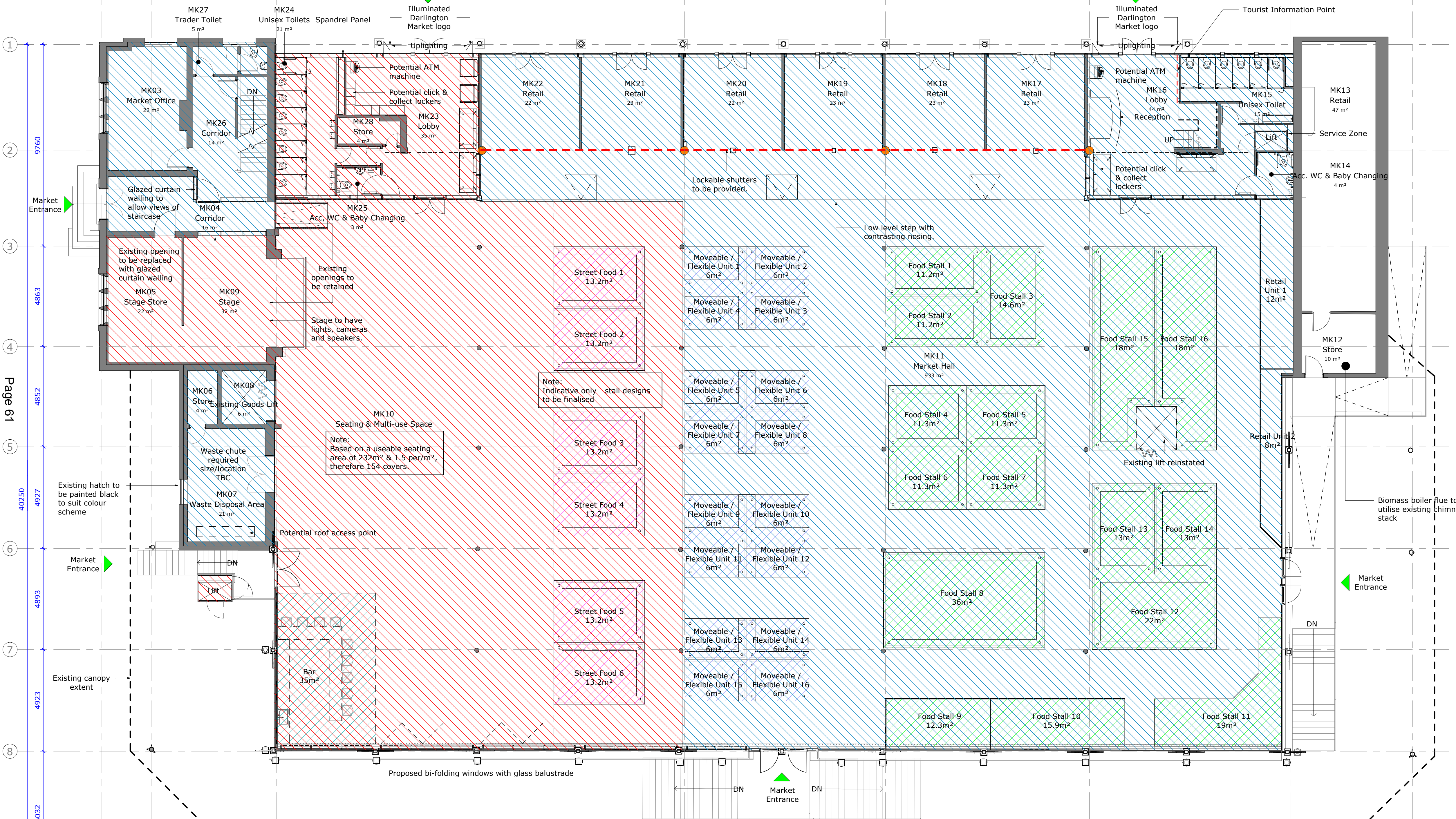


FRESH CONCEPTS FOR FUTURE TRADE

- Combining fresh food retail and an exciting street food element to provide a fit-for-purpose mixed-use space.
- A Market with inter-generational appeal to attract customers old and new.
- A relaxing space for friends and families to spend time together.
- Stimulating the town-centre evening economy through events and animation.
- Acting as a catalyst for town centre events and footfall.
- Providing opportunities for small and startup businesses in the town centre.

PHASE 1

Food Hall and Roofing Works
Roof - July 2020 - March 2021
Phase 1 - January 2021 - April 2021





PHASE 1: ENSURING THE ROOF PROVIDES SHELTER

PHASE 1: A NEW DESTINATION FOR FOOD AND DRINK, BOOSTING DAYTIME FOOTFALL AND GENERATING AN EVENING ECONOMY.



- Communal Seating Area
- International Street Food units offering a range of Cuisines
- Venue for office workers, residents and local and regional visitors
- Space for live entertainment to support local performers and attract footfall



TURNING THIS...

INTO THIS...



the BIG

AND THIS...



INTO THIS...

LIVE
MUSIC
AT DARLINGTON MARKET



PHASE 2

*Improvements to the Retail Market
April 2021 - November 2021*

PHASE 2- A REFRESH OF THE TRADITIONAL MARKET- FLEXIBLE AND BOUTIQUE RETAIL



TEMPERATE GARDEN AND VAULTS

*A New Attraction to the Market
December 2021-May 2022*



TEMPERATE GARDEN AND VAULTS F&B BUSINESSES

SUMMARY

- A dramatic new purpose for the market, blending the traditional whilst meeting new visitor expectations.
- Significantly improved market lettings and vibrancy
- Pre-development; the market has always generated losses.
- Post-development; the market will become profitable
- A meaningful boost to town-centre footfall and a vibrant family-based evening economy
- We will be investing £1.8M in Darlington Market over the next 2 years.



THANK YOU FOR YOUR ATTENTION

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**CABINET
15 SEPTEMBER 2020**

**DELIVERY OF NEW HOMES AT NEASHAM ROAD
JOINT VENTURE PROPOSAL AND LAND DISPOSAL**

**Responsible Cabinet Member –
Councillor Alan Marshall, Economy Portfolio
Councillor Charles Johnson, Resources Portfolio
Councillor Kevin Nicholson, Health and Housing Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. To update Members on the proposed delivery of new homes on Neasham Road.
2. To approve the establishment of a new Joint Venture Company (JVC) between Esh Homes Ltd and Darlington Borough Council which will provide the infrastructure to open the site and then build and sell homes on parts of the site, as shown at **Appendix 1**.
3. To seek approval from Members on the proposed disposal terms of land agreed between the Council and the new JVC.
4. To seek approval for the Council to build 150 Council owned affordable homes on the site and determine the Sustainable Code Level which the dwellings are to be built to.
5. To seek approval from Members to utilise the £2.8m Housing Infrastructure Funding (HIF) for strategic infrastructure at Neasham Road.

Summary

6. The Council issued an OJEU procurement exercise in Summer 2017 to seek a joint venture partner for residential development. Esh Homes Limited were appointed following that exercise. This partnership has already proved to be a successful model for the accelerated delivery and provision of housing within the Borough and the delivery of income for the council via profits and loan interest payable.
7. At the meeting of Cabinet on 6 March 2018, the Council approved the acquisition of land at Neasham Road with the overall objective of providing circa 450 new homes which included the provision of 300 affordable homes.

8. This approval was subsequently followed with a further report to Cabinet on the 8 January 2019 at which members approved the disposal of land at Neasham Road, to the JVC. It was also agreed that a report on the agreed terms for the disposal of this land would be brought back to Cabinet for final agreement.
9. Subject to the acquisition of land within the site, to be acquired by compulsory purchase powers (CPO) and vacant possession of the former allotments, it is proposed the Council will dispose of Part A to the new JVC and Part B to be used for the development of Council owned affordable homes. It is currently proposed that Part C would be sold to a Registered Provider or retained by the Council for Council owned affordable homes. The JVC would provide strategic infrastructure to the whole site and costs apportioned between the parties.
10. A planning application for the whole site was submitted in March 2020. This application was presented to the Council's Planning Committee on 5 August 2020 where planning approval was granted.
11. In summary the application was granted for the development of 449 homes, as shown on the Plan at Appendix 1. These are divided into three parts;
 - (a) Part A – JVC development for the provision of 155 privately owned homes
 - (b) Part B – Council owned affordable housing development for 150 homes and:
 - (c) Part C – (outline planning) for 144 homes to a Registered Provider or Council owned affordable homes.
12. It is again important to acknowledge that the acquisition of the land at Neasham Road provides an opportunity for much needed social and affordable housing development but this acquisition was part of a wider strategy presenting several key benefits.
 - (a) Facilitates the relocation of the cattle mart operation from a site close to the town centre to a new purpose-built facility on the outskirts of town capable of delivering a new agricultural cluster.
 - (b) Allows the inclusion of the cattle mart site to be a part of the multi-million-pound regeneration investment into Bank Top station area and in time will deliver a capital receipt for disposal of Clifton Road.
 - (c) Facilitated accelerated build out at Stag House farm through the JVC and Barratts together with the £2.8m HIF grant funding from Homes England, that can be recycled through this development.
 - (d) The site would act as a significant contributor to the Councils identified need for social housing.

Recommendation

13. It is recommended that Cabinet: -
 - (a) Approve the establishment of a new JVC to deliver, build and sell new homes at Neasham Road and delegate authority to the Assistant Director Law and Governance to finalise the negotiations for the establishment of the JVC.

- (b) Approve £8.5m from the Investment Fund to fund the JVC financed by prudential borrowing subject to a legal charge in favour of the Council over the Land acquired by the JVC company together with a Guarantee from the Joint Venture partner in respect of 50% of the loan sum.
- (c) Approve the sale of the land to the JVC, conditional upon the completion of the Joint Venture Agreement.
- (d) Authorise the Assistant Director Law and Governance to execute the sale of the land, the entering into the joint venture and associated documents accordingly.
- (e) Authorise the Assistant Director of Resources, the Assistant Director Housing and Building Services and the Assistant Director Law and Governance are appointed to act as directors in the JVC as part of its Executive Board.
- (f) Approve that upon completion of the Joint Venture agreement that a secured loan facility be entered into with the JVC as a secured loan simultaneous with the land transaction.
- (g) Approve that Area A is developed by the JVC and allocate Area B to the Council's new build affordable housing scheme on the terms and conditions outlined in Part III of this report at **Appendix 2a and at Appendix 2b**, and agree that the Director of Economic Growth and Neighbourhood Services be granted Delegated Authority to finalise negotiations in line with the terms reported.
- (h) Agree to give delegated powers to the Director of Economic Growth and Neighbourhood Services to transfer the land at Area B to the HRA, in line with the terms outlined in Part III of this report at **Appendix 3** and provide 150 Council owned affordable homes at an estimated build cost of £24.13m for Sustainable Code 3 level plus financial contributions towards s106 costs, and works undertaken by the JVC, or an additional cost of £14,000 per property for 150 dwellings for Code 4. Details of the Section 106 obligations are outlined in Part III of this report at **Appendix 4**.
- (i) Approve the termination of agreements relating to the former allotment land to secure vacant possession and negotiate compensation as appropriate.
- (j) Agree to release funding required to facilitate the development and to fund the additional fees, development costs and annual maintenance costs in relation to ecology, on the terms and conditions outlined in Part III of this report see **Appendices 2a, 2b and 3** and to use the £2.8m HIF funding currently utilised on Stag House Farm on strategic infrastructure at Neasham Road . The external funding and commercial envelope information relating to Neasham Road is identified in Part III of this report at **Appendix 5**.

Reasons

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

- (a) To contribute to the our Covid recovery in line with the agreed Economic Strategy.

- (b) Accelerates the building of new homes for sale by the JVC and contributes to our much-needed social housing requirement.

Paul Wildsmith
Managing Director

Ian Williams
Director of Economic Growth
and Neighbourhood Services

Background Papers

Appendices as listed below:

- i. Appendix 1 – Site Plan showing Area A, B and C.
- ii. Appendix 2a and 2b Part III report – Development Appraisal and Heads of terms for the disposal to the JVC.
- iii. Appendix 3 Part III report – Heads of terms for the Council owned affordable housing development
- iv. Appendix 4 Part III report – Section 106 obligations
- v. Appendix 5 Part III report – Commercial Envelope
- vi. Appendix 6 Part III report – Reserved Matters

Guy Metcalfe: extension 6725

S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Well Being	There are no Health and Well Being Issues
Carbon Impact	There are no sustainability issues
Diversity	There are no diversity issues
Wards Affected	Hurworth
Groups Affected	Not Applicable
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	There are no issues adversely affecting the Community Strategy
Efficiency	An investment return from the JV will help the Council's MTFP position.
Impact on Looked After Children and Care Leavers	Looked after Children and Care Leavers could benefit from the Council's affordable housing units not least of all because one is planned to be a Children's home

MAIN REPORT

Information and Analysis

15. The Council's established JVC's have already proved to be a successful model for the accelerated delivery and provision of housing within the borough. Details of the arrangements are outlined in this report and Shareholder Reserved Matters are outlined in Part III of the report at **Appendix 6**. With planning permission now approved the scheme will provide for 150 new Council owned affordable homes to be constructed and 155 open market homes by the JVC.

16. Detailed planning permission has been granted with outline planning approval also granted in respect of the middle area of land, area C, that is earmarked for development by a Registered Provider or the Council for circa 144 homes Council owned affordable homes as shown on the plan at Appendix 1.
17. Prior to build commencing there are still several issues to resolve:-
 - (a) Members are aware that a final land parcel acquisition through compulsory purchase powers is ongoing. In the event objections are received, an update will be reported back to Members for consideration at a future meeting.
 - (b) Demolition of two empty properties are required to facilitate the development and this is being undertaken by the Council using framework contracts.
 - (c) A small part of the site, former allotments land is used for grazing purposes and work is underway to seek vacant possession of these areas.
 - (d) In accordance with the planning approval some additional off-site ecology works are needed.

Land Disposals

18. The JVC will develop Area A as shown in the plan at Appendix 1 and will also procure enabling infrastructure to open and provide infrastructure for the wider site. This is a similar arrangement to the one adopted at Stag House. The heads of terms of the proposed disposal to the JVC are set out at Appendix 2a and 2b to be reported in Part III of this report.
19. It is intended the sale to the JVC would be completed once the CPO has been confirmed and concluded.
20. In order to ensure that ecology on the site is protected, works will not take place during March and September, so it is proposed some tree protection works are undertaken prior to these dates.
21. The enabling infrastructure works will be undertaken by the JVC and include highways works and sustainable drainage for the site.
22. The Council will develop Area B on the plan at Appendix 1. The heads of terms of the proposed disposal are set out at Appendix 3 to be reported in Part III of this report.
23. Area C on the plan at Appendix 1 will be retained by the Council and it is currently proposed would be sold directly to a Registered Provider or may be a future Council owned affordable housing development.
24. In accordance with the planning permission the Section 106 Agreement obligations will cover the whole site. Further details are given in Appendix 4 to be reported in Part III of this report.

The Council's New Build Affordable Housing Programme

25. The proposal is for the Council to build 150 units of affordable housing for rent comprising of:-
- (a) 50x two bedroomed apartments
 - (b) 28x two bedroomed houses
 - (c) 50x three bedroomed houses
 - (d) 21x four bedroomed houses
 - (e) 1x five bedroomed house
26. The Strategic Housing Market Assessment identified that there is a need for 160 affordable dwellings for rent across the Borough of Darlington each year and other Registered Providers operating in the area provide relatively low numbers of affordable housing units on average.
27. Not only is there a need to build affordable dwellings to meet local need, it is also a business need for the Housing Service. The Business Plan is underpinned by the rents received from Council properties and the loss of rents as a result of previous regeneration works and ongoing right to buy sales significantly reduces income for the Housing Service if these properties were not replaced.
28. Now that the HRA borrowing cap has been abolished we are able to prudentially borrow additional resources to supplement the funding available from revenue contributions to capital. The Housing Business Plan approved by Council in March 2020 identified around £81m available to spend on new build in total going forward and with projected Homes England grant of £27m. In respect of the site at Neasham Road we have already secured £5.85m of HE grant funding and a further bid is pending for an additional £1.5m.
29. The cost of the Council's build works is anticipated to be £24.13m. The cost of works is based on anticipated tender prices. Full details of the costs of the overall requirements including infrastructure costs and planning requirements are provided at Appendix 3. It should be noted however that the overall costs are significantly higher than normal due to several factors including:-
- (a) Significant landscaping and ecology treatment, as well as, play provision for the overall site being included in these costs
 - (b) Infrastructure costs and external works are much higher, reflecting the location of the site and include S278 works on the Highway
 - (c) Need for raft foundations and retaining walls
30. Members have also requested that consideration should also be given to whether this scheme should include additional sustainability measures to reflect the Council's commitment towards the Climate Change agenda. A range of measures have been identified to bring the properties to Sustainable Code 4, such as, Solar PV, air source heat pumps and improved insulation but further more detailed work would be required to agree the most appropriate measures, particularly taking into account feedback from tenants where these measures have been used previously. Meanwhile it has been estimated there would be an additional cost of £14k per property, adding a further circa £2.1m to the overall cost and bringing the total

scheme cost from £24.13m to £26.24m plus the s106, plus financial contributions towards s106 costs, land and works undertaken by the JVC.

The JVC Proposal

31. The proposal is to develop the part of the Neasham Road site under the Joint Venture arrangement; the benefits of this over a straightforward land sale to a single or multiple development are:-
- (a) A share for the Council in developers' profits
 - (b) The Council retains more control over the overall site
 - (c) All infrastructure works are undertaken by the JVC therefore ensuring quality and delivery on time
 - (d) The arrangement gives greater flexibility
 - (e) The land value is negotiated to deliver value for money for the Council

The principles of the JVC are as follows

32. The Council enters into a disposal of the land with the JVC and into a loan facility agreement of up to £8.5m, simultaneously with security over the land and formal completion of the Joint Venture documents and a deed of guarantee from the Joint Venture Partner. The projected gross interest payable to the Council under the Loan Agreement is projected to be £1.265m.
33. The JVC contracts with building contractors in respect of the substantive works. All contracts with a value over £25,000 require the approval of the Council and it is a requirement that any contracted works comply with public procurement requirements and the Councils own requirements.
34. Total cost of the JVC development works is anticipated to be £27.5m. The cost of works is based on anticipated tender prices which are best value and are subject to validation by an independent Quantity Surveyor.
35. After the finance costs (payable to the Council and the Joint Venture Company), costs of sale and professional costs, the pre-tax profit to each partner is estimated at £1.1m.
36. Rate of return for the Council of circa 35% over the five-year scheme which is the expected build out period.
37. The Joint Venture agreement has the following heads of terms:-
- (a) The JVC will deliver strategic infrastructure works, highways, drainage, SUDS and services as referred to in the Appendix 2b in Part III of the report.
 - (b) The Council will fund the project and investment and capital will be repaid to the Council over the life of the project.

- (c) The number of homes built at any one time is limited to reduce risks associated with sales.
- (d) The maximum funding requested is £8.5m.
- (e) Each joint venture partner will nominate three directors to the Executive Board.
- (f) Decisions made by the Executive Board by simple majority will be binding on all partners save as to the shareholder reserved matters which must be agreed by both shareholders in writing.
- (g) A process to resolve disputes is included.
- (h) The Joint Venture will incur costs and execute sales in accordance with the appraisal. Sales may not be made at less than 95% of the appraisal value without the consent in writing of both shareholders.
- (i) Profits will be shared equally (50:50) between the Joint Venture members.
- (j) The Agreement can be terminated under defined circumstances.
- (k) The Building contracts can be delayed or terminated under defined circumstances.

38. The principal elements of the Loan Agreement are:-

- (a) A cash advance by the Council to the JVC in the sum of up to £8.25m to fund the Joint Venture development.
- (b) Interest on the loan to be calculated at the State Aid compliant rate, currently 4.75% and variable over the term.
- (c) Security on the land to the extent of the advanced sum.
- (d) Legal Charge over the land to secure the lending.
- (e) The whole of the advance will be repayable as a debt if any instalment is not paid or in the event of any insolvency action.

39. The principal elements of the Building contracts are:-

- (a) Contract between JVC and building Contractor.
- (b) Based on formal tenders for the works.
- (c) Variations over £50,000 require consent in writing of the Council and Esh Homes Limited.
- (d) Works can be delayed at the instance of the JVC with agreed delay costs of £5,000 per week.

- (e) Terminable by the JVC on notice with agreed termination payment for demobilisation costs of £25,000.

40. The proposal is set out in the Appendices see the appraisal at **Appendix 2a**.

Risks Analysis and Valuation Comment

41. There are two main areas of risk on the expected return; *the cost of the build* (which if it increases will diminish profit) and the *achievement of the sales value*. Safeguards are in place on both elements as below.

Cost of Build

42. The expected total cost of the build contract is £27.1m. The Council's contribution to the build cost is restricted at any time to the amount of the loan advance.
43. Over the course of a building project the building contracts allow for required variation instructions to be given in the form of Architects Instructions (AIs). Increases to the building contract costs affect the profitability of the Council investment. Accordingly, the AIs are managed in two ways:-
- (a) Mechanism in the Building contracts that no AI or variation with a value in excess of £15,000 can be made without the approval in writing of the contract administrator.
 - (b) Mechanism on the Joint Venture Agreement that no variation with a value in excess of £15,000 can be made by the JVC save with the consent in writing of both the Council and Esh Homes Limited.
 - (c) Mechanism in the Joint Venture that the building contracts cannot be varied with cumulative variations with a total value in excess of £50,000 save with the consent in writing of both the Council and Esh Homes Limited. This will be recorded in the Joint Venture and in the Articles of Association of the JVC as a shareholders reserved matter as appended at Appendix 6.
 - (d) A further mechanism in the building contracts provides that the works are released on a staged basis of five units at a time. These phased releases are to be approved by monthly governance meetings and the requirement for this is recorded in the Joint Venture. The approval for further releases shall not be given where the sales programme is behind targets to the extent that the JVC does not have sufficient funds to meet the liability of the additional release.
 - (e) The Joint Venture Agreement governs the situation where consent is sought to sell properties for less than 5% below the appraisal value, or where the sales programme is behind the projections in the cash flows requiring a further advance on the loan agreement to maintain liquidity of the JVC. In such a case (on a case by case basis) the parties will not continue with the building contracts unless there is agreement in writing by both parties to do so. The parties may alternatively agree to delay the progress of the building contracts until the sales programme less than five units.
 - (f) The building contracts contains express provision that delay payments of £5,000 per week are incurred for delay at the request of the JVC. The contract

further makes provision to be terminated subject to a liability to the contractor of £25,000 being the contractually agreed termination costs for the building agreement which would be the contractual liability of the JVC to the Contractor in the event that further releases of the programme are not agreed under the mechanism outlined in para 28(e).

44. In such an event the Joint Venture agreement would be subject to the dispute resolution procedure and terminable.

Financial Implications

45. The works undertaken by the JVC are to provide enabling infrastructure to the whole of the site and it should be noted that the cost of these works exceeds the land receipt that would be expected from the JVC for Part A of the site. As such a reconciliation payment will be made by the Council to the JVC. Any works done for example, ecology works, in advance of the Joint Venture Company completing the sale in March 2021 will need to be done at risk and funded upfront by the Council. These works would be required in any event to facilitate development.
46. The Council will pay for their percentage share of the enabling infrastructure costs incurred by the JVC for the Council owned affordable housing site B and for the remaining site C. Site C will then be available for sale as a full enabled site. It is expected that an increased capital receipt will be received for this land from the future purchaser.
47. In the longer term it is anticipated that adjacent private land holdings may be brought forward for development with access gained from the infrastructure provided by this development. We anticipate further financial receipts as a result of this released development value with access gained from the Neasham Road development site.
48. Details of the commercial envelope for the whole site are given in Appendix 5 to be reported in Part III of this report.

Mitigation of Risk regarding the JVC

49. The Council's contributions are made to the JVC by shareholder lending supported by shareholder guarantee. The advance from the Council will be on the basis of the required state aid compliant interest rate required by the relevant EU legal communication notice. This is currently calculated at 4.75% per annum which equates to 4% plus the current UK base rate. The scheme length and scheduled repayment dates are set out in the Cashflows.
50. The Council's lending is proposed to be secured by a legal charge on the land and build and a restriction on title as well as the guarantee for 50% of the lending from the Joint Venture partner.
51. In addition to the safeguard above the funds at the bank will be protected as follows:-
- (a) Both of the Joint Venture members directors will be named on the company bank mandate have immediate direct access to account information.

- (b) Each of the Joint Venture members, ie Esh Homes Limited and the Council will cross guarantee to the other over the conduct of the bank account by their employee directors in the Joint Venture Agreement.
52. The Joint Venture Agreement governs the situation where consent is sought to sell properties for less than 5% below the appraisal value, or where the sales programme is more than five units behind the projections in the cash flows.
53. In such a case (on a case by case basis) the parties will not continue with the Building contracts unless there is agreement in writing by both parties to do so. The parties may alternatively agree to delay the progress of the Building contracts. A further mechanism in the building contracts provides that the works are released on a staged basis of five units at a time. These phased releases are to be approved by monthly governance meetings and the requirement for this is recorded in the JV. The approval for further releases shall not be given where the sales programme is more than five units behind the target shown in the cash flows.
54. The Building Contracts contain express provision that delay payments of £5,000 per week are incurred for delay at the request of the JVC. The contract further makes provision to be terminated subject to a liability to the contractor of £25,000 being the contractually agreed termination costs for the Building contracts which would be the contractual liability of the JVC to the Contractor in the event that further releases of the programme are not agreed.
55. In such an event the Joint Venture Agreement would be subject to the dispute resolution procedure and terminable with the interests and liabilities of each member calculated at that point.
56. The Joint Venture will operate on a risk reward basis, and each parties risk share will be limited to half of the required lending to fund the scheme.
57. The risk of non-payment of lending will be secured firstly against the land and assets of the JVC, as well as by a guarantee from the Joint Venture Partner for their share of the project.
58. Additionally, the building contracts will be let on flexible terms to ensure that they can be terminated early if needed and offering the Joint Venture Partners the opportunity to slow or phase development as needed to reflect changes in the market.

Outcome of Consultations

59. Internal consultations with Housing, Estates, Finance, Legal and Corporate Procurement have not raised any objections to the proposal.
60. Statutory consultation was carried out through the required planning process. These were taken into account during at the Council's Planning Committee.

Legal Advice

61. The Localism Act 2011 includes a 'general power of competence' which gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited.
62. The Joint Venture is to be delivered with the Joint Venture partner appointed following an OJEU tender process conducted in Summer 2017.
63. Under the provisions of the Local Government Act 1999 the Council is subject to a general duty to obtain 'best value' in the exercise of its functions. Cabinet should consider in making the recommendations of this report that the deal represents value for money which is supported by obtaining independent valuation comment on the terms of the land disposal the Council's professional appraisal of the sales values and by requiring that the engagement of the building contract be conducted in accordance with tendering processes on an arm's length basis in accordance with the Council's own tendering thresholds.
64. Specific legal advice has been obtained on the envisaged agreements and the Assistant Director, Law and Governance, will be required to document the Joint Venture on the basis set out in this report, specifically in the Joint Venture Agreement, the Loan Agreement, the Legal Charge, the Deed of Guarantee and register the necessary restrictions at the Land Registry to protect the Council's interest in the scheme and mitigate any investment risk.

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**CABINET
15 SEPTEMBER 2020**

**EXCHANGE OF LAND AT WHESOE ROAD
AND DRINKFIELD MARSH, DARLINGTON**

**Responsible Cabinet Member –
Councillor Charles Johnson, Resources Portfolio
Councillor Alan Marshall, Economy Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to seek Cabinet approval to exchange 1.14 acres of land held by the Council at Whessoe Road (shown hatched on the plan at **Appendix 1**) for 0.83 acres of land adjacent to Drinkfield Marsh (shown hatched on the plan at **Appendix 2**).

Summary

2. The Council as Highway Authority owns 1.14 acres of land acquired by Durham County Council in the 1970's for highway widening purposes. Highways no longer wish to widen Whessoe Road but just retain sufficient land for a highway verge.
3. Drains were installed in the land but obligatory fencing was not erected along the new boundary. With Highways no longer proposing to use the land for a highway scheme there is an obligation under the Crichel Down Rules to sell the land back to the previous owners at open market value.
4. In and prior to 1997 the Council carried out works, via volunteers, to raise the levels of Drinkfield Marsh and create the designated status of Local Nature Reserve.
5. The current owners are executors of the previous owner who owned both the Whessoe Road land prior to purchase by Durham County Council (DCC) and the land adjacent to Drinkfield Marsh. The current owners have expressed a desire to exchange land in order to regularise the boundaries of both plots and bring all disputes to an end and terms have been provisionally agreed to achieve this.

Recommendations

6. It is recommended that:

- (a) Cabinet approve the exchange of land on the terms set out in this report, and;
- (b) The Assistant Director Law and Governance be authorised to complete the transfers of land accordingly.

Reasons

7. The recommendations are supported in order to safeguard Drinkfield Marsh Local Nature Reserve.

Paul Wildsmith
Managing Director

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

Background Papers

No background papers were used in the preparation of this report

Guy Metcalfe – Ext 6725

S17 Crime and Disorder	The report has no implications for crime and disorder
Health and Wellbeing	The report has no implications for health and wellbeing
Carbon Impact and Climate Change	The protection of land adjacent to Drinkfield Marsh has the potential to store carbon in tree and shrub growth.
Diversity	No implications
Wards Affected	Harrowgate Hill
Groups Affected	None
Budget and Policy Framework	The resolutions in this report are not likely to result in changes to the budget framework.
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	N/A
Efficiency	The workload resulting from the recommendations in this report assumes resources at existing levels.
Impact on Looked After Children and Care Leavers	N/A

MAIN REPORT

Information and Analysis

Whessoe Road

8. In the 1970's Durham County Council as Highway Authority acquired 1.14 acres of land in a strip running along Whessoe Road (shown hatched on the plan at Appendix 1) from Mr Blair for the purposes of widening and draining Whessoe Road. DCC were obliged to erect a fence along the newly created boundary as a condition of purchase. In subsequent years DCC installed a new highway drainage system but didn't fence the land and didn't widen the existing adopted highway. Quotations suggest the cost of a post and rail fence along the boundary would be in the region of £7,000 whereas a secure palisade fence would be in the region of £25,000.
9. In 1997 the land transferred to Darlington Borough Council as the new Highway Authority for the area under the Local Government Review provisions. Highways have now confirmed that they have no intention to widen this part of Whessoe Road and are happy to dispose of the land subject to retention of an appropriate highway verge.
10. Under the Crichel Down Rules, the Council is obliged to offer land acquired under Compulsory Purchase Order back to the original owners at open market value. The land wasn't formally acquired by CPO but with the threat of compulsory purchase in the background and as such should be offered back to the original owner now Mr Blair's executors.
11. In recent years the land has been fly-tipped due to the lack of a fence, partly on the Council's land which has been cleared and partly on the land behind which belongs to the executors of Mr Blair.

Drinkfield Marsh

12. In 1997 Drinkfield Marsh was given Local Nature Reserve status. Prior to this water levels in the marsh were raised, via volunteers and Countryside Section, by the installation of weirs across the outfall stream to create the existing permanent pond. This inundated adjacent land which was also owned by Mr Blair, being part of 630 Whessoe Road which wraps around the Civic Amenity site and borders the marsh.
13. Mr Blair's land was extensively tipped with arisings from housing clearance works in Darlington but was subsequently reworked in 2008 or thereabouts to reclaim scoria blocks which had been tipped but have some value. The land is steeply sloped down to water level but includes an area that is under water and presumed consistent with the bed of the marsh.
14. The flooding of the land and the exact position of the respective boundaries has been the subject of much argument and threats of legal action over the years although no actions have ever been brought forward.
15. Notwithstanding the above Mr Blair's executors have now expressed a desire to sell their landholding in Darlington and have indicated that they are amenable to a

mutually beneficial land exchange which will bring an end to all the previous wrangling over the boundaries of the marsh and inundation of their land.

Proposed Terms

16. In informal discussions Mr Blair's executors have agreed to take the 1.14 acres of the Council's Whessoe Road land, with a payment of £5,000 towards the cost of fencing works that should have been carried out by the Highways Authority but with the purchaser being responsible for clearing any fly-tipping and subject to a covenant not to build over, damage or excavate the highways drains in the land. In return, the Council will take the inundated land at Drinkfield Marsh plus enough land to protect the slope down to the marsh being 0.83 acres and shown hatched on the plan at Appendix 2. Each party to bear its own legal and surveyors costs involved in the exchange.

Valuation Comment

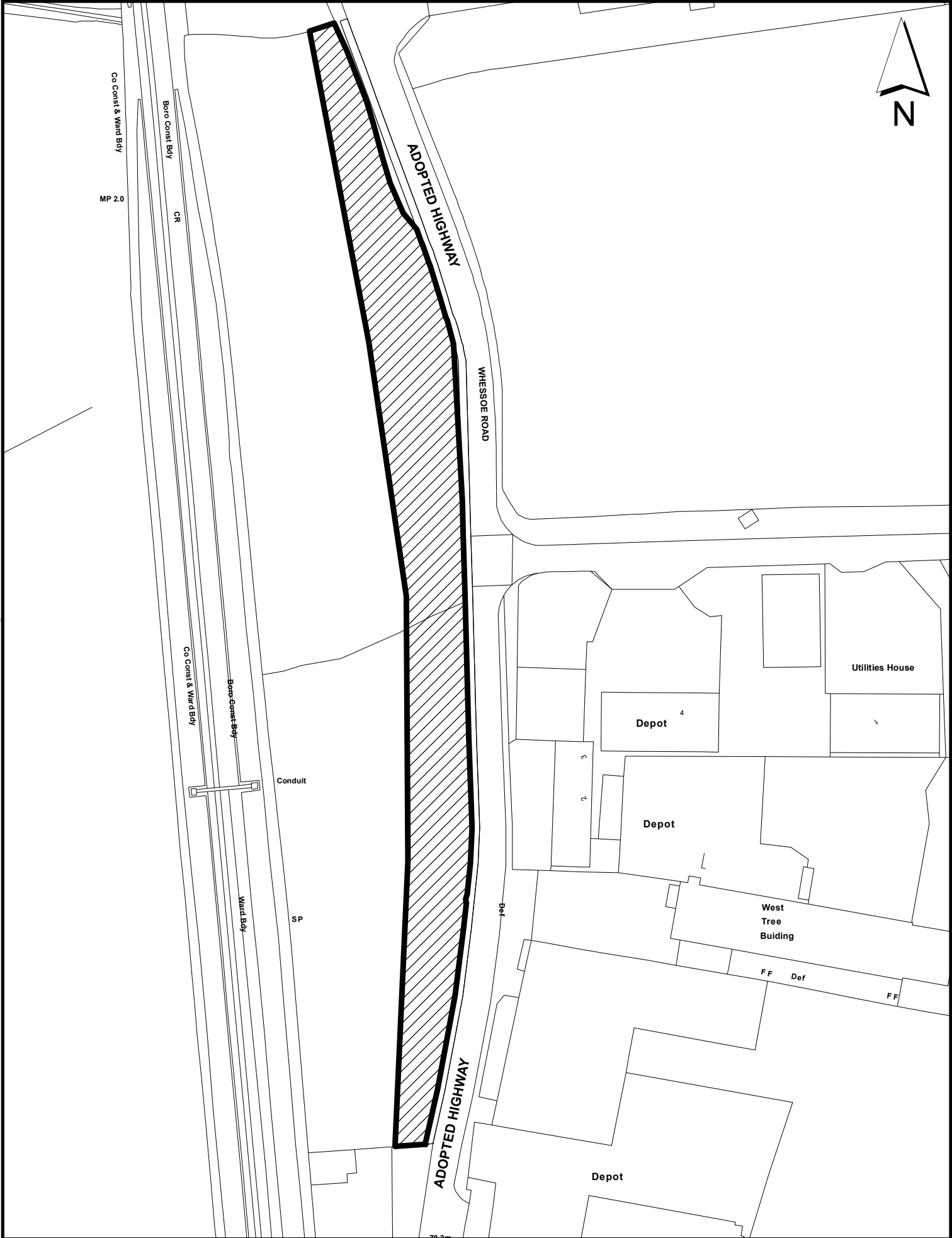
17. It is considered that the value of the Whessoe Road land will be higher than the value of the inundated land at Drinkfield in monetary terms, although with covenants not to build over the highway drains this is not a significant value. However, the opportunity to safeguard the marsh is a windfall opportunity that has significant ecological value.
18. It is further considered that the proposed agreement represents value for money and terms for the sale of the Whessoe Road land represent the best price reasonably obtainable in line with the provisions of S123 of the Local Government Act 1972.

Finance Comment

19. The net cost of £5,000 will be funded from existing resources in the Economic Growth group.

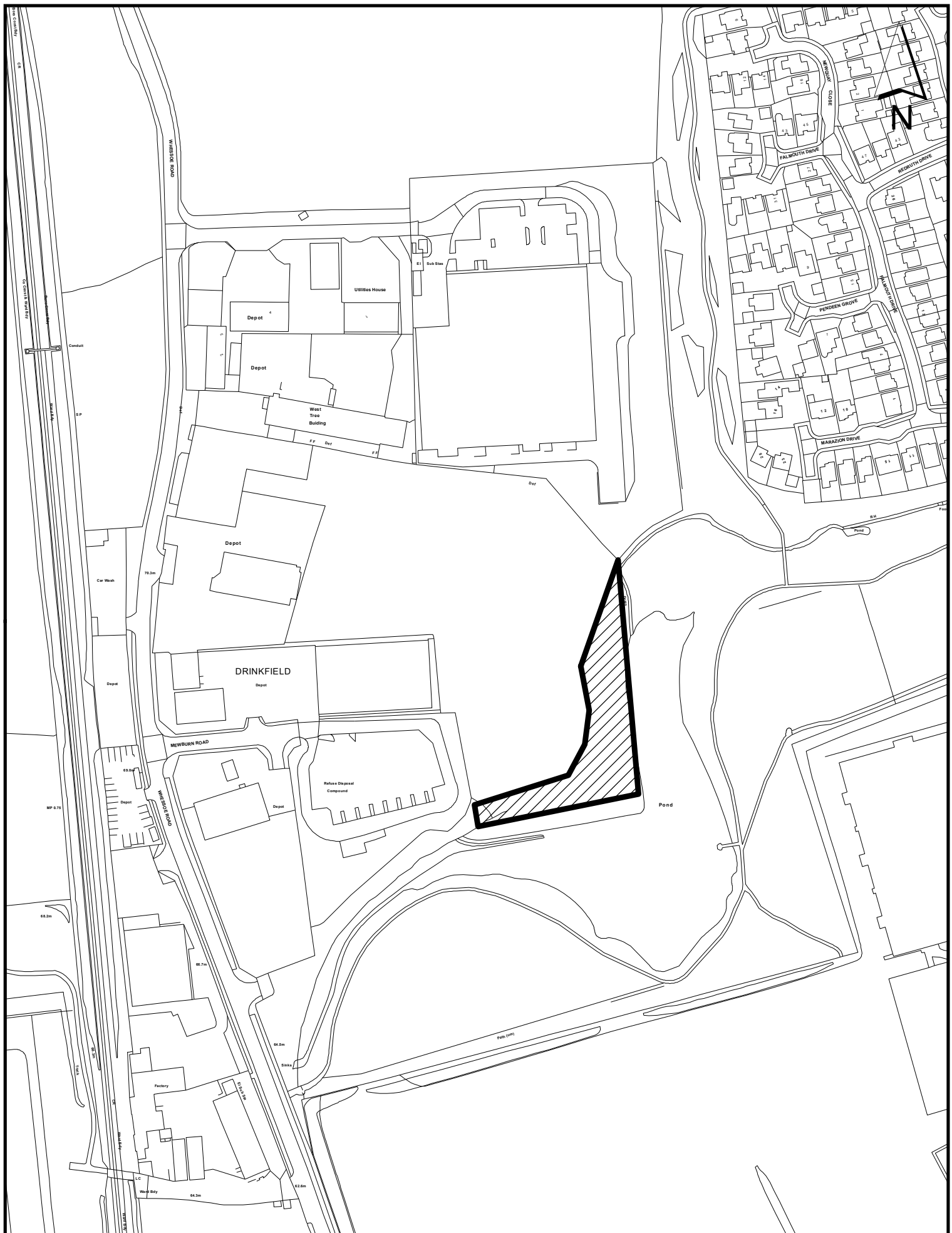
Planning Comment

20. The incorporation of the slope and continuation of the land use within the marsh area would not require planning permission. The undertaking of the work historically to create the slope may have required planning permission as it would have constituted an engineering operation. However, the works were undertaken more than 10 years ago and therefore would be immune from any enforcement action under the Planning Acts.



DARLINGTON BOROUGH COUNCIL ECONOMIC GROWTH GROUP ESTATES AND PROPERTY, TOWN HALL, FEETHAMS, DARLINGTON, Co. DURHAM, DL1 5QT	Project Title:	DARLINGTON BOROUGH COUNCIL OWNED LAND		Scale:	1: 1250	Ref:	AT A4
	Drawing Title:	LAND AT WHESSE ROAD		Date:	06/08/20	Area:	
				Drawn:	RMH		

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

Project Title: **DU16299 TITLE LAND EXCLUDED FROM SALE**

Drawing Title: **DRINKFIELD MARSH, WHESOE ROAD, DARLINGTON**

Scale: **1 : 2500**

Date: **21/07/20**

Drawn: **RMH**

Ref: **AT A4**

Area:

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CABINET
15 SEPTEMBER 2020

REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Members

Councillor Charles Johnson – Deputy Leader and Resources

Responsible Directors

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

SUMMARY REPORT

Purpose of the Report

1. To provide Members with an update of the outcome of cases which have been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) since the preparation of the previous report to Cabinet on 03 December 2019.

Summary

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

Recommendation

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

Reasons

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

Paul Wildsmith
Managing Director

Background Papers

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

Lee Downey- Extension 5451

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

MAIN REPORT

Background

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

Information

7. Between 1 October 2019 and 31 March 2020, seven cases were the subject of decision by the LGSCO.
8. Between 1 October 2019 and 31 March 2020, 1 case was the subject of decision by the HO.
9. The outcome of cases on which the LGSCO reached a view is as follows:

LGSCO Findings	No. of Cases
Closed after initial enquiries: no further action	3
Closed after initial enquiries: out of jurisdiction	2
Upheld: Maladministration Injustice	2

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

HO Findings	No. of Cases
No Maladministration	1

Local Government and Social Care Ombudsman (LGSCO)

Closed after initial enquiries: no further action

11. The first of these concerned the issuing of a Community Protection Notice warning the complainant for burning fires in his back garden. The LGSCO decided they would not investigate the complaint because the Council had already lifted the warning after identifying errors in its actions, and further investigation by the LGSCO would be unlikely to achieve a meaningful outcome for the complainant.
12. The second of these concerned Adult Social Care and the Police. The LGSCO decided not to investigate because part of the complaint had been considered by them previously and they were unlikely to find fault with the Council in relation to the more recent event. Furthermore, they had no jurisdiction to investigate the Police.

13. The third of these concerned the Council's decision not to prune trees on its land close to the boundary of the complainant's property. The individual had previously complained to the LGSCO about the same issue in 2014. The LGSCO concluded they would not investigate the complaint because there was insufficient evidence of fault on the Council's part which would warrant an investigation.

Closed after initial enquiries: out of jurisdiction

14. The first of these concerned a Council owned tree on land to the rear of the complainant's property, which was allegedly causing damage to the complainant's patio and the concrete around their gate. The LGSCO concluded they would not investigate because there was insufficient evidence of fault by the Council and the complainant could go to court if their insurance claim was unsuccessful.
15. The second of these concerned the involvement of the Children's Services with the complainant's family. The LGSCO concluded they would not investigate as the complaint was late and they could not carry out a meaningful investigation.

Upheld: Maladministration Injustice

16. The first of these concerned the way the Council assessed an individual's financial contribution towards the cost of their adult social care services. The LGSCO found the Council was at fault in the way it made and communicated its decisions. To resolve the complaint the Council agreed that within four weeks of the decision it would reconsider whether, in all circumstances, the individual had intentionally deprived themselves of capital to avoid care and support charges, involving the individual in this process and fully explaining its decision. The Council also agreed that within eight weeks of the decision it would identify the action it needed to take to ensure officers keep better records, explain their decisions quickly and properly, and refer to the Guidance.
17. The second of these also concerned the way the Council assessed an individual's financial contribution towards the cost of their adult social care services. The LGSCO concluded the Council had not properly assessed disability related expenses that the complainant might have and this caused uncertainty for the complainant and his wife. To resolve the complaint the Council agreed to apologise, waive some charges and complete a further re-assessment, taking into account the LGSCO's findings. The Council also agreed to consider what lessons it could learn from the complaint, how it could improve the quality of the decisions it takes around disability related expenditure and the communication of those and write to the LGSCO setting out what action it intended to take to address the issues identified.

Housing Ombudsman (HO)

No Maladministration

18. This complaint concerned an alleged infestation of flies and the manner in which officers handled the matter. The HO concluded that in response to the complainant's reports of flies the Council inspected the property and took appropriate action and that officers acted appropriately and reasonably.

Analysis

19. During the second half of 2019/20 the Council received two Upheld: Maladministration Injustice decisions from the LGSCO, compared to four for the same period in 2018/19.
20. Both of the Upheld: Maladministration Injustice decisions related to financial assessments associated with the provision of adult social care services.
21. The actions identified to remedy the complaints should ensure there is not a re-occurrence.

Outcome of Consultation

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

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CABINET
15 SEPTEMBER 2020

COMPLAINTS, COMPLIMENTS AND COMMENTS
ANNUAL REPORTS 2019/20

Responsible Cabinet Members

Councillor Charles Johnson – Deputy Leader and Resources

Responsible Directors

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

SUMMARY REPORT

Purpose of the Report

1. To provide Cabinet with the 2019/20 Complaints, Compliments and Comments Annual Reports for:
 - Adult Social Care (**Appendix 2**);
 - Children's Social Care (**Appendix 3**);
 - Corporate (**Appendix 4**);
 - Housing (**Appendix 5**); and
 - Public Health (**Appendix 6**).

Summary

2. It is important that the Council's complaints, compliments and comments procedures are accessible so people can tell us what they think about the services we provide. The Council constantly strives to ensure an organisational culture in which complaints are accepted, owned and resolved as quickly as possible and one in which learning from complaints is used to improve services.
3. The Council received a total of 838 complaints during 2019/20, an increase from 825 complaints during 2018/19.
4. The Council received a total of 292 compliments during 2019/20, an increase from 280 in 2018/19.
5. The Council received a total of 168 comments during 2019/20, a decrease from 240 in 2018/19.
6. A summary table is provided at **Appendix 1**.

7. The production of an annual report in respect of representations received under the Adult Social Care Complaints, Compliments and Comments Procedure is a requirement of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
8. The production of an annual report in respect of representations received under the Children's Social Care Complaints, Compliments and Comments Procedure is a requirement of the Children Act 1989 Representation Procedure (England) Regulations 2006.
9. The production of an annual report in respect of representations received under the Public Health Complaints, Compliments and Comments Procedure is a requirement of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

Recommendation

10. It is recommended that:

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

Reasons

11. The recommendations are supported by the following reasons:

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

Background Papers

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

Lee Downey,
Complaints and Information Governance Manager
Extension 5451

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

MAIN REPORT

Background

12. Our aim is to put people first and provide them with the best possible service. To make this aim a reality it is important people have the opportunity to tell us what they think about the services we provide. The Council's Complaints, Compliments and Comments Procedures are one way they can do this. They can tell us when we get things wrong so we can put them right. They can also tell us when we get things right, make comments about the things we do and suggest new ways of doing things.
13. We understand that sometimes it is difficult to complain and work hard to ensure an organisational culture in which complaints are seen as a positive means of engagement and an opportunity for the Council to learn and improve services. If people do need to complain we always take their concerns seriously, treat them fairly and with respect and assure them they will not receive a poorer service as a result.

Information and Analysis

14. There was an increase in the overall number of representations made under the Adult Social Care Complaints, Compliments and Comments Procedure during 2019/20. There was a small increase in the number of complaints received, a significant increase in the number of compliments received and a small decrease in the number of comments received. Full details are attached at Appendix 2.
15. There was a decrease in the overall number of representations made under the Children's Social Care Complaints, Compliments and Comments Procedure during 2019/20. There was a decrease in the number of complaints received at Stage 1 of the procedure, a decrease in the number of complaints received at Stage 2 and a decrease in the number of complaints received at Stage 3. There was also a decrease in the number of compliments received, while the number of comments received remained the same as in 2018/19. Full details are attached at Appendix 3.
16. There was a decrease in the overall number of representations made under the Corporate Complaints, Compliments and Comments Procedure during 2019/20. Although there was an increase in the number of complaints received at Stage 1, there was a decrease in the number of complaints received at Stage 2 of the procedure. There was a decrease in the number of compliments received and a significant decrease in the number of comments received. Full details are attached at Appendix 4.
17. There was an increase in the number of representations made under the Housing Complaints, Compliments and Comments Procedure during 2019/20. There was a decrease in the number of complaints received at Stage 1 and Stage 2 of the procedure. The number of complaints received at Stage 3 remained the same as in 2017/18. There was a significant increase in the number of compliments received, while the number of comments received remained the same as in 2018/19. Full details are attached at Appendix 5.

18. There was an increase in the number of representations made under the Public Health Complaints, Compliments and Comments Procedure during 2019/20. There was an increase in complaints, an increase in compliments and the number of comments received remained the same. Full details are attached at Appendix 6.
19. Some examples of organisational learning resulting from complaints have been extracted from the appended reports and are provided below.
20. *Adult Social Care Complaints:*
 - (a) Following a complaint regarding a financial assessment it was agreed all social workers and community support officers would make it clear in assessment what level of care the person has been assessed as needing i.e. residential standard care/residential EMI/funded nursing care or fully health funded. The care home were also asked to ensure that families were aware that residents can be given EMI residential enhanced care on both the first and second floor of the home as families must know what level of care their family member is receiving at any time within their care journey.
 - (b) A complaint for Mental Capacity Act/Deprivations of Liberty Safeguards (MCA/DOLS) resulted in Safeguarding Adult Managers being reminded of the timescales for completing Safeguarding Initial Enquiries and that if new information comes to light during the initial enquiries this must be passed on to relevant professionals to investigate.
 - (c) As a result of a complaint for the Ongoing Assessment & Intervention Team (OAIT) it was agreed the social worker would repeat the Council's Data Protection training. It was also agreed social workers would ensure people with a Lasting Power of Attorney are given information and that if they do not respond to telephone calls and messages social workers would write to them to ensure they are fully informed at all times.
 - (d) Following a complaint for the Short Term Assessment & Review Team (STAR) all staff were briefed on the importance of sharing information in relation to Financial Assessments, directed to the policy and advised to provide copies of the information leaflet to all new clients and clients with a change in need i.e. moving from domiciliary support to residential. It was also agreed managers would ensure social workers discuss and record charging implications for the individual with them and/or their financial agent and leave documentation following assessment so they can refer to this for recall of the visit. The Council also committed to reviewing the "Making a contribution" section of the assessment on Liquid Logic (the Council's electronic social care records management system).
21. *Children's Social Care Complaints:*
 - (a) Following a complaint for Life Stages 0 -25 it was agreed the team would develop a letter template and send a letter to recipients of Direct Payments clearly setting out when the payment will end. It was also agreed the Team Manager would contribute to a review of the Direct Payments process to ensure it was clear when a payment ends.

- (b) Following another complaint for Life Stages 0 – 25 it was agreed the Council would review its training in respect of PREVENT and the Channel Panel.
- (c) As a result of a complaint for Safeguarding Team A, social workers were reminded to ensure that they continue to consult with parents when children have been removed from their care so that they are fully involved in on-going assessments and involvement by the Local Authority.
- (d) Following a further complaint for Safeguarding Team A social workers were reminded that when sensitive personal information in respect of members of the family is to be included within reports, this should be made clear to the family.
- (e) A complaint for Fostering led to an agreement that an audit of Special Guardianship Order (SGO) allowance payments would be undertaken and appropriate action taken to address any issues identified.

22. *Corporate Complaints:*

- (a) Following a complaint for the Special Educational Needs and Disabilities (SEND), it was agreed that the views of Foster Carers involved in the Education, Health and Care (EHC) Plan process would be properly recorded. It was also agreed that the Council would review its policies, procedures or processes to ensure that where a child with an EHC Plan is out of education, the Council reviews or amends their EHC Plan in accordance with the timescales set out in the Special educational needs and disability code of practice: 0 – 25.
- (b) As a result of a complaint for Highway Network Management, it was arranged for a dropped kerb to be placed on double yellow lines adjacent to a disabled parking bay near South Park.
- (c) A complaint to the Hippodrome resulted in a review of processes regarding customers causing a disturbance, this also led to additional training with the front of house team and also ensured the security firm communicate clearly to managers.
- (d) As a result of a complaint to Customer Services, the scanning stations were moved further away from the kiosk to allow further access and more privacy.
- (e) Following a complaint to the Elections Team regarding delayed receipt of ballot papers, it was agreed that future mailings will go directly into the Royal Mail, rather than via Adare Post.
- (f) A complaint regarding Council's disregard of its statutory obligations under Regulations 113 (7) & (8) of the Public Contracts Regulation 2015 resulted in the necessary information being published on the website.

23. *Housing Complaints:*

- (a) Following a complaint for Housing Management Services officers were reminded of the importance of the correct procedure to follow when considering requests for major adaptations.

- (b) Following another complaint for Housing Management Services officers who are responsible for carrying out void inspections were reminded of all the items they are required to inspect.
 - (c) Following a further complaint for Housing Management Services the process was changed to ensure vans always have at least one of a particular boiler on shelf in future.
 - (d) As a result of a complaint for Income Management it was recommended that the Council considers how it can better plan works to ensure they are included in Section 125 notices in future; thereby ensuring they can appropriately charge leaseholders and reduce the likelihood of complaints/claims from leaseholders who have undertaken works which were planned, but of which they were not notified.
 - (e) A complaint for Service & Repairs identified there was a need to improve knowledge of a particular type of heating system, ensure spare parts are available for a quick response and have full units in stock in case they need to be exchanged.
24. The further recommendations set out in the Adult Social Care, Children Social Care, Corporate and Housing Complaints, Compliments and Comments Annual Reports are:
- (a) The Council should ensure Adult Services complaints are responded to in a timely manner and that where an extension is required this is communicated to the complainant and properly recorded.
 - (b) The Council should continue to work to improve performance against the Stage 2 response timescale for Children's Social Care complaints.
 - (c) The Council should work to improve performance against the Stage 2 response timescale for Corporate complaints.
 - (d) The Council should continue to work on improving performance against the Stage 2 response timescale for Housing complaints.

Outcome of Consultation

25. No consultation was required in preparing this report.

Appendix 1

Total Representations by Year

Type of representation	2019/20	2018/19	2017/18	2016/17	2015/16
Complaints					
Corporate					
Stage 1 complaints	632	623	628	402	403
Direct to Stage 2 complaints	15	1	8	10	11
<i>Total complaints</i>	<i>647</i>	<i>624</i>	<i>636</i>	<i>412</i>	<i>414</i>
Stage 1 escalated to Stage 2	44	70	80	51	47
<i>Total Stage 2 complaints</i>	<i>59</i>	<i>71</i>	<i>88</i>	<i>61</i>	<i>58</i>
Adult Social Care	67	64	92	44	49
Children's Social Care					
Stage 1 complaints	57	67	54	58	54
Stage 2 complaints	10	16	16	16	14
Stage 3 complaints	3	4	2	5	3
Housing					
Stage 1 complaints	65	69	86	86	94
Direct to Stage 2 complaints	1	1	0	0	0
<i>Total complaints</i>	<i>66</i>	<i>70</i>	<i>86</i>	<i>86</i>	<i>94</i>
Stage 1 escalated to Stage 2	6	9	18	14	15
<i>Total Stage 2 complaints</i>	<i>7</i>	<i>10</i>	<i>18</i>	<i>14</i>	<i>15</i>
Stage 3 complaints	0	0	0	0	0
Public Health	1	0	3	3	0
Compliments					
Corporate	170	199	79	106	173
Adult Social Care	62	33	6	13	33
Children's Social Care	7	19	12	4	6
Housing	49	28	19	34	31
Public Health	4	1	0	0	0
Comments					
Corporate	166	236	224	195	143
Adult Social Care	0	2	0	0	0
Children's Social Care	0	0	0	0	1
Housing	2	2	0	3	5
Public Health	0	0	0	1	0



Adult Social Care Complaints, Compliments and Comments Annual Report 2019/20

Contents

Introduction	3
Local Government and Social Care Ombudsman (Health Services Ombudsman)	4
Information and Accessibility	4
Advocacy	4
Summary	5
Review of the Year	6
- Breakdown of all Representations	6
- Total Complaints, Compliments and Comments Received 2019/20	6
- Breakdown of Compliments by Service Area/Team	7
- Breakdown of Complaints by Service Area/Team	8
- Breakdown of Complaints by Issue	10
- Complaint Outcomes	11
- Local Government Ombudsman Complaints Received 2019/20	11
- Local Government Ombudsman Complaint Outcomes 2019/20	11
Organisational Learning	12
Further Recommendations	13
Performance against the Procedure	13
Performance Indicator for 2019/20	14

Introduction

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

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

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

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

The procedure aims to:

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

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

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

Local Government and Social Care Ombudsman (Health Services Ombudsman)

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

Information and Accessibility

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

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

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

Advocacy

During 2019/20 the Council commissioned an advocacy service which provides RPRs (Relevant Persons Representatives), IMCAs (Independent Mental Capacity Advocates), IMHAs (Independent Mental Health Act Advocates), Court of Protection Advocacy, and Care Act Advocates. This is provided by Darlington association on Disability (DAD)

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

Summary

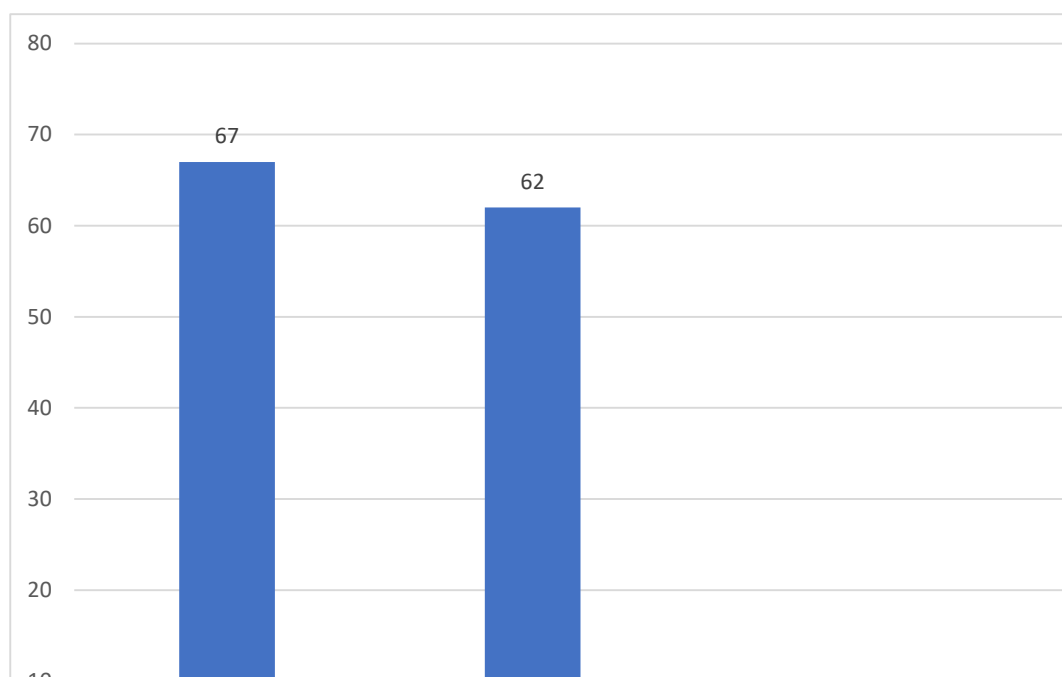
- There has been an increase in overall feedback from 99 representations in 2018/19 to 134 in 2019/20.
- We investigated 67 complaints under the procedure during 2019/20, an increase from 64 in 2018/19.
- We received 62 compliments under the procedure during 2019/20, an increase from 33 in 2018/19.
- We received zero comments under the procedure during 2019/20, a decrease from two in 2018/19.
- The Council received five complaints which did not qualify for investigation under the procedure during 2019/20, an increase from zero in 2018/19.
- Five adult social care complaints were progressed to the LGSCO during 2019/20, a decrease from 13 in 2018/19.
- The LGSCO reached a decision on six complaints during 2019/20, a decrease from 14 in 2018/19.

Review of the Year

Breakdown of all Representations

A total of 134 representations were handled under the procedure during 2019/20. This does not include those representations responded to directly by social care providers i.e. care homes and home (domiciliary) care providers.

Total Complaints, Compliments and Comments Received 2019/20



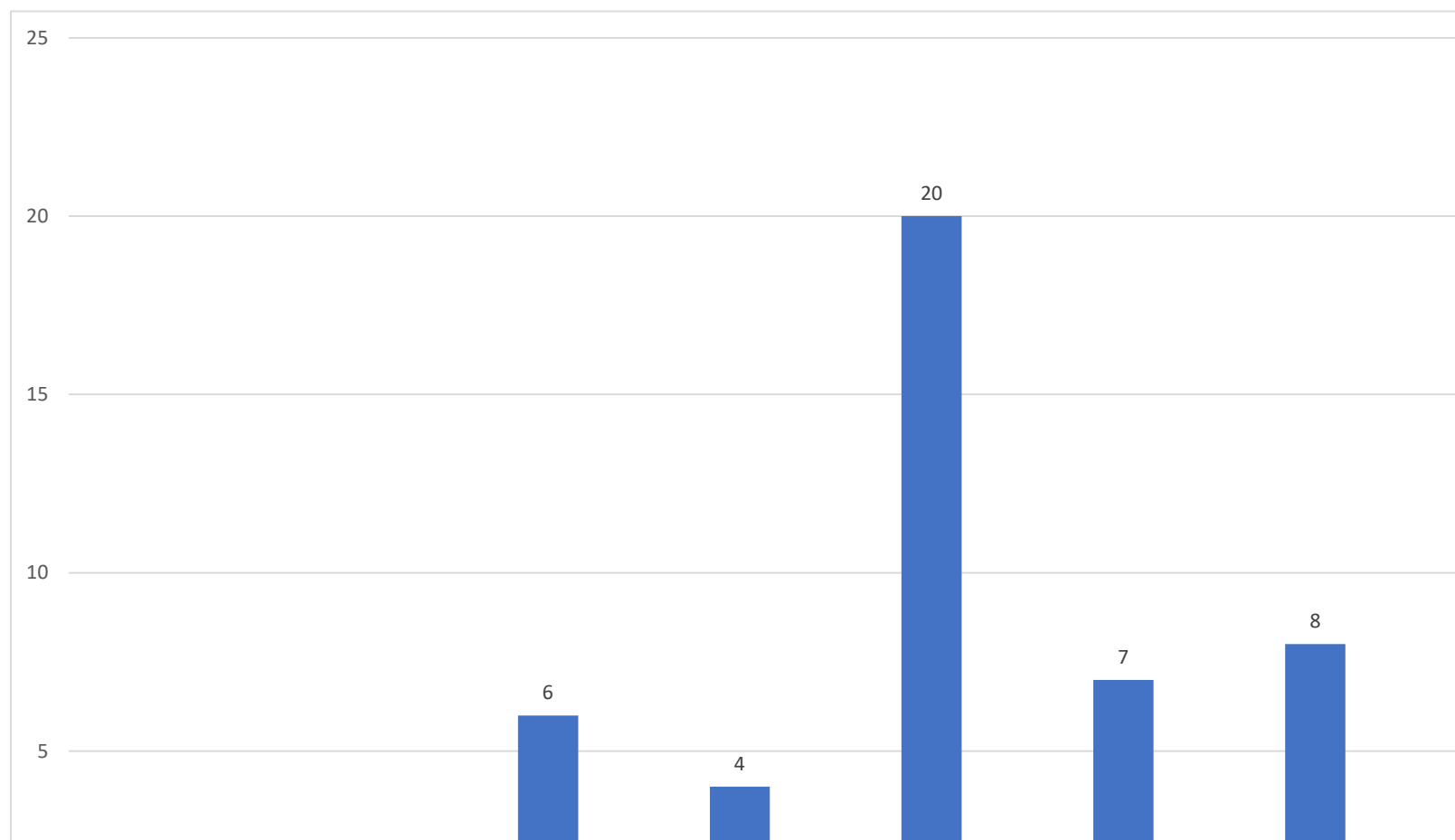
There was an increase in the number of complaints we investigated, compared to 64 in 2018/19.

There was an increase in the number of compliments we received, compared to 33 in 2018/19.

There was a decrease in the number of comments we received, compared to two in 2018/19.

There was an increase in the number of non-qualifying complaints received, compared to zero in 2018/19.

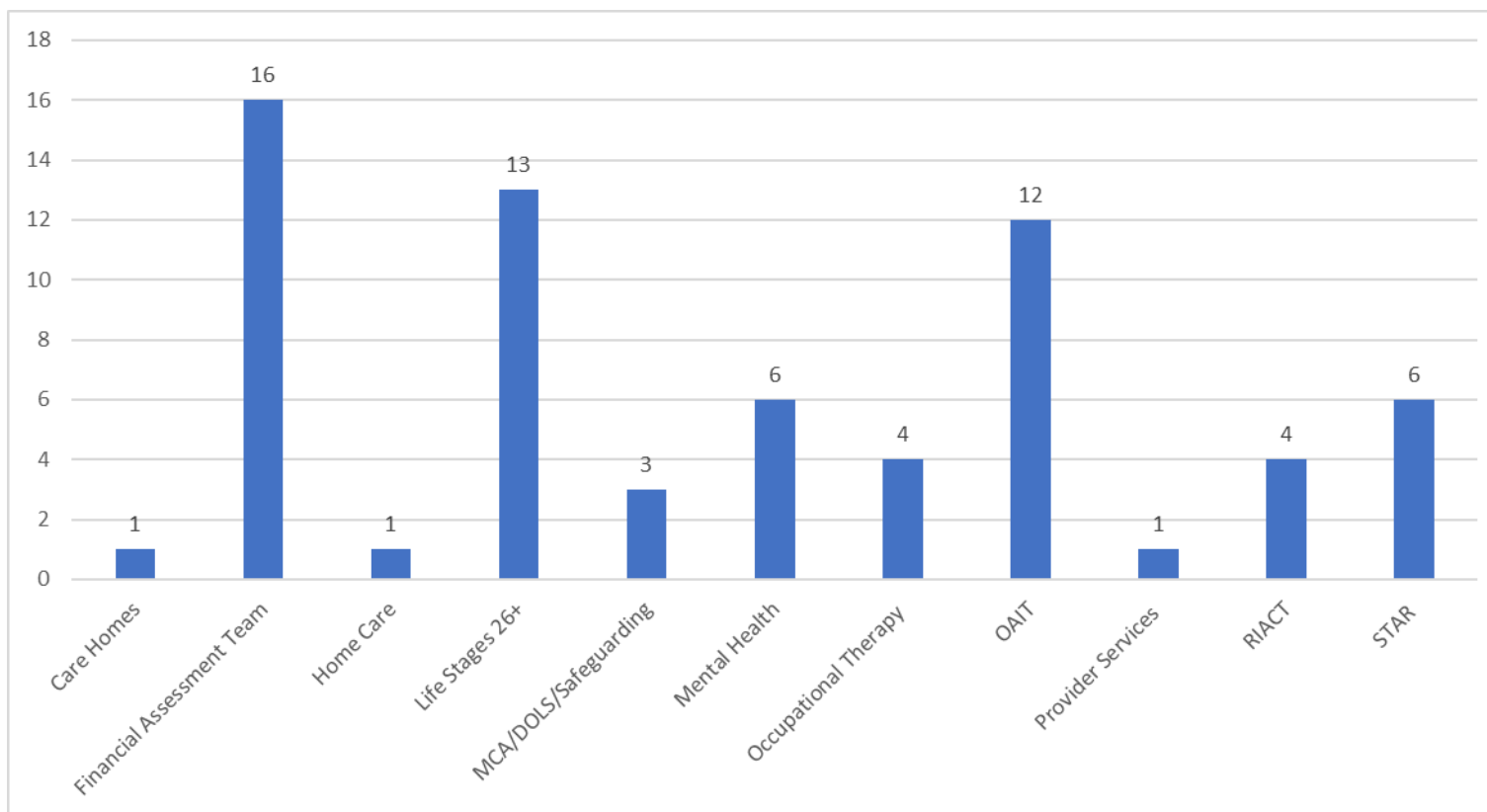
Breakdown of Compliments Received by Team



OAIT = Ongoing Assessment and Intervention Team
RIACT = Responsive Integrated Assessment Care Team
STAR = Short Term Assessment and Review

N.B. Those teams that do not appear in the graph did not receive any compliments during 2019/20

Breakdown of Complaints Received by Service Area/Team



OAIT = Ongoing Assessment and Intervention Team
 RIACT = Responsive Integrated Assessment Care Team
 STAR = Short Term Assessment and Review

N.B. Those teams that are not listed did not receive any complaints during 2019/20.

Commissioning & Contracts investigated two complaints, one about a Care Home and one about a Home Care Agency. This was an increase from one related to a Home Care Agency in 2018/19.

Financial Assessments saw a reduction in complaints, 16 compared to 18 in 2018/19. The most common theme was dissatisfaction with the time taken to undertake the financial assessment.

There was an increase in complaints for Life Stages 26+, 13 compared to four in 2018/19. There was no common theme in the complaints received. Five of the complaints received were from the same individual and concerned the conduct of their social worker. A further four were from another individual regarding the support provided.

There was a decrease in complaints for MCA/DOLS (Mental Capacity Act/Deprivation of Liberty Safeguards), three compared to five in 2018/19. There was no common theme in the complaints received.

The Mental Health Team received six complaints, an increase from five in 2018/19. There was no common theme in the complaints received.

Occupational Therapy received four complaints, a decrease from six in 2018/19. The most common theme was people's dissatisfaction with the outcome of their assessment.

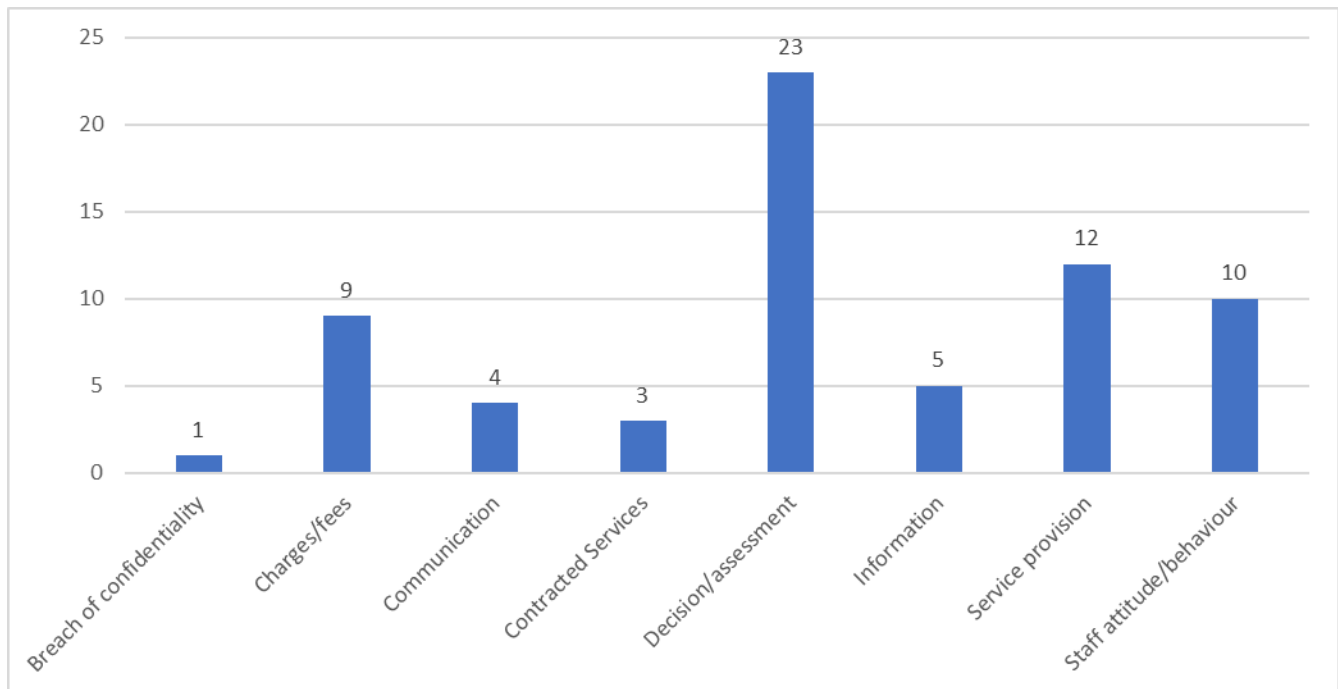
Ongoing Assessment & Intervention Team (OAIT) received 12 complaints the same number as 2018/19. The most common complaint remained people's dissatisfaction with the outcome of their assessment.

There was one complaint for Provider Services, the same number as in 2018/19.

Responsive Integrated Assessment Care Team (RIACT) received four complaints, an increase from zero in 2018/19. There was no common theme in the complaints received.

Short Term Assessment & Review Team (STAR) received six complaints, a decrease from 10 in 2018/19. The most common theme was people's dissatisfaction with the lack of information provided regarding care charges.

Breakdown of Complaints Received by Issue



The most common cause of complaint remained dissatisfaction with a decision/assessment. In total the Council received 23 complaints about this issue, an increase from 17 in 2018/19.

The second most common cause of complaint was service provision. The Council received 12 complaints about service provision a decrease from 13 in 2018/19.

The third most common cause of complaint was staff attitude/behavior. The Council received 10 complaints about staff attitude/behavior, the same number as in 2018/19.

The fourth most common cause of complaint was charges/fees. The Council received nine complaints about this issue, a decrease from 13 in 2018/19.

Complaint Outcomes

57 complaint investigations were concluded during 2019/20. The outcomes of these complaints are detailed in the chart below.

Service Area/Team	Upheld	Partly Upheld	Not Upheld	Inconclusive	Withdrawn	Total
Financial Assessments	2	5	5	0	1	13
Life Stages 0 – 25	0	0	0	0	0	
Life Stages 26+		1	4	1	3	9
Occupational Therapy	1	3	1	1	0	6
Ongoing Assessment & Intervention Team (OAIT)	1	4	2	0	4	11
Short Term Assessment & Review Team	1	2		1	3	7
Mental Capacity Act/Deprivations of Liberty Safeguards (MCA/DOLS)	0	1	2	0	0	3
Mental Health	0	0	3	0	3	6
Commissioning & Contracts – Home Care	0	0	0	0	1	1
Commissioning & Contracts – Care Home	0	1	0	0	0	1
Total	5	17	17	3	15	57

Local Government Ombudsman Complaints Received 2019/20

Five adult social care complaints were progressed to the LGSCO during 2019/20, a decrease from 13 in 2018/19. There were no common themes in the complaints referred to the LGSCO.

Local Government Ombudsman Complaint Outcomes 2019/20

Five adult social care complaints were determined by the LGSCO during 2019/20, compared to 14 in 2018/19.

Full details of those complaints determined by the LGSCO are included in the Cabinet reports of 3 December 2019 and 15 September 2020 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, a number of service improvements were made following complaint investigations during 2019/20, some of which are detailed below.

Commissioning & Contracts

Following a complaint about a Home Care provider it was agreed the provider would ensure that in all case where they were required to administer medication there would be clarity as to who would administer the medication. It was also agreed the provider would ensure their staff were all aware of the company medication policy and that it was adhered to. Furthermore, it was agreed the provider would ensure that all of their care workers are aware of how to respond appropriately in articulating to clients and families, their responsibilities in relation to the administration of medication to prevent such misunderstandings occurring in the future.

As a result of the same complaint it was agreed the provider would ensure that their support plans accurately reflect the Council's Support Plan, and where there are discrepancies, these would be clarified as a matter of urgency upon acceptance of the care package. It was also agreed the provider needs to ensure that all of their staff are aware that they should fully complete all required care tasks and remain at the property for the contracted period of time.

The provider agreed to review their process for recording and responding to concerns raised by clients and their families to ensure that all concerns are documented, fully investigated and feedback is provided to the client/family.

Financial Assessment Team

Following a complaint regarding a financial assessment it was agreed all social workers and community support officers would make it clear in assessment what level of care the person has been assessed as needing i.e. residential standard care/residential EMI/funded nursing care or fully health funded. The care home were also asked to ensure that families are aware that residents can be given EMI residential enhanced care on both the first and second floor of the home as families must know what level of care their family member is receiving at any time within their care journey.

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

Following a complaint Safeguarding Adult Managers were reminded of the timescales for completing Safeguarding Initial Enquiries and that if new information comes to light during the initial enquiries this must be passed on to relevant professionals to investigate.

Ongoing Assessment & Intervention Team (OAIT)

Following a complaint for OAIT it was agreed the social worker would repeat the Council's Data Protection training. It was also agreed social workers would ensure people with a Lasting Power of Attorney are given information and that if they do not respond to telephone calls and messages social workers would write to them to ensure they are fully informed at all times.

Short Term Assessment & Review Team (STAR)

Following a complaint for the STAR Team all staff were briefed on the importance of sharing information in relation to Financial Assessments, directed to the policy and advised to provide copies of the information leaflet to all new clients and clients with a change in need i.e. moving from domiciliary support to residential. It was also agreed managers would ensure social workers discuss and record charging implications for the individual with them and/or their financial agent and leave documentation following assessment so they can refer to this for recall of the visit. The Council also committed to reviewing the "Making a contribution" section of the assessment on Liquid Logic (the Council's electronic social care records management system).

Occupational Therapy

Following a complaint for Occupational Therapy it was agreed a clearer process was required for the authorisation of Disabled Facilities Grants and noted an interim process was in place while the policy was being reviewed/updated. It was also agreed staff would be provided with information in relation to Disability Related Expenditure and application of mobility benefits.

Further recommendations

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

Performance against the Procedure

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

93.94% of complaints received during 2019/20 were acknowledged within the 3 working day timescale, an increase from 69.4% in 2018/19.

There are no longer any statutory timescales for complaint responses, except that

complainants should receive a response within six months. The procedure sets out a timescale for dealing with complaints solely about the Council's services i.e. 30 working days, although there are circumstances in which the investigator may agree an extension with the complainant. It also states that for joint health and social care complaints the complaints managers from the different organisations will work together to decide a reasonable timescale and agree this with the complainant. This is to ensure investigations are completed in a timely manner and within the maximum time allowed.

Seven complaints exceeded the maximum six month time limit, a reduction from 12 in 2018/19.

Performance Indicator for 2018/19

In relation to adult social care complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government and Social Care Ombudsman. The Council received five maladministration decisions during 2019/20, compared to nine during 2018/19.

Full details of those complaints determined by the Local Government and Social Care Ombudsman are included in the Cabinet reports of 3 December 2019 and 15 September 2020 entitled [Review of Outcome of Complaints Made to Ombudsman](#).



Children's Social Care Complaints, Compliments and Comments Annual Report 2019/20

Contents

Introduction	2
The Law	2
Complaints and Information Governance Team.....	2
Public Information.....	2
Children’s Services Social Care Complaints Process	3
Stage 1 – Local Resolution.....	3
Stage 2 – Investigation	3
Stage 3 – Review Panel.....	3
The Local Government and Social Care Ombudsman.....	3
External Support to the Complaints Process	3
Total Complaints, Compliments and Comments received	4
Breakdown of Stage 1 Complaints by Service Area/Team	5
Breakdown of Stage 2 Complaints by Service Area/Team	7
Breakdown of Stage 3 complaints by Service Area/Team.....	8
Breakdown of complaints by Issue	9
Breakdown of Comments by Service Area/Team	10
Breakdown of Compliments by Service Area/Team.....	11
Complaint Outcomes	12
Local Government and Social Care Ombudsman Complaints.....	14
Organisational Learning	14
Performance against the Children’s Social Care Complaints, Compliments and Comments Procedure	14
Timescales	16
Stage 1	16
Stage 2	16
Stage 3	16
Performance against key performance indicators	16
Further recommendations	17

Introduction

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

The Law

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

Key features of the Regulations include:

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

Complaints and Information Governance Team

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

Public Information

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

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

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

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

Children's Services Social Care Complaints Process

Stage 1 – Local Resolution

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

Stage 2 – Investigation

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

Stage 3 – Review Panel

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

The Local Government and Social Care Ombudsman

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

External Support to the Complaints Process

Advocacy

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

Investigating Officers

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

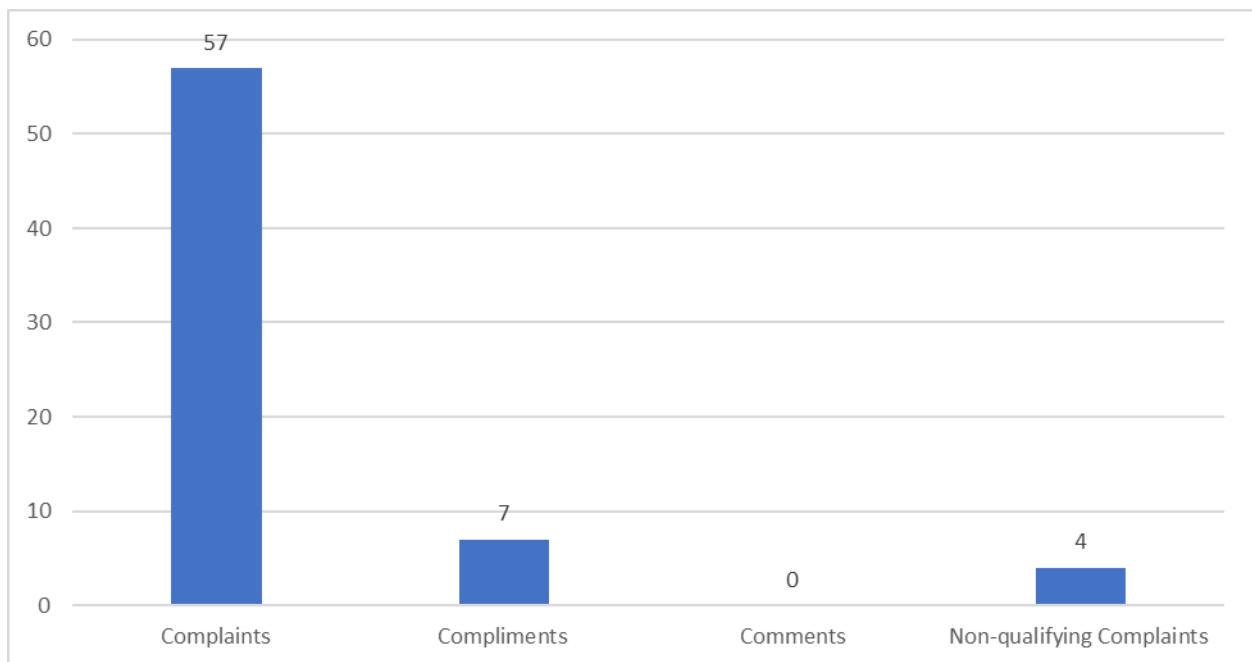
Independent Persons

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

Review Panels

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

Total Complaints, Compliments and Comments received



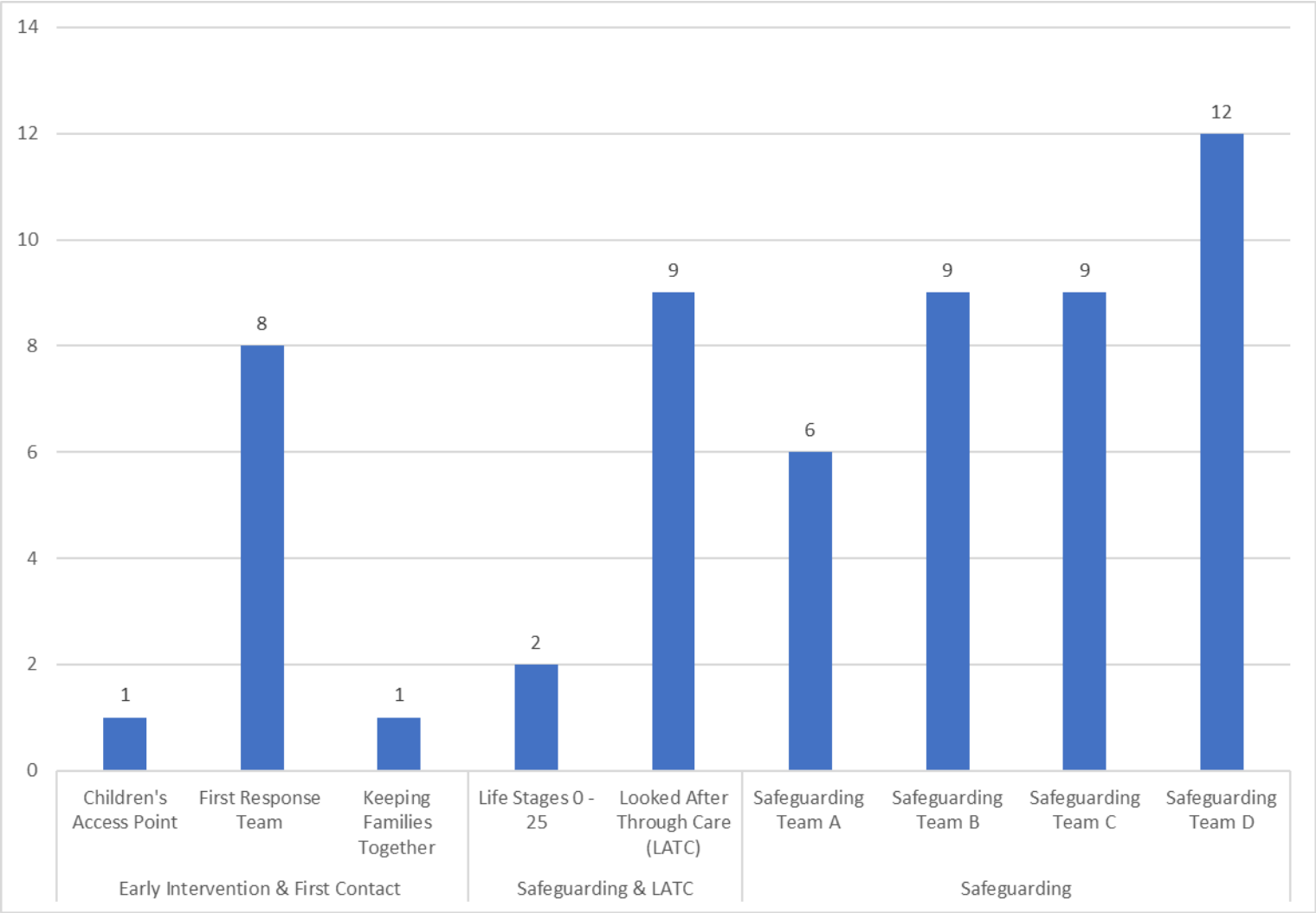
The Council received 57 complaints during 2019/20, a decrease from 67 complaints during 2018/19.

The Council received seven compliments during 2019/20, a decrease from 19 during 2018/19.

The Council received zero comments during 2019/20, the same as in 2018/19.

The Council received four non-qualifying complaints during 2019/20, a decrease from five in 2018/19.

Breakdown of Stage 1 Complaints by Service Area/Team



N.B. Those teams that are not listed did not receive any complaints during 2019/20.

Early Intervention & First Contact

Children's Access Point received one complaint, a decrease from two in 2018/19.

First Response Team received eight complaints, an increase from four in 2018/19.

Keeping Families Together received one complaint, an increase from zero in 2018/19.

Safeguarding & Looked After Through Care (LATC)

Life Stages 0 – 25 received two complaints, a significant decrease from seven in 2018/19.

Looked After Children Through Care (LATC) received nine complaints, the same number of complaints as in 2018/19.

Safeguarding

Safeguarding Team A received six complaints, an increase from five in 2018/19.

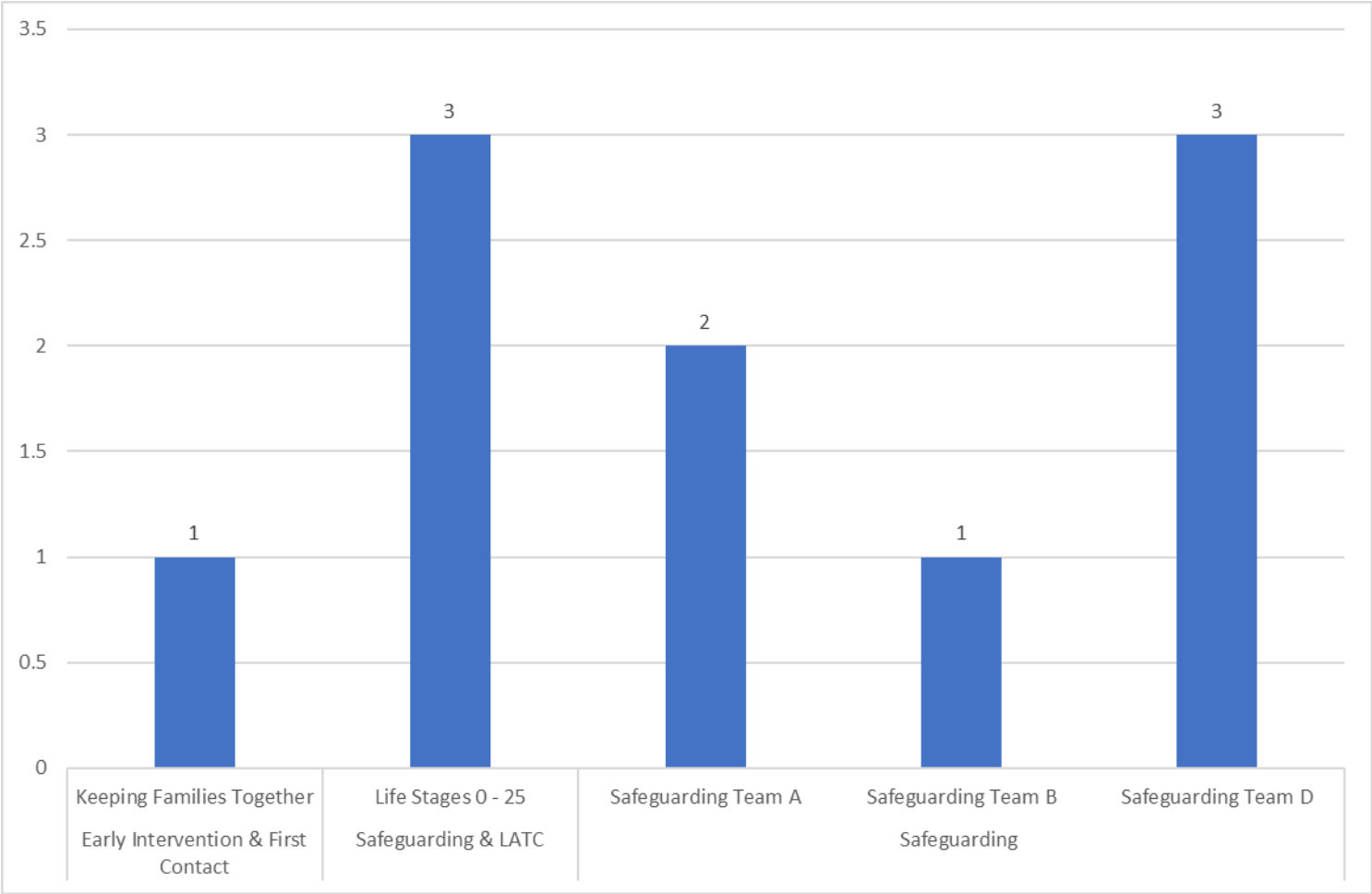
Safeguarding Team B received nine complaints, the same number as in 2018/19.

Safeguarding Team C received nine complaints, an increase from eight in 2018/19.

Safeguarding Team D received 12 complaints, a decrease from 14 in 2018/19.

Breakdown of Stage 2 Complaints by Service Area/Team

10 complaints were escalated to Stage 2 during 2019/20, a decrease from 16 in 2018/19.



Early Intervention & First Contact

Keeping Families Together received one complaint, an increase from zero in 2018/19.

Safeguarding & Looked After Through Care (LATC)

Life Stages 0 – 25 Team received three complaints, the same number as in 2018/19.

Safeguarding

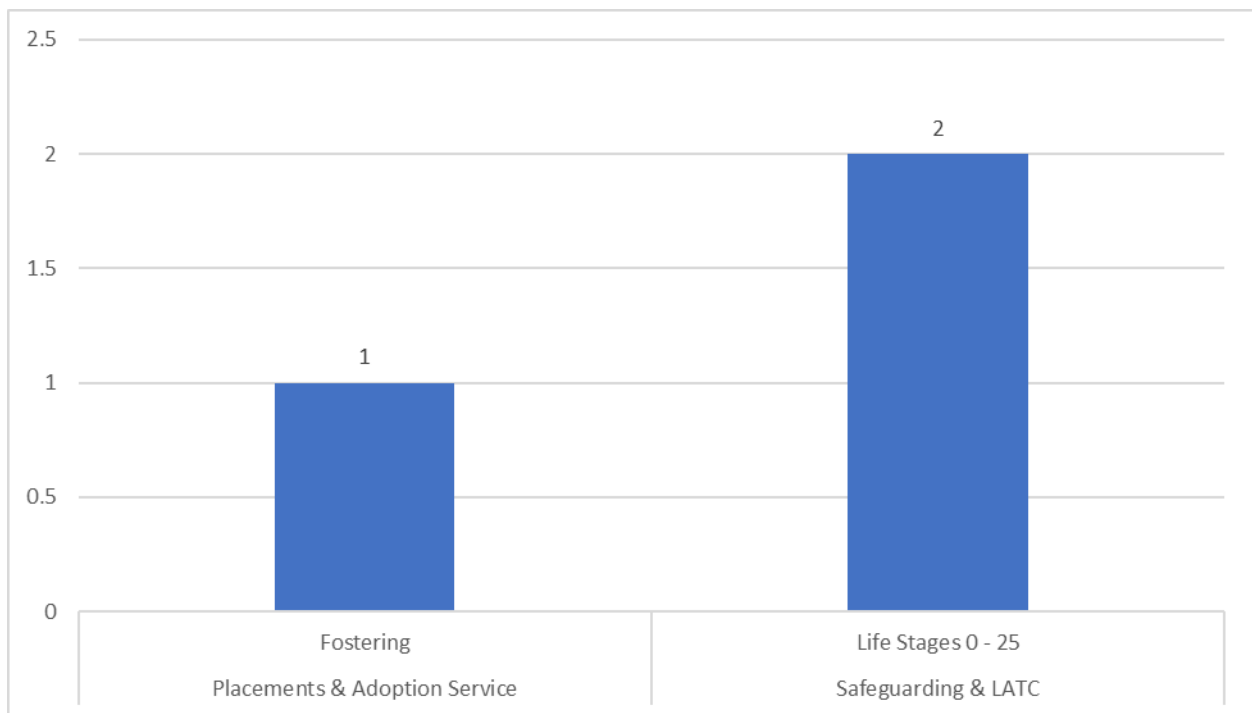
Safeguarding Team A received two complaints, an increase from one in 2018/19.

Safeguarding Team B received one complaint, a decrease from three in 2018/19.

Safeguarding Team D received three complaints, an increase from one in 2018/19.

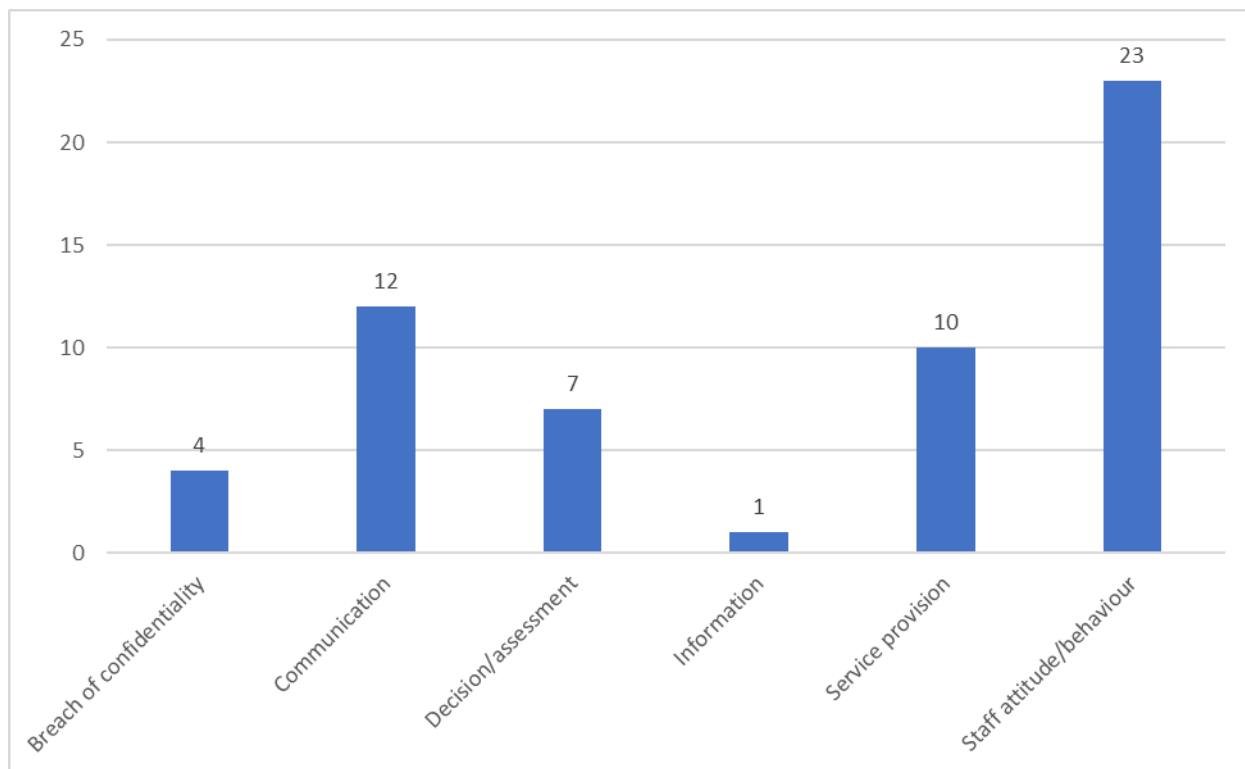
Breakdown of Stage 3 complaints by Service Area/Team

Three complaints were escalated to Stage 3 during 2019/20, a decrease from four in 2018/19.



Neither of these teams received a Stage 3 complaint during 2018/19.

Breakdown of complaints by Issue



Staff attitude/behaviour was the most commonly complained about issue. The Council received 23 complaints about this issue, an increase from 18 in 2018/19.

The second most complained about issue was communication. The Council received 12 complaints about this issue, a decrease from 15 in 2018/19.

The third most complained about issue was service/provision. The Council received 10 complaints about this issue, a decrease from 21 in 2018/19.

The fourth most complained about issue was the outcome of a decision/assessment. The Council received seven complaints, a decrease from nine in 2018/19.

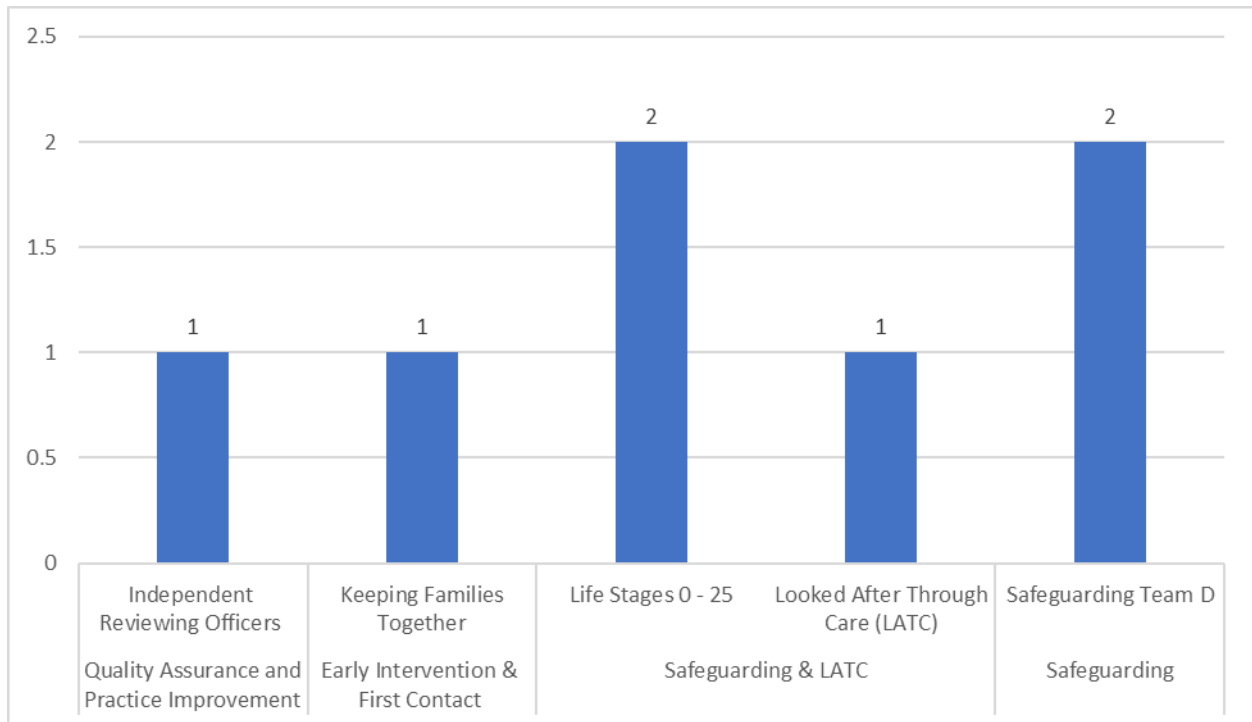
The fifth most complained about issue was breach of confidentiality. The Council received four complaints, an increase from zero in 2018/19.

The least complained about issue was the provision of information. The Council received one complaint, a decrease from four in 2018/19.

Breakdown of Comments by Service Area/Team

The Council did not receive any comments during 2019/20, as was the case in 2018/19.

Breakdown of Compliments by Service Area/Team



The Council saw a significant decrease in compliments, seven compared to 19 in 2018/19

Complaint Outcomes

Stage 1 - The below table shows the decisions reached on Stage 1 complaints during 2019/20.

Service Area/Team		Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Early Intervention & First Contact								
	Children's Access Point	0	0	1	0	0	0	1
	First Response Team	0	0	2	3	2	1	8
	Keeping Families Together	0	0	0	1		0	1
Total for Early Intervention & First Contact		0	0	3	4	2	1	10
Safeguarding & LATC								
	Life Stages 0 - 25	0	1	0	1	0	0	2
	Looked After Through Care (LATC)	0	0	5	1	0	3	9
Total for Safeguarding & LATC		0	1	5	2	0	3	11
Safeguarding								
	Safeguarding Team A	0	0	2	2	1	0	5
	Safeguarding Team B	0	1	6	0	1	0	8
	Safeguarding Team C	0	0	7	1	0	0	8
	Safeguarding Team D	0	0	5	4	0	0	9
Total for Safeguarding		0	1	20	7	2	0	30
Total for Children's Services		0	2	28	13	4	4	51

Stage 2 - The below table shows the decisions reached on Stage 2 complaints during 2019/20.

Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Safeguarding & LATC						
Life Stages 0 - 25	0	0	5	0	0	5
Total for Safeguarding & LATC	0	0	5	0	0	5
Safeguarding						
Safeguarding Team A	0	1	0	0	1	2
Safeguarding Team B	0	1	1	0	0	2
Total for Safeguarding	0	2	1	0	1	4
Placements & Adoption Service						
Fostering	0	0	1	0	0	1
Total for Placements & Adoption Service	0	0	1	0	0	1
Total for Children's Services	0	2	7	0	1	10

Stage 3 - The below table shows the decisions reached on Stage 3 complaints during 2019/20.

Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Safeguarding & LATC						
Life Stages 0 - 25	0	1	1	0	0	2
Total for Safeguarding & LATC	0	1	1	0	0	2
Placements & Adoption						
Fostering	0	1	0	0	0	1
Total for Placements & Adoption	0	1	0	0	0	1
Total for Children's Services	0	2	1	0	0	3

Local Government and Social Care Ombudsman (LGSCO) Complaints

One complaint was referred to the LGSCO during 2019/20, the same number as in 2018/19.

One complaint was determined by the LGSCO during 2019/20, the same number as in 2018/19.

Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints several service improvements were made following complaint investigations during 2019/20. Some examples of these are detailed below.

Life Stages 0 - 25

Following a complaint for Life Stages 0 -25 it was agreed the team would develop a letter template and send a letter to recipients of Direct Payments clearly setting out when the payment will end. It was also agreed the Team Manager would contribute to a review of the Direct Payments process to ensure it was clear when a payment ends.

Following a further complaint for Life Stages 0 – 25 it was agreed consideration would be given to the administration of the resource allocation system and indicative budgets, so there was a consistent understating amongst social care professionals of its intended purpose.

Following another complaint for Life Stages 0 – 25 it was agreed the Council would review its training in respect of PREVENT and the Channel Panel.

As a result of another complaint for Life Stages 0 -25 it was agreed the Council would review the information provided to parents receiving a short breaks services to ensure it accurately reflects the service being offered.

As a result of a further complaint for Life Stages 0 -25 it was agreed the Council would complete work to ensure that social workers and team managers are clear about the difference between services being considered or offered, that all relevant policies and procedures would be updated to reflect this and that training would be provided to ensure there is a clear and recorded rationale for all decisions. It was also agreed the Direct Payments Scheme would be reviewed.

Safeguarding Team A

Following a complaint for Safeguarding Team A, social workers were reminded to ensure that they continue to consult with parents when children have been removed from their care so that they are fully involved in on-going assessments and involvement by the Local Authority.

Following a further complaint for Safeguarding Team A, social workers were reminded that when sensitive personal information in respect of members of the family is to be included within reports, this should be made clear to the family. A reminder was also

sent to all social workers within Assessment & Safeguarding to ensure referrals are made within a timely manner following a need being identified to support a child/family.

Safeguarding Team D

Following a complaint for Safeguarding Team D, social workers were reminded to ensure they obtain details of any key appointments for children when they are placed outside of parental/family care. Details should then be provided to foster carers to ensure appointments are able to be attended.

Fostering

Following a complaint for Fostering, it was agreed an audit of Special Guardianship Order (SGO) allowance payments would be undertaken and appropriate action taken to address any issues identified.

Keeping Families Together

Following a complaint for Keeping Families Together, it was agreed strategies would be implemented to reduce the number of changes of social worker and that social workers bringing cases for discussion at Keeping Families Together Panel would need to provide evidence that parents have given informed consent for Keeping Families Together to work with their family.

The below performance measures are in relation to those complaints responded to during 2019/20.

Timescales

Stage 1

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

- 33.4% of Stage 1 complaint responses were sent within 10 working days. This was a decrease in performance from 47.5% in 2018/19.
- A further 43.1% of Stage 1 complaint responses were sent within 20 working days.
- In total 74.7% of Stage 1 complaint responses were sent within the maximum 20 working day timescale, an increase in performance from 62.7% in 2018/19.

Stage 2

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

- 0% of Stage 2 complaint responses were sent within 25 working days during 2019/20, as was the case in 2018/19.
- 10% of Stage 2 complaint responses were sent within the maximum timescale allowed (65 working days), a decrease in performance from 33.3% in 2018/19.
- 90% of Stage 2 complaint responses were sent after 65 working days, a reduction in performance from 66.7% in 2018/19.

Stage 3

- At Stage 3 the Review Panel should be held within 30 working days of the request. 100% of Review Panels were held within 30 working days.
- The Review Panel should write to the Director within 5 working days of the panel. They did so in 100% of cases.
- The Director should write to the complainant within 15 working days of receiving the Panel's response. The Director wrote to the complainants within 15 working days in 66.66% of cases, a decrease in performance from 100% of cases in 2018/19.

Performance against key performance indicators

In relation to children's social care complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government and

Social Care Ombudsman (LGSCO). The Council received zero maladministration decisions during 2019/20, a decrease from one in 2018/19.

Full details of those complaints determined by the Local Government and Social Care Ombudsman are included in the Cabinet reports of 3 December 2019 and 15 September 2020 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

Further recommendations

The Council should continue to work to improve performance against the Stage 2 timescale for Children's Social Care complaints.

DRAFT



Housing Complaints, Compliments and Comments Annual Report 2019/20

Contents

	Page
Introduction	3
Housing Complaints, Compliments and Comments Procedure	3
Public Information and Accessibility	4
Complaints Information and Organisational Learning.....	5
Overview of Complaints, Compliments and Comments	5
Performance against the Housing Complaints, Compliments and Comments Procedure.....	15
Further recommendations.....	18

Introduction

This report provides an analysis of the complaints, compliments and comments received by the Council during 2019/20 under the Housing Complaints, Compliments and Comments Procedure (the procedure). The purpose of the report is to identify topics and trends in relation to complaints; identify areas of organisational learning that have taken place over the past year as a result of the complaints received and make further recommendations based on trend data to improve services. The report also highlights any areas of good practice and seeks to identify topics and trends in relation to comments made by members of the public so that the Council can take action where appropriate to improve services.

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

Housing Complaints, Compliments and Comments Procedure

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

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

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

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

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

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

Public Information and Accessibility

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

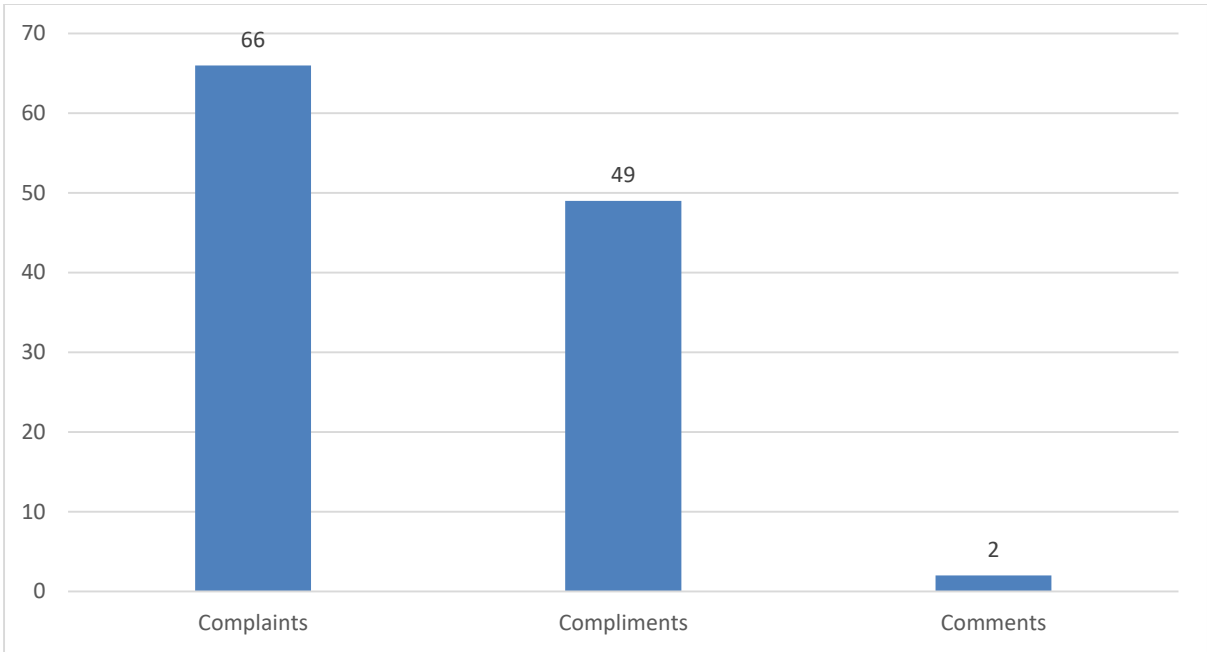
Information is available on the Council's website which contains an electronic form people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, email, via the web, over the phone, in person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

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

Complaints Information and Organisational Learning

Overview of Complaints, Compliments and Comments

Total Complaints, Compliments and Comments

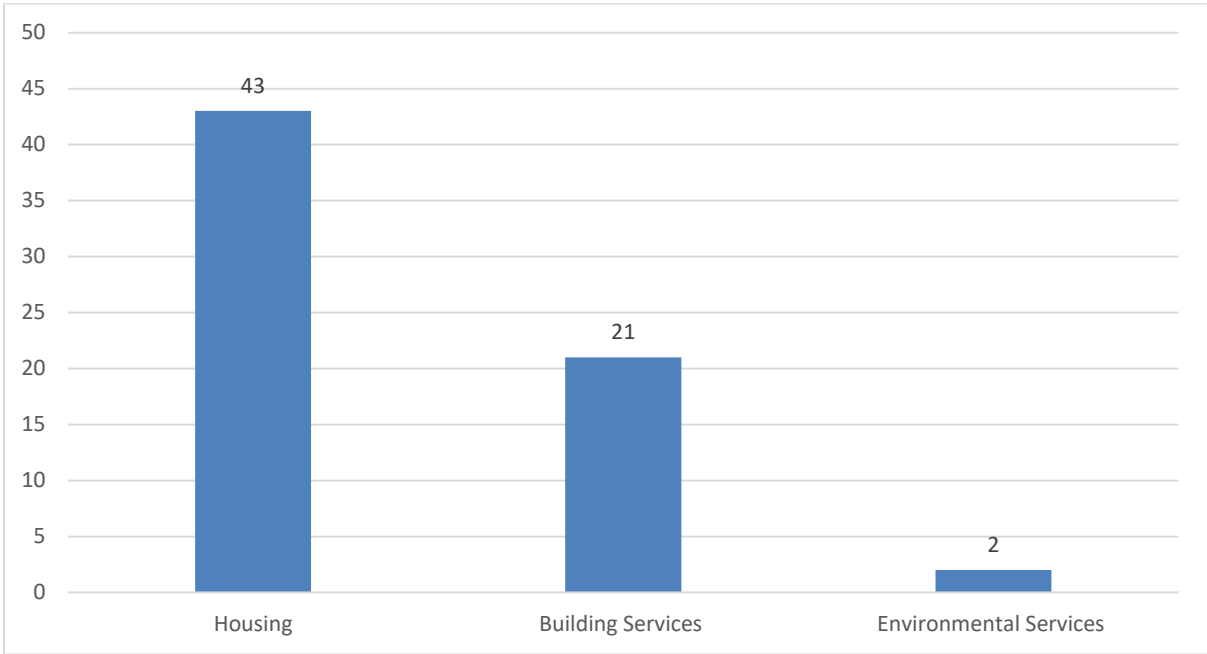


Between 1 April 2019 and 31 March 2020 the Council received a total of 66 complaints under the procedure, a reduction from 70 in 2018/19. A total of seven complaints were considered at Stage 2, a reduction from 10 in 2018/19. Six of the Stage 2 complaints were initially dealt with at Stage 1, while one was escalated directly to Stage 2. No complaints were considered at Stage 3, as was the case in 2018/19.

The Council received 49 compliments under the procedure, an increase from 28 in 2018/19.

The Council also receive 2 comments, the same number as in 2018/19.

Complaints by Service

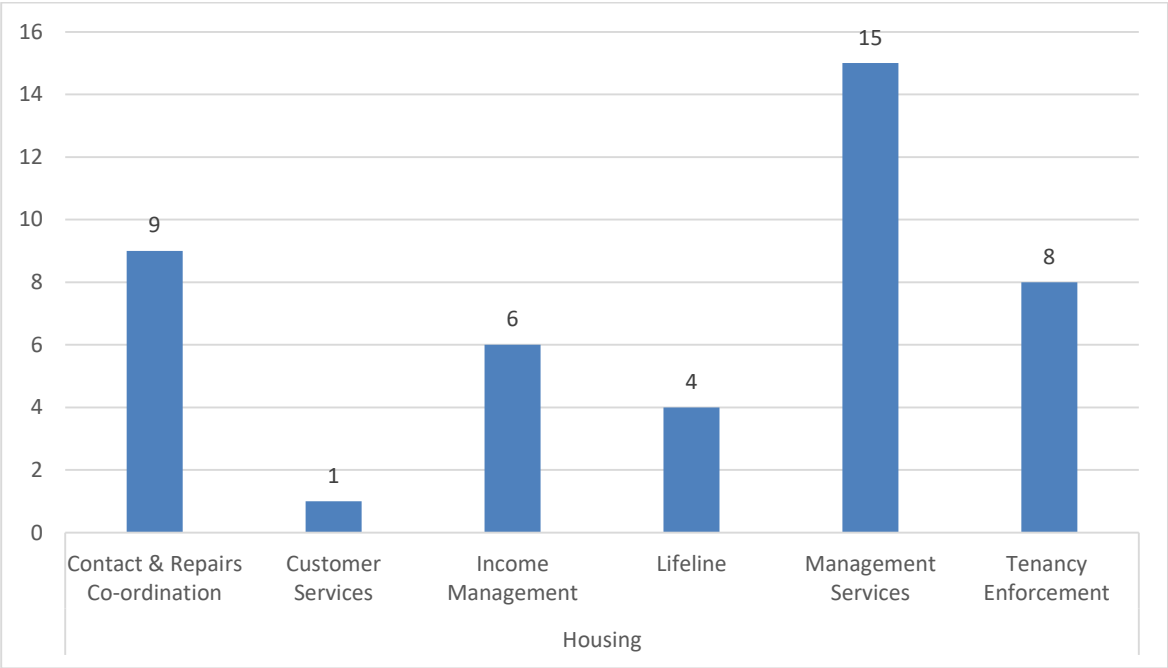


Housing received 42 complaints, an increase from 39 in 2018/19.

Building Services received 20 complaints, a decrease from 30 in 2018/19.

Environmental Services received two complaints, an increase from one in 2018/19.

Complaints by Team – Housing Service



Contact & Repairs Co-ordination received nine complaints, compared to zero in 2018/19.

Customer Services received one complaint, a decrease from three in 2018/19.

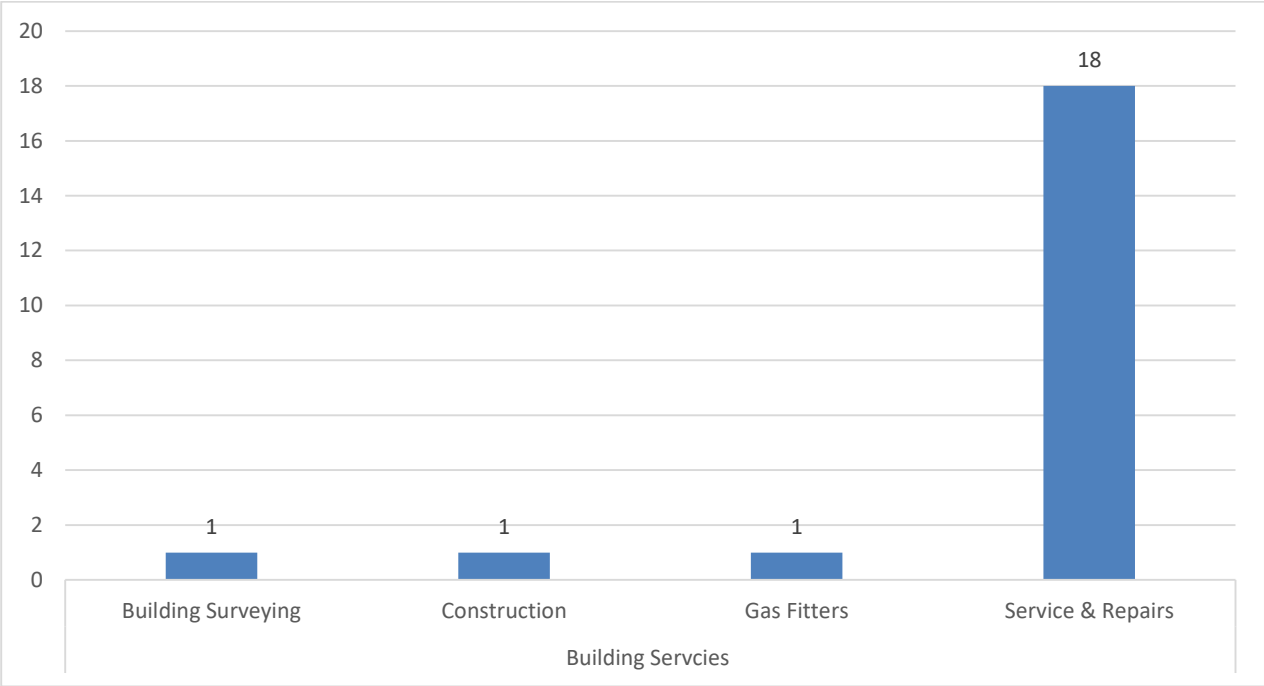
Housing Income Management received six complaints, the same number as in 2018/19.

Lifeline received one complaint, a decrease from four for Housing Options & Lifeline in 2018/19.

Management Services received 15 complaints, a decrease from 24 in 2018/19.

Tenancy Enforcement received eight complaints, an increase from zero in 2018/19.

Complaints by Team – Building Services



Building Surveying received one complaint, the same number for Surveyor in 2018/19.

Construction received one complaint, compared to zero in 2018/19.

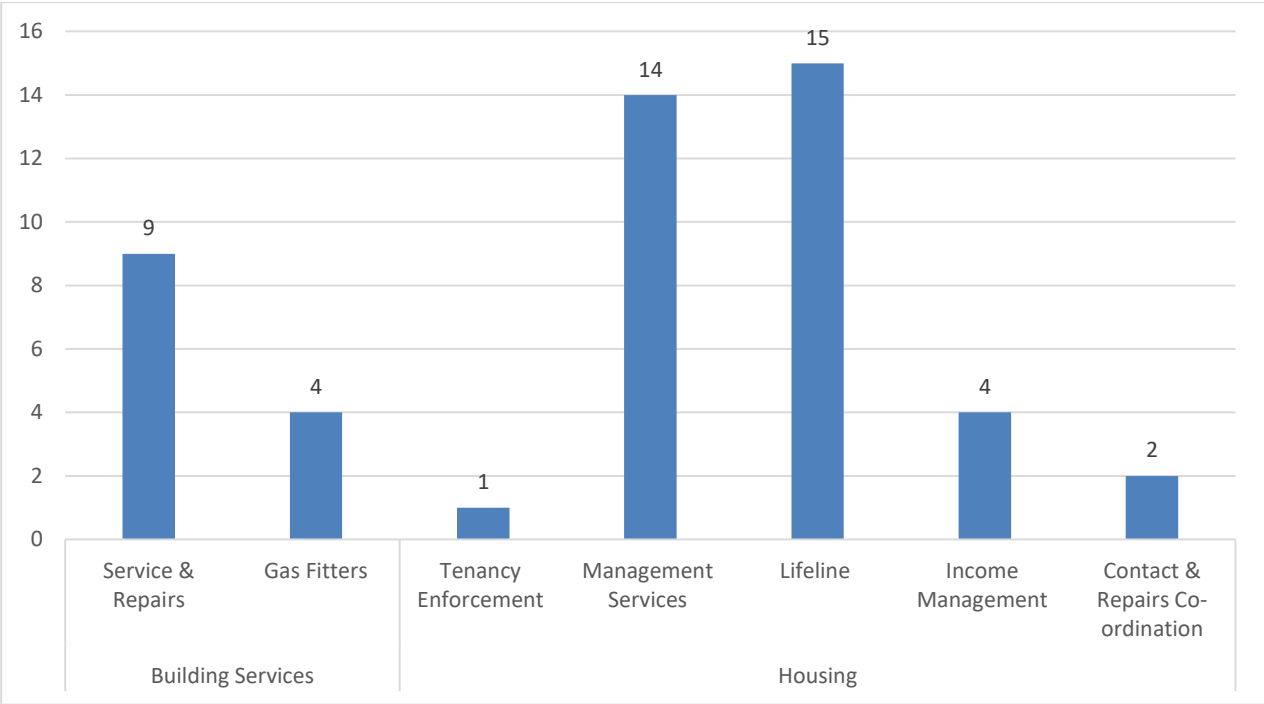
Gas Fitters received one complaint, a decrease from two in 2018/19.

Service & Repairs received 18 complaints, a decrease from 24 in 2018/19.

Complaints by Team -Environmental Services

Building Cleaning received two complaints, an increase from zero in 2018/19.

Compliments by Service Area/Team



Housing received 36 compliments, an increase from 16 in 2018/19.

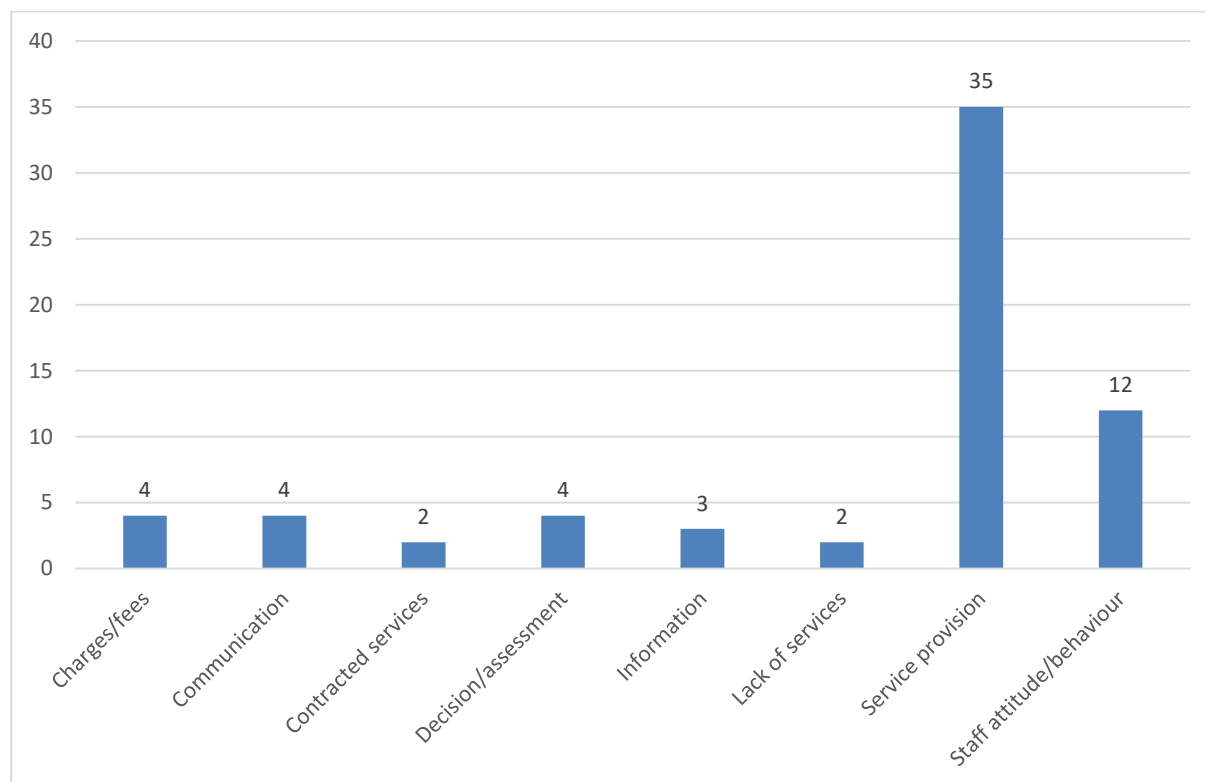
Building Services received 13 compliments, an increase from 12 in 2018/19.

Comments by Service Area/Team

The Council received two comments during 2019/20, a decrease from three in 2018/19.

One was for Lifeline, while the other was for Management Services.

Complaints by Issue



Four complaints concerned charges/fees, an increase from three in 2018/19.

Four complaints related to communication, a decrease from eight in 2018/19.

Two complaints concerned contracted services, an increase from zero in 2018/19.

Four complaints related to decisions/assessment, an increase from three 2018/19.

Three complaints related to information, an increase from one in 2018/19.

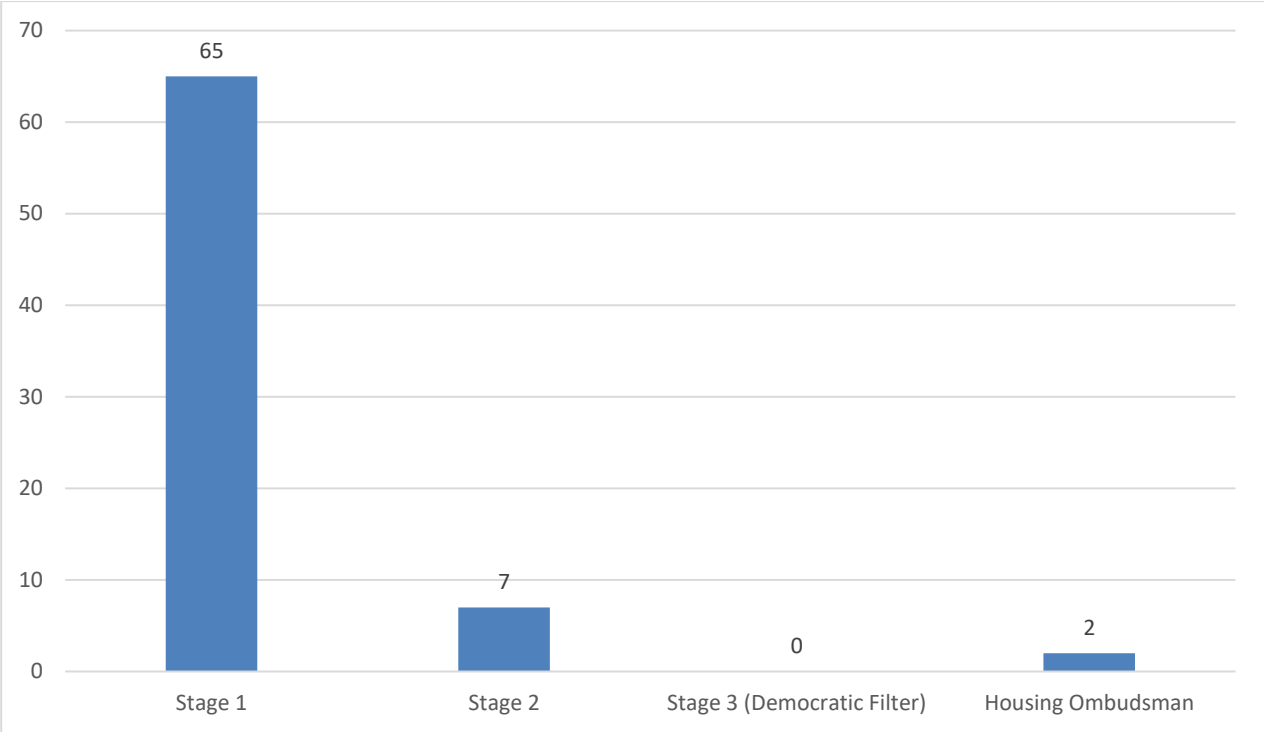
Two complaints were about a lack of services, the same number as in 2018/19.

35 complaints related to service provision, a decrease from 44 in 2018/19.

12 complaints related to staff attitude/behaviour, an increase from nine in 2018/19.

Complaints by Stage

The below graph shows the number of complaints received at each stage of the procedure during 2019/20.



The Council received 65 Stage 1 complaints, a reduction from 69 in 2018/19.

Six were escalated to Stage 2, and one was investigated directly at Stage 2. A total of seven complaints were considered at Stage 2, a reduction from 10 in 2018/19.

Two complaints were escalated to the Housing Ombudsman, the same number as in 2018/19.

Complaints by Outcome

The below tables show the decisions reached on complaints during 2019/20.

Stage 1

Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Housing						
Income Management	0	3	1	1	0	5
Housing Management Services	0	0	0	1	0	1
Management Services	2	9	1	1	0	13
Tenancy Enforcement	1	3	0	0	0	4
Contact & Repairs Co-ordination	1	0	1	5	0	7
Lifeline	0	1	1	0	3	5
Total for Housing	4	16	4	8	3	35
Building Services						
Building Surveying	0	0	1	0	0	1
Construction	0	1	0	0	0	1
Gas Fitters	0	0	0	1	0	1
Service & Repairs 19/20	1	4	1	11	2	19
Total for Building Services	1	5	2	12	2	22
Environmental Services						
Building Cleaning & Compliance	0	0	2	0	0	2
Total for Environmental Services	0	0	2	0	0	2
Totals	5	21	8	20	5	59

Stage 2

Service Area/Team	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Housing						
Income Management	0	0	1	0	0	1
Management Services	0	1	1	2	0	4
Total for Housing	0	1	2	2	0	5
Building Services						
Building Surveying	0	0	1	0	0	1
Total for Building Services	0	0	1	0	0	1
Totals	0	1	3	2	0	6

Stage 3

The 'designated person' or 'democratic filter' did not determined any complaints during 2019/20.

Housing Ombudsman

The Housing Ombudsman determined one complaint during 2019/20, a decrease from four in 2018/19.

Full details of those complaints determined by the Housing Ombudsman are included in the Cabinet reports of 3 December 2019 and 15 September 2020 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, several service improvements were made following complaint investigations during 2019/20 and are detailed below:

Following a complaint for Housing Management Services officers were reminded of the importance of the correct procedure to follow when considering requests for major adaptations.

Following another complaint for Housing Management Services officers who are responsible for carrying out void inspections were reminded of all the items they are required to inspect.

Following a further complaint for Housing Management Services the process was changed to ensure vans always have at least one of a particular boiler on shelf in future.

Following a complaint for Building Surveying it was recommended that officers ensure they keep accurate records of correspondence with Housing tenants.

Following a complaint for Income Management it was recommended that the Council considers how it can better plan works to ensure they are included in Section 125 notices in future; thereby ensuring they can appropriately charge leaseholders and reduce the likelihood of complaints/claims from leaseholders who have undertaken works which were planned, but of which they were not notified.

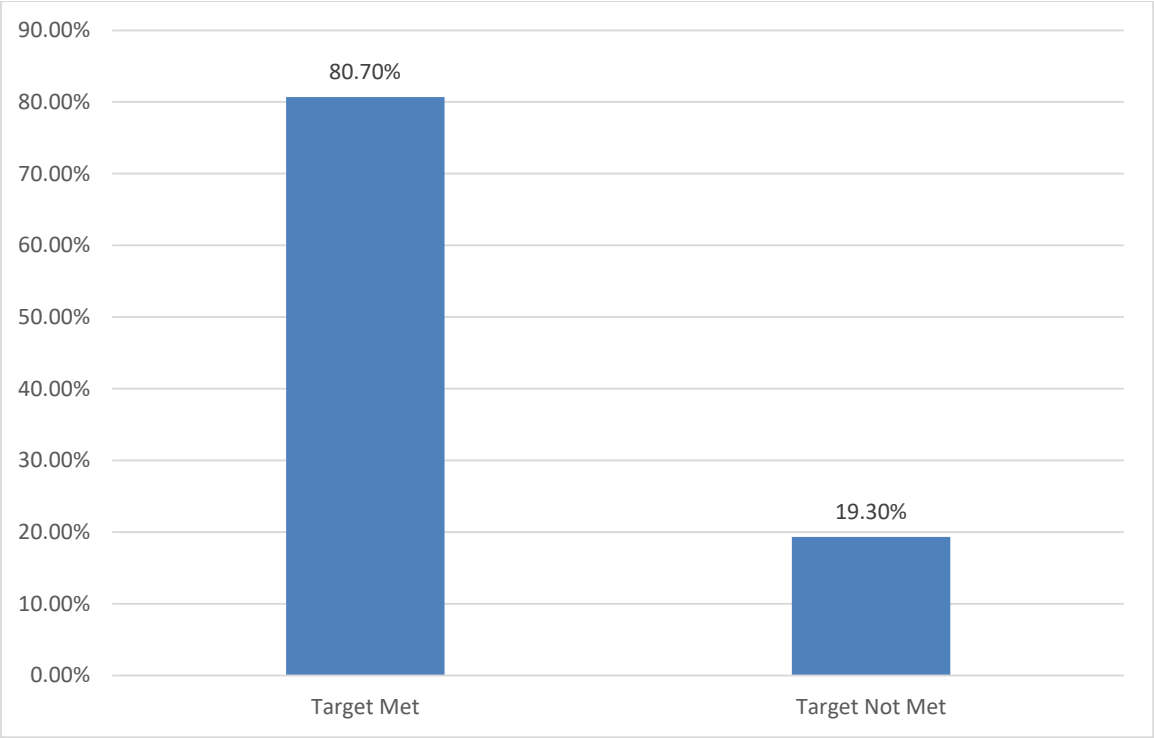
Following a complaint for Service & Repairs it was identified there was a need to improve knowledge of a particular type of heating system, ensure spare parts are available for a quick response and have full units in stock in case they need to be exchanged.

Performance against the Housing Complaints, Compliments and Comments Procedure

The below graphs show performance in relation to those complaints responded to during 2019/20.

Stage 1

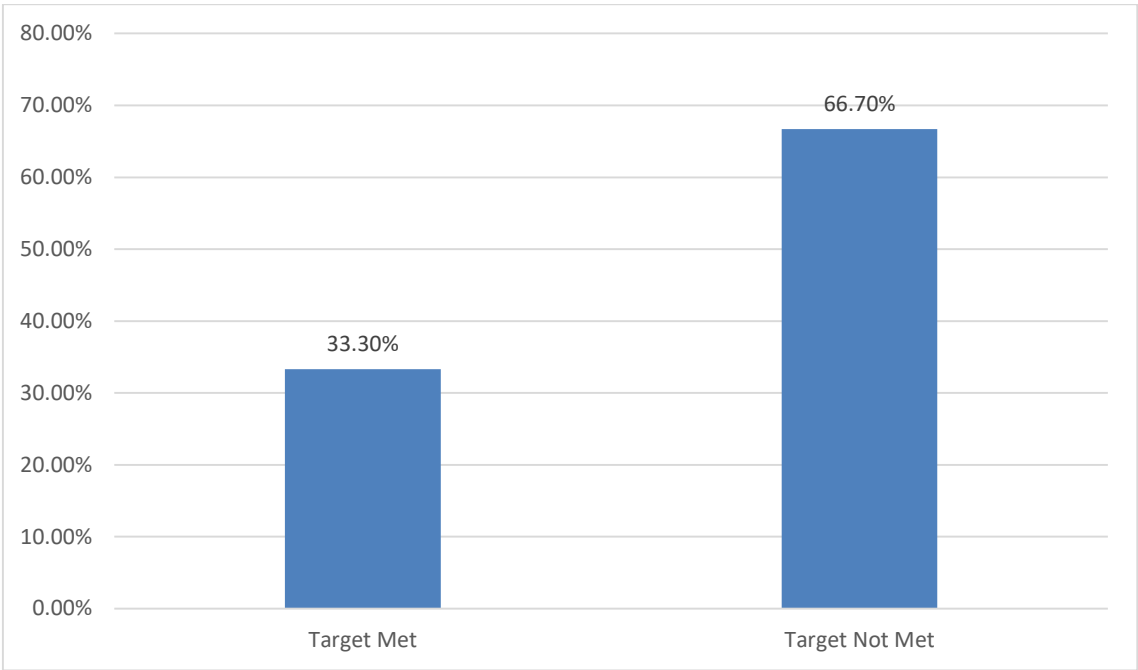
Performance against Stage 1 response target (25 working days)



This was an increase in performance against the Stage 1 response target from 74.3% in 2018/19.

Stage 2

Performance against Stage 2 response target (30 working days)



This was an increase in performance against the Stage 2 response target from 18.20% in 2018/19.

Further recommendations

The Council should continue to work on improving performance against the Stage 2 response target.



Public Health Complaints, Compliments and Comments Annual Report 2019/20

Contents

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

Introduction

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

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

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

The procedure aims to:

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

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

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

Local Government and Social Care Ombudsman

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

Information and Accessibility

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

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

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

Summary

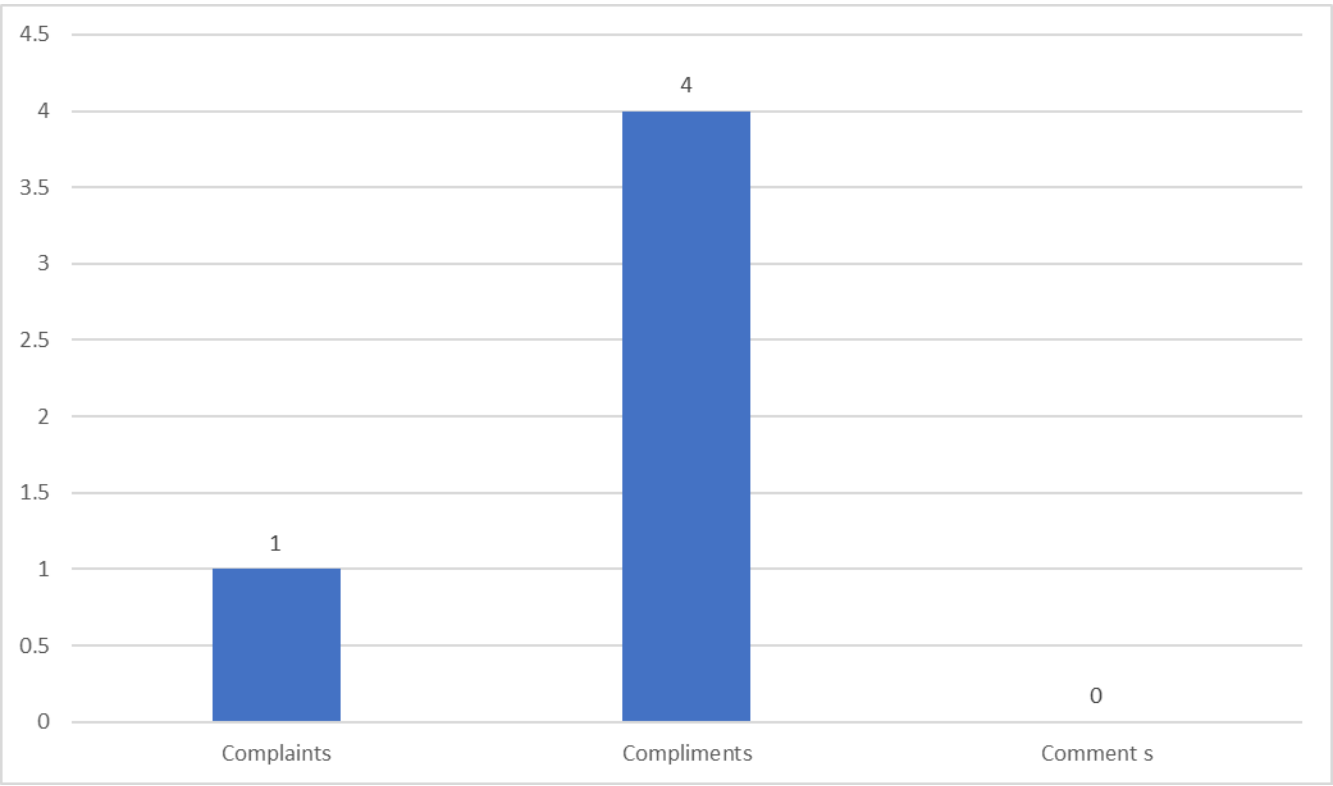
- The Council received one complaint about Public Health services during 2019/20, an increase from zero in 2018/19.
- The Council received four compliments, an increase from one in 2018/19.
- The Council did not receive any comments, the same as in 2018/19.

Review of the Year

Breakdown of all Representations

A total of five representations was handled under the procedure during 2019/20.

Total Complaints, Compliments and Comments Received



The complaint related to a Public Health Provider i.e. the Drug and Alcohol Service.

The compliments were also for a Public Health Provider and all four of them related to the 0 – 19 service.

Complaint Outcomes

The above complaint investigation was concluded during 2019/20.

The outcome of the complaint was not upheld.

Local Government Ombudsman Complaints (LGSCO) Received 2019/20

No Public Health complaints were progressed to the LGSCO during 2019/20, the same as in 2018/19.

Local Government Ombudsman Complaint Outcomes (LGSCO) 2019/20

No Public Health complaints were determined by the LGSCO during 2019/20, the same as in 2018/19.

Organisational Learning

While the above complaint was not upheld, the Director of Public Health asked for assurance that the provider would review their existing policies and procedures to ensure that anyone else who asks for help with their addiction to prescription medication, gets the support they need in a timely manner and the communication is clearer.

Further recommendations

There are no further recommendations.

Performance against the Procedure

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

The above complaint was responded to in 35 working days.

Performance Indicator for 2018/19

In relation to Public Health complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government and Social Care Ombudsman. The Council received zero maladministration decisions during 2019/20.

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



Corporate Complaints, Compliments and Comments Annual Report 2019/20

Contents

	Page
Introduction	3
Corporate Complaints, Compliments and Comments Procedure	3
Public Information and Accessibility	3
Complaints Information and Organisational Learning.....	5
Overview of Complaints, Compliments and Comments	5
Children & Adults Services.....	8
Economic Growth & Neighbourhood Services	14
Resources.....	31
Performance against the Corporate Complaints, Compliments and Comments Procedure.....	36
Further Recommendations.....	38
Performance against Local Performance Indicators.....	38

Introduction

This report provides an analysis of the complaints, compliments and comments received by the Council during 2019/20 under the Corporate Complaints, Compliments and Comments Procedure (the corporate procedure). The purpose of the report is to identify topics and trends in relation to complaints; identify areas of organisational learning that have taken place over the past year as a result of the complaints received and make further recommendations based on trend data to improve services. The report also highlights those areas of good practice within the Council and seeks to identify topics and trends in relation to comments made by members of the public so the Council can also take action where appropriate to improve services. In addition to the statistical information presented in this report it is important to recognise the work of the Complaints and Information Governance (CIG) Team that underpins this in terms of promoting an organisational culture in which complaints are recognised, accepted, owned and resolved as efficiently and as close to the point of service delivery as possible.

Corporate Complaints, Compliments and Comments Procedure

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

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

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

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

Public Information and Accessibility

We are committed to making sure that everyone has equal access to all our services. To help make sure the Council's complaints procedures are easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most

commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

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

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

Complaints Information and Organisational Learning

Overview of Complaints, Compliments and Comments

Between 1 April 2019 and 31 March 2020 the Council received a total of 987 representations under the corporate procedure, a decrease from 1,064 in 2018/19.

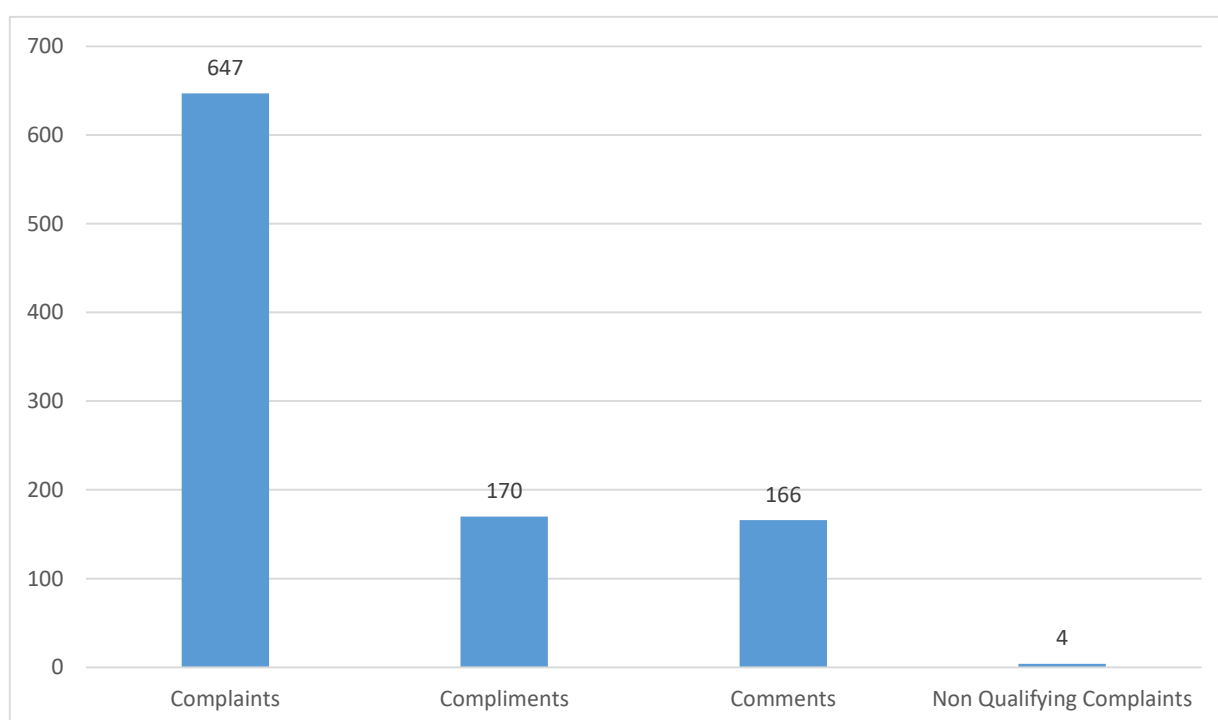
The Council received 647 complaints, an increase from 624 in 2018/19. 632 complaints were initially dealt with at Stage 1 of the corporate procedure, whilst 15 were initially dealt with at Stage 2. 44 Stage 1 complaints were escalated to Stage 2 following a Stage 1 investigation. In total 59 complaints were investigated at Stage 2, a decrease from 71 in 2018/19.

The Council received 170 compliments, a decrease from 199 in 2018/19.

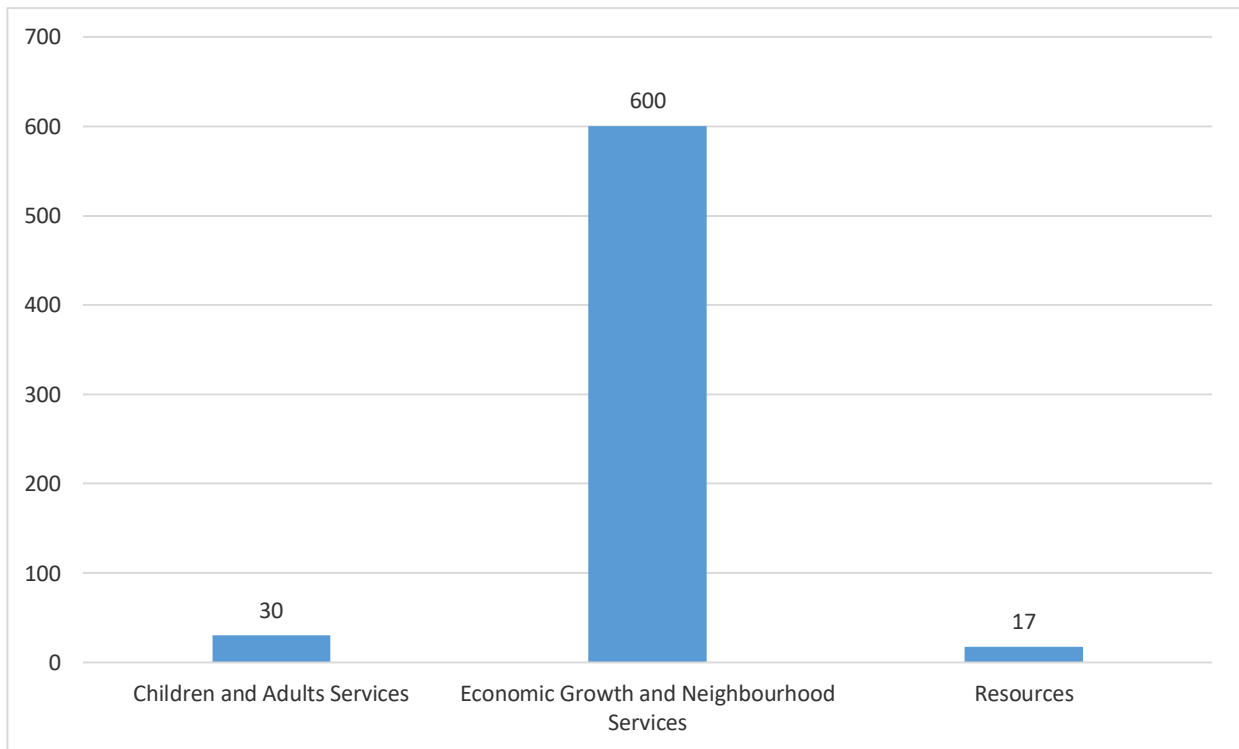
The Council also received 166 comments, a significant decrease from 236 in 2018/19.

The Council also received 4 non-qualifying complaints.

Total Complaints, Compliments and Comments

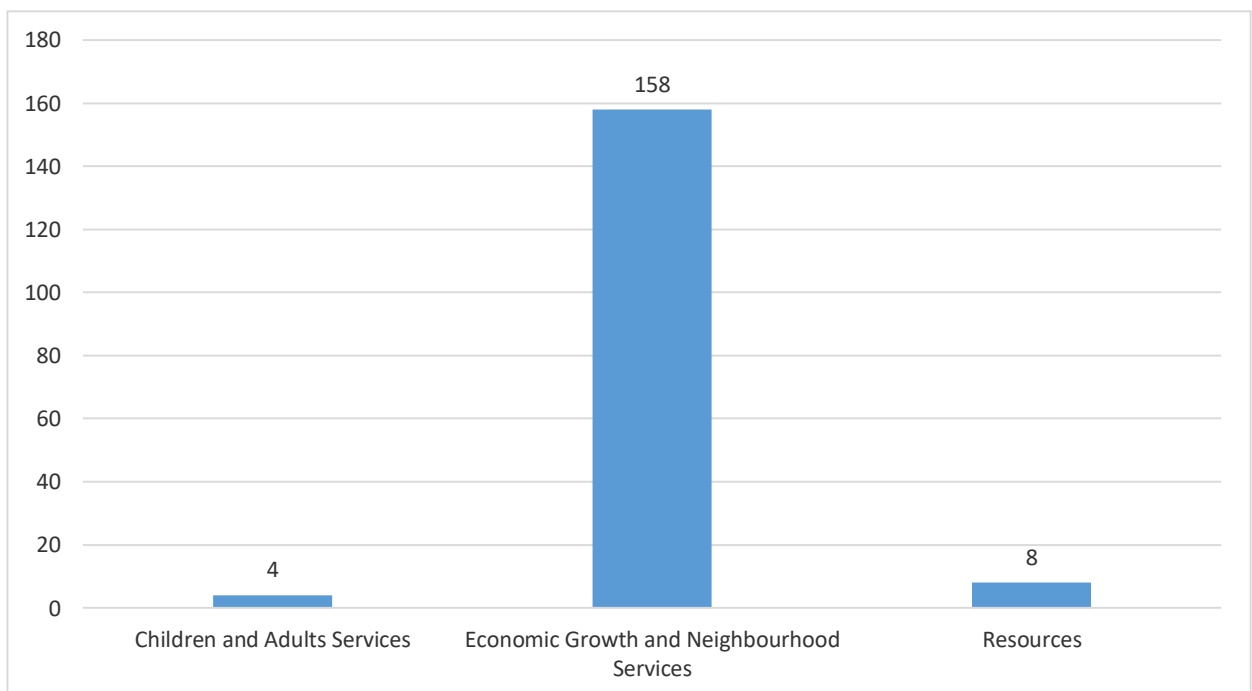


Complaints by Department



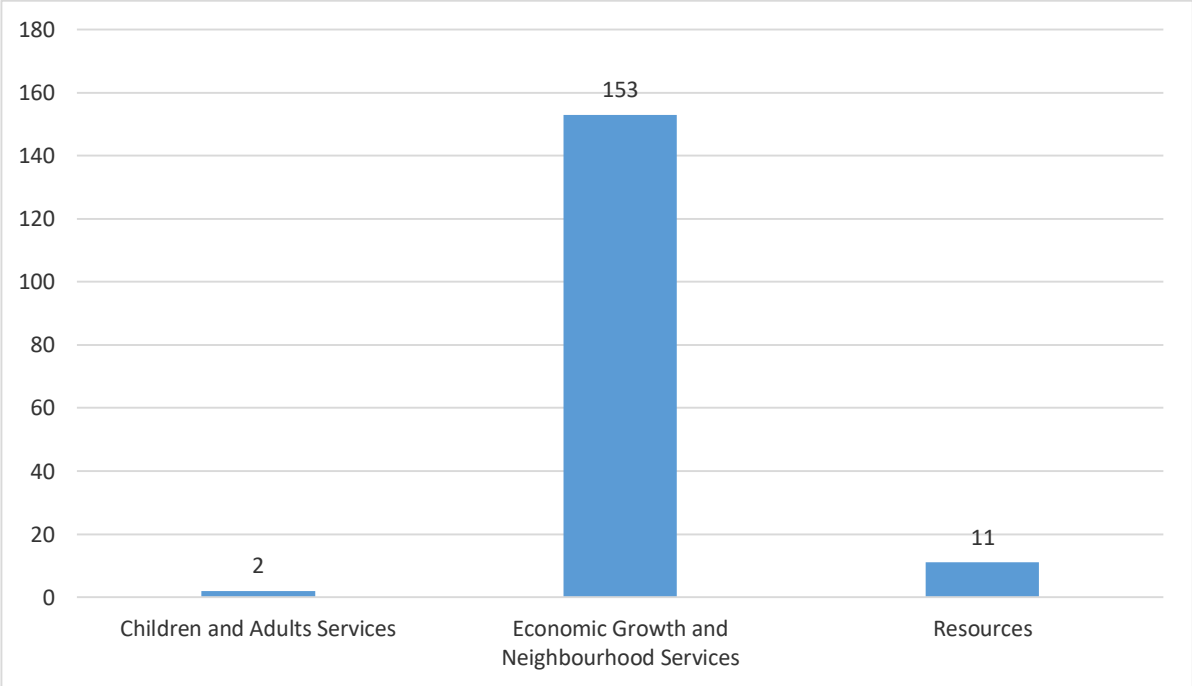
Economic Growth and Neighbourhood Services received 600 complaints, an increase from 577 in 2018/19.

Compliments by Department



Economic Growth and Neighbourhood Services received 158 compliments, a decrease from 190 in 2018/19.

Comments by Department



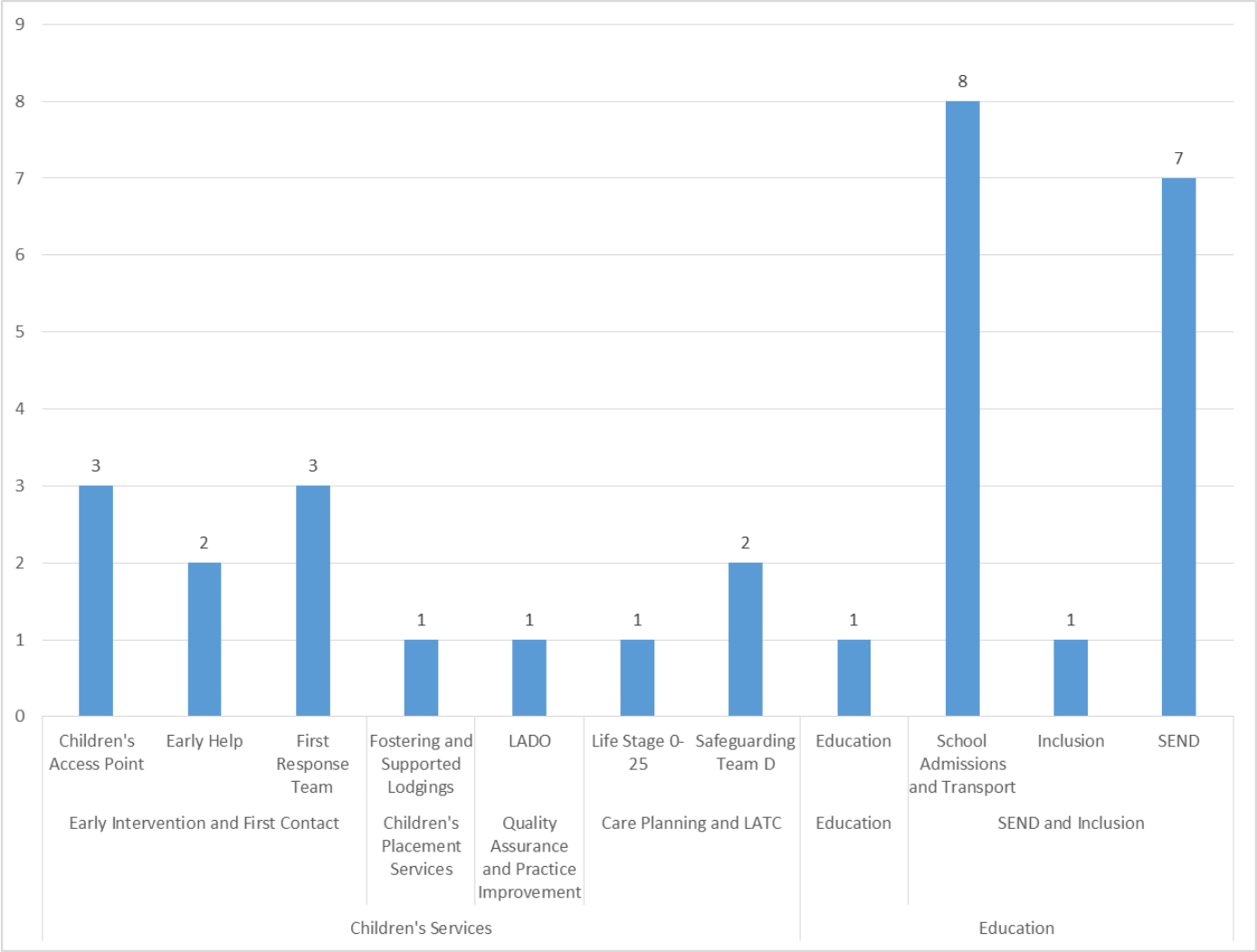
Economic Growth and Neighbourhood Services received 153 comments, a decrease from 226 in 2018/19.

Complaints, Compliments and Comments by Department

Children and Adults Services

Complaints by Service Area/Team

Overview



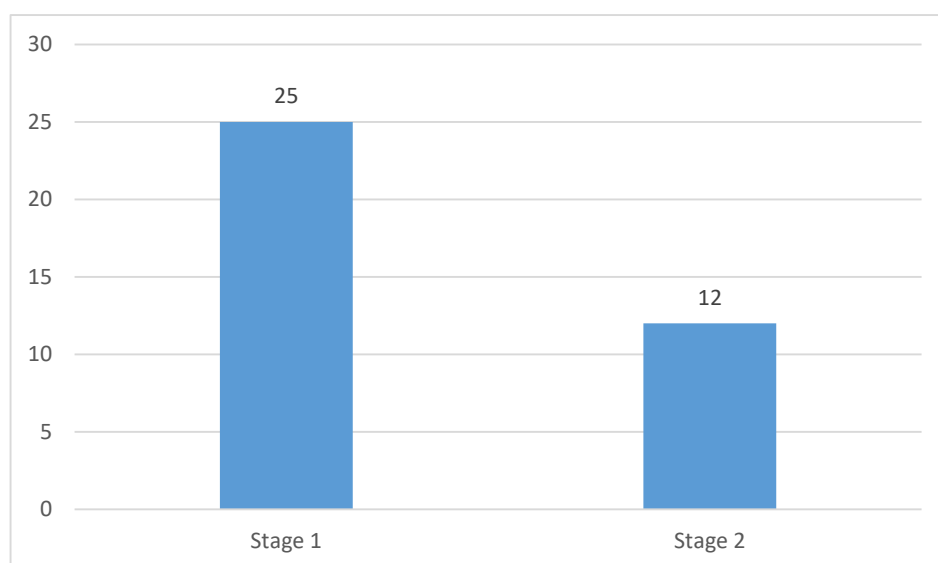
Children and Adults Services received 30 complaints, a slight decrease from 31 in 2018/19.

Adult Services received 0 complaints, the same as in 2018/19.

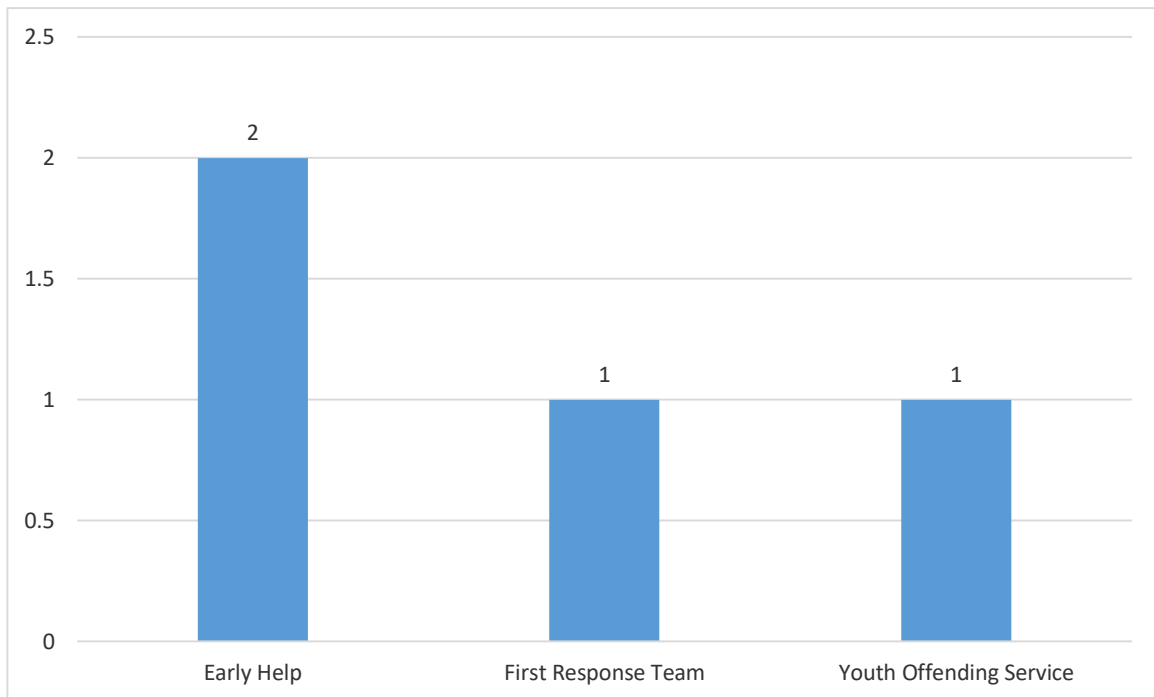
Children's Services received 13 complaints, a decrease from 18 complaints in 2018/19. Poor communication was the most common cause of complaint in Children's Services.

Education received 17 complaints, an increase from 14 in 2018/19. The most common cause of complaint was dissatisfaction with Education Health Care (EHC) Plans and School Transport.

Complaints by Stage

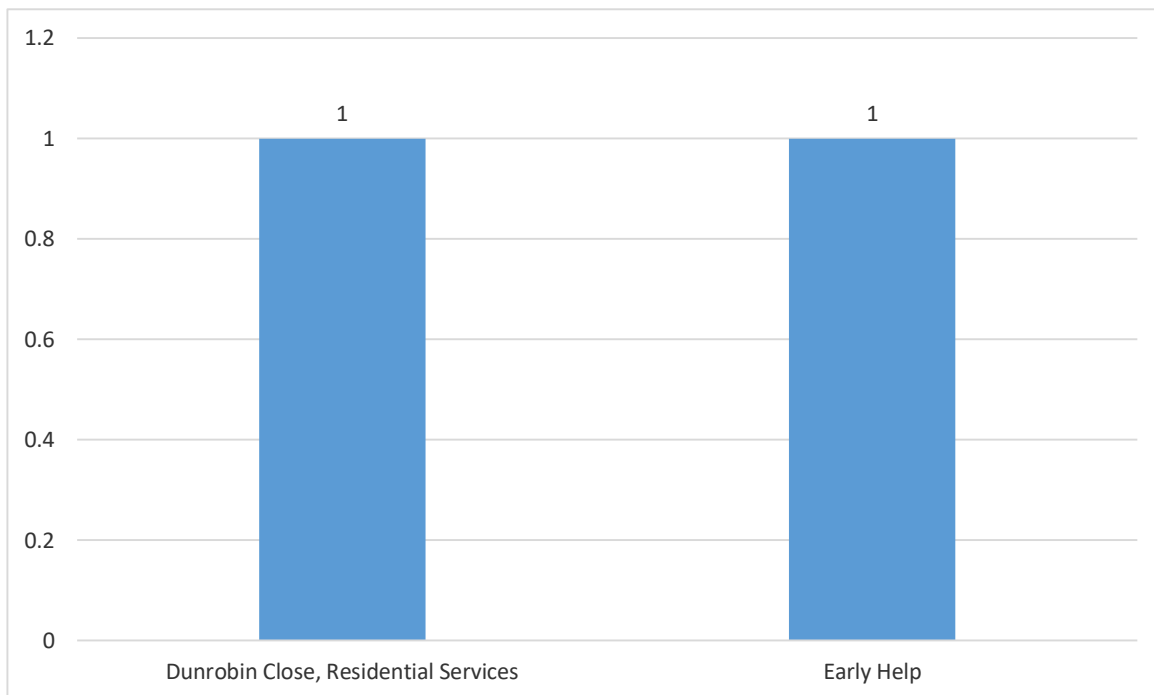


Compliments by Service Area/Team



Children and Adults Services received 4 corporate compliments, a slight decrease from 6 in 2018/19.

Comments by Service Area/Team



Children and Adults Services received 2 corporate comments, a slight decrease from 4 in 2018/19.

Complaints by Outcome

The below tables show the decisions reached on complaints during 2019/20. Some of the complaints determined during 2019/20 were received during 2018/19 and the first quarter of 2019/20, prior to the Council's structure change, hence them being logged against former services/teams.

Stage 1 Outcomes

Service Area/Team	Closed With No Response	Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Safeguarding Team D	0	0	0	1	0	1	0	2
Life Stages 0 - 25	0	0	0	0	0	0	1	1
Children's Access Point	0	0	0	2	0	0	0	2
Early Help	0	0	1	0	0	0	1	2
First Response Team	0	0	1	1	0	0	0	2
LADO 19/20	0	0	0	1	0	0	0	1
SEND	0	0	0	2	2	2	0	6
School Admissions & Transport	0	0	0	2	3	1	1	7
Totals	0	0	2	9	5	4	3	23

Stage 2 Outcomes

Service Area/Team	Early referral to LGO	Escalated to LGO (No S2 Response provided)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
16-19 Provision	0	0	0	0	0	1	0	1
Safeguarding Team D	0	0	0	1	0	0	0	1
Safeguarding Team A	0	0	0	1	0	0	0	1
Children's Access Point	0	0	1	0	0	0	0	1
Fostering & Supported Lodgings	0	0	0	1	0	0	0	1
LADO 19/20	0	0	0	1	0	0	0	1
Education	0	0	0	1	0	0	0	1
SEND	0	0	0	0	2	1	0	3
School Admissions & Transport	0	0	0	1	0	0	1	2
Totals	0	0	1	6	2	2	1	12

Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints, a number of service improvements were made following complaint investigations during 2019/20.

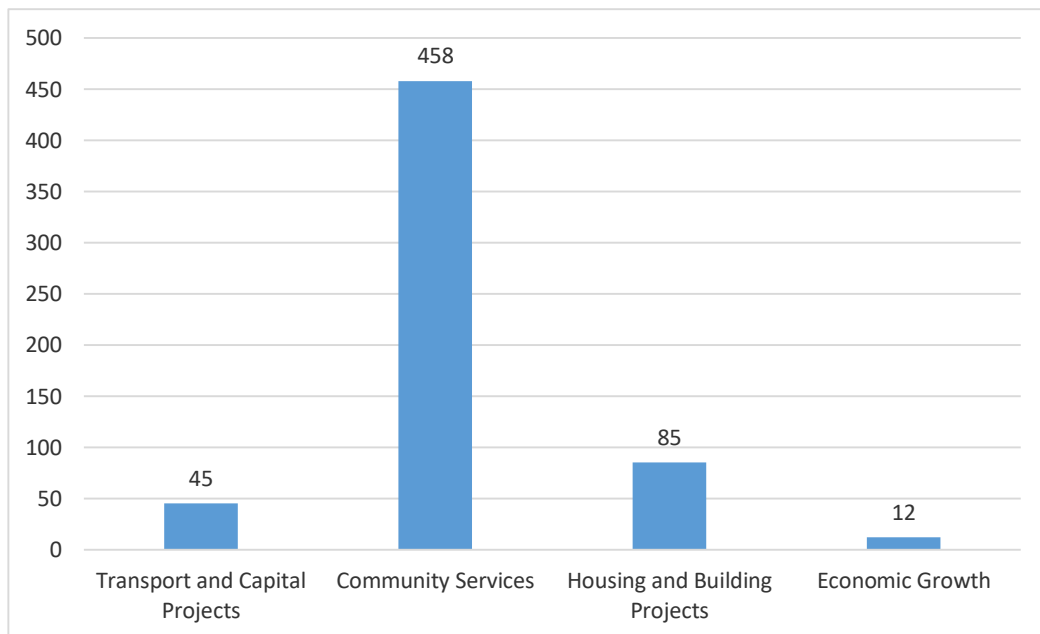
Following a complaint for the School Admissions and Transport, it was agreed that no decision to cease transport would be made without evidence of a graduated response to a situation and agreement by the Transport Manager.

Following a complaint for Special Educational Needs and Disabilities (SEND), it was agreed that the views of Foster Carers involved in the Education, Health and Care (EHC) Plan process would be properly recorded. It was also agreed that the Council would review its policies, procedures or processes to ensure that where a child with an EHC Plan is out of education, the Council reviews or amends their EHC Plan in accordance with the timescales set out in the Special educational needs and disability code of practice: 0 – 25.

Economic Growth and Neighbourhood Services

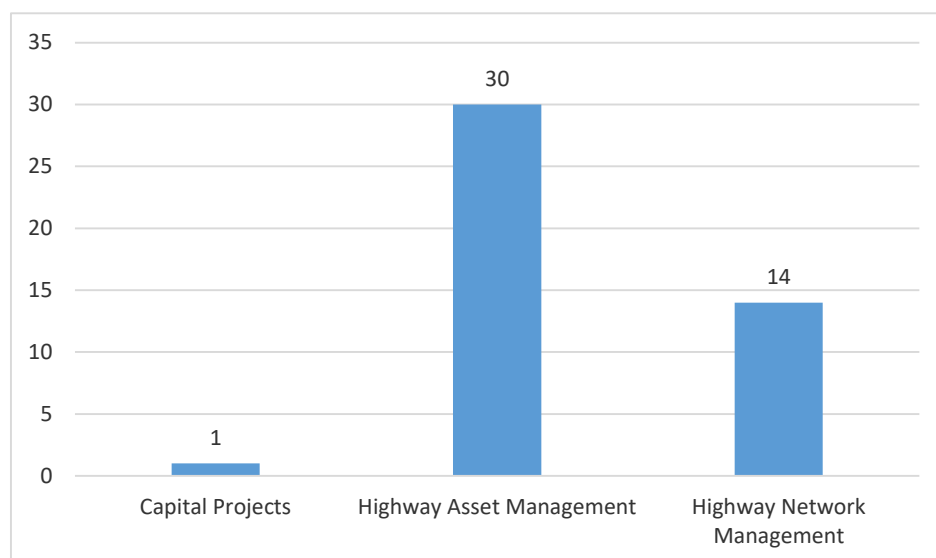
Complaints by Service Area/Team

Overview



Economic Growth and Neighbourhood Services received 600 complaints, an increase from 577 complaints in 2018/19.

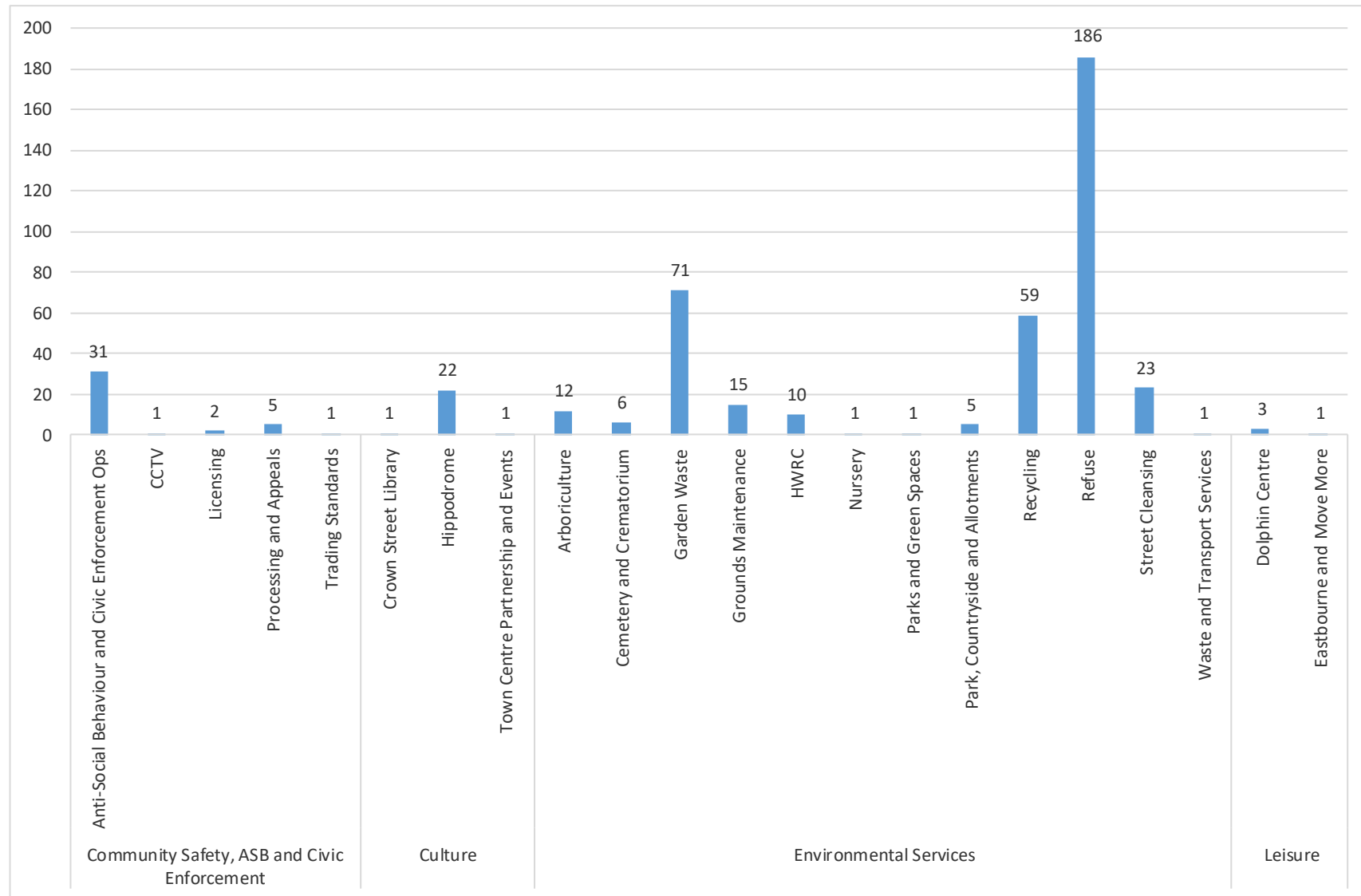
Transport and Capital Projects



Highway Asset Management received 30 complaints, a slight decrease from 31 in 2018/19. The most common themes were dissatisfaction with road resurfacing and lack of notification about road works.

Highway Network Management received 14 complaints, a slight decrease from 15 in 2018/19. There were no common themes identified.

Community Services



Community Services received 458 complaints, an increase from 388 2018/19.

ASB and Civic Enforcement Ops received 31 complaints, an increase from 15 complaints in 2018/19. Parking issues were the most common cause of complaint, followed by lack of response to reports.

The Hippodrome received 22 complaints, a significant decrease from 74 during 2018/19. A common theme was lack of enforcement action taken against customers causing a disturbance.

The Dolphin Centre received 3 complaints, a decrease from 5 in 2018/19.

Arboriculture received 12 complaints, a significant decrease from 23 in 2018/19. As in 2018/19 these complaints generally resulted from a lack of response to initial enquiries and/or dissatisfaction with a decision not to undertake works to a tree for the reasons requested.

Cemeteries and Crematorium received 6 complaints, an increase from 3 in 2018/19.

Grounds Maintenance received 15 complaints, an increase from 10 in 2018/19.

The new Garden Waste service received 71 complaints. This was mainly due to teething issues when the service was first launched.

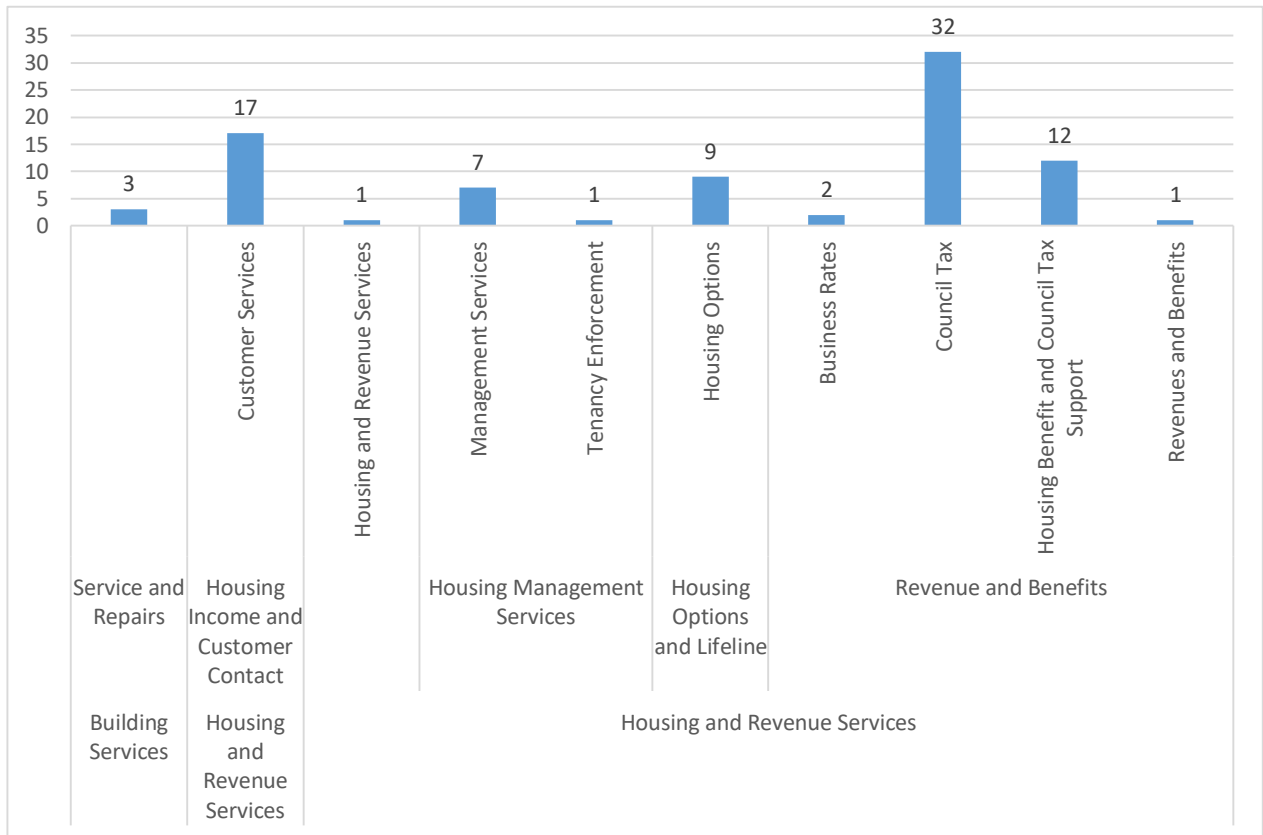
Street Cleansing received 23 complaints, the same amount received in 2018/19. These primarily related to the lack and quality of service provided.

Recycling Collection received 59 complaints, an increase from 44 in 2018/19. Complaints primarily related to collections being missed on one or more occasions.

Refuse Collection received 186 complaints, an increase from 150 in 2018/19. Complaints primarily related to collections being missed on one or more occasions. The continued high level of complaints can be attributed to people being more inclined to complain following the introduction of the Council's policy to no longer provide a recall service.

Household Waste Recycling Centre (HWRC) received 10 complaints, an increase from 3 in 2018/19.

Housing and Building Projects



Housing and Building Services received 85 complaints, a significant reduction from 115 in 2018/19.

Service and Repairs received 3 complaints, an increase from 2 in 2018/19.

Customer Services received 17 complaints, a significant reduction from 28 in 2018/19.

Housing Management Services received 8 corporate complaints, an increase from 6 in 2018/19. There were no discernible themes in the complaints received.

Council Tax received 32 complaints, a significant decrease from 43 in 2018/19. Issues with communication was the only identifiable theme.

Housing Benefit and Council Tax Support received 12 complaints, an increase from 6 in 2018/19.

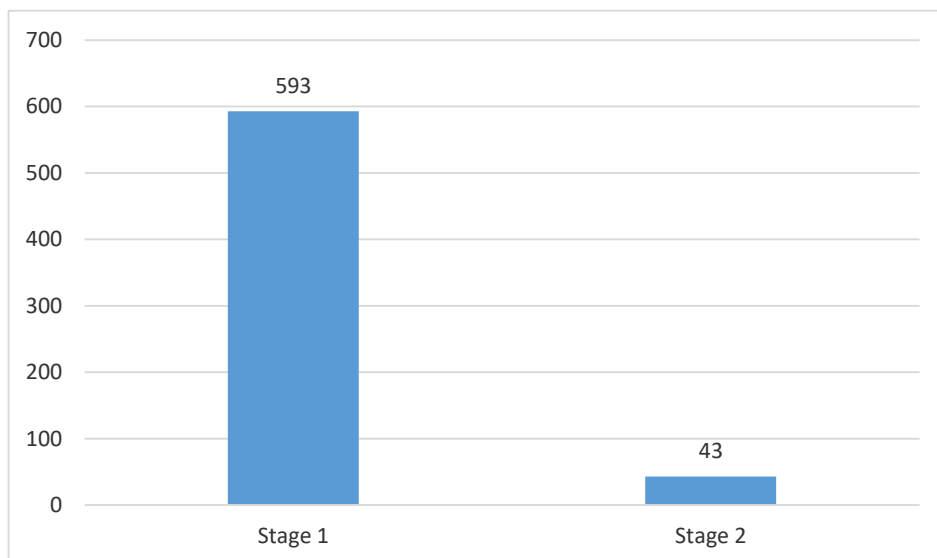
Economic Growth



Planning, Development Management and Environmental Health received 8 complaints, a significant decrease from 19 in 2018/19.

Development Management received 5 complaints, a decrease from 11 in 2018/19. There were no discernible themes identified.

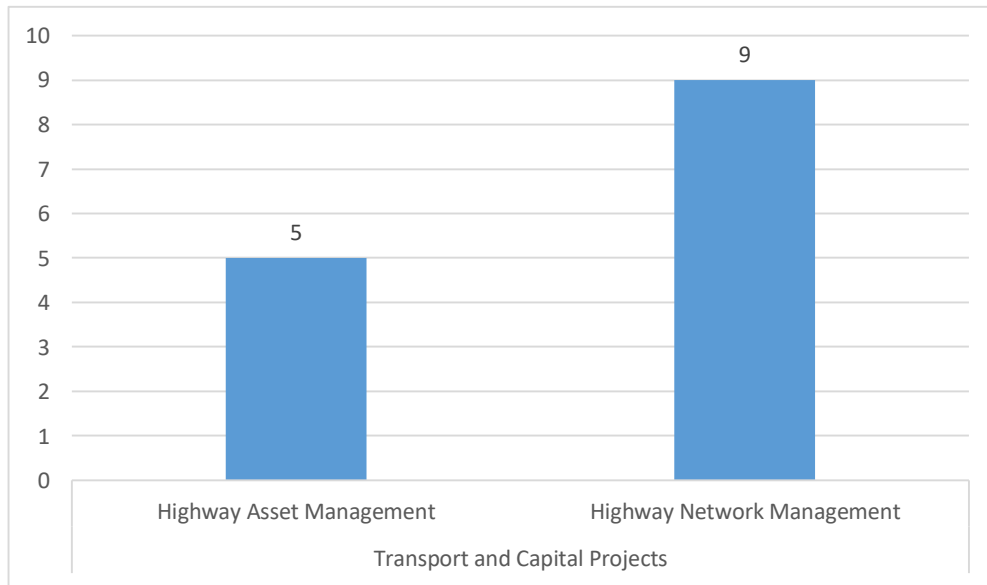
Complaints by Stage



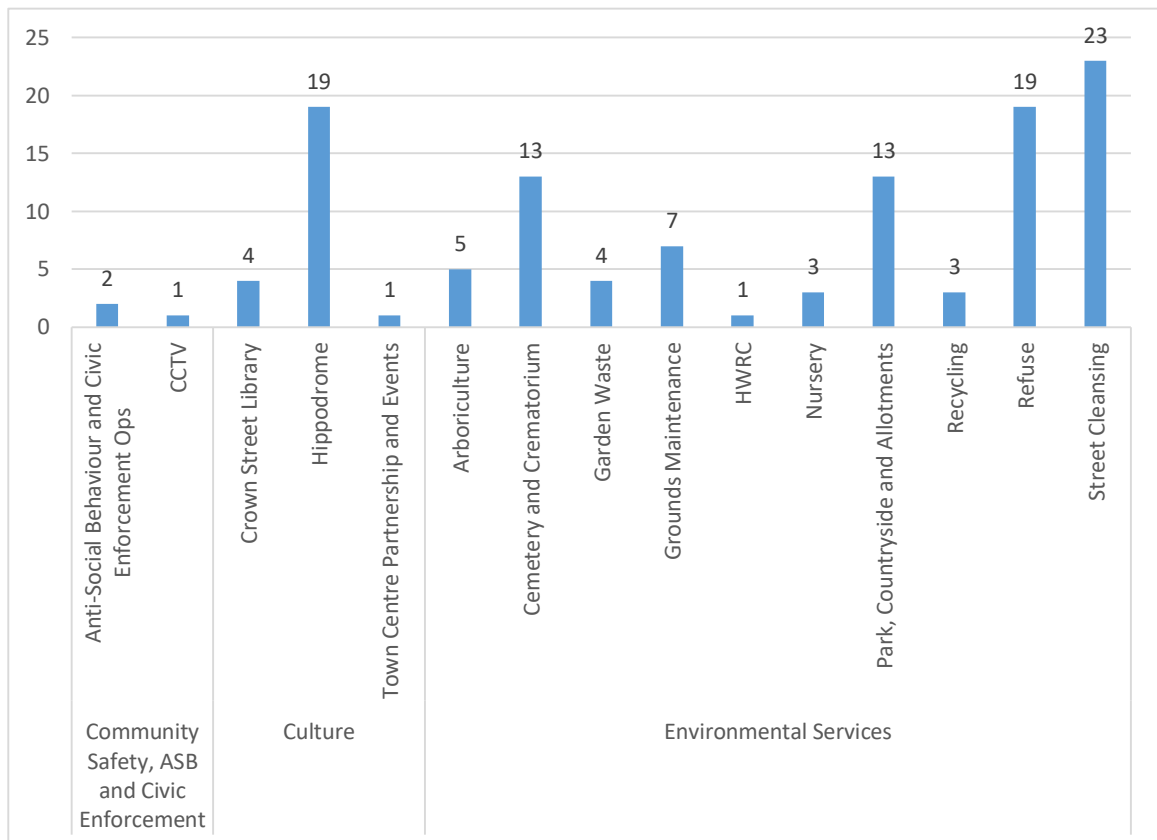
Seven complaints were escalated straight to stage 2.

Compliments by Service Area/Team

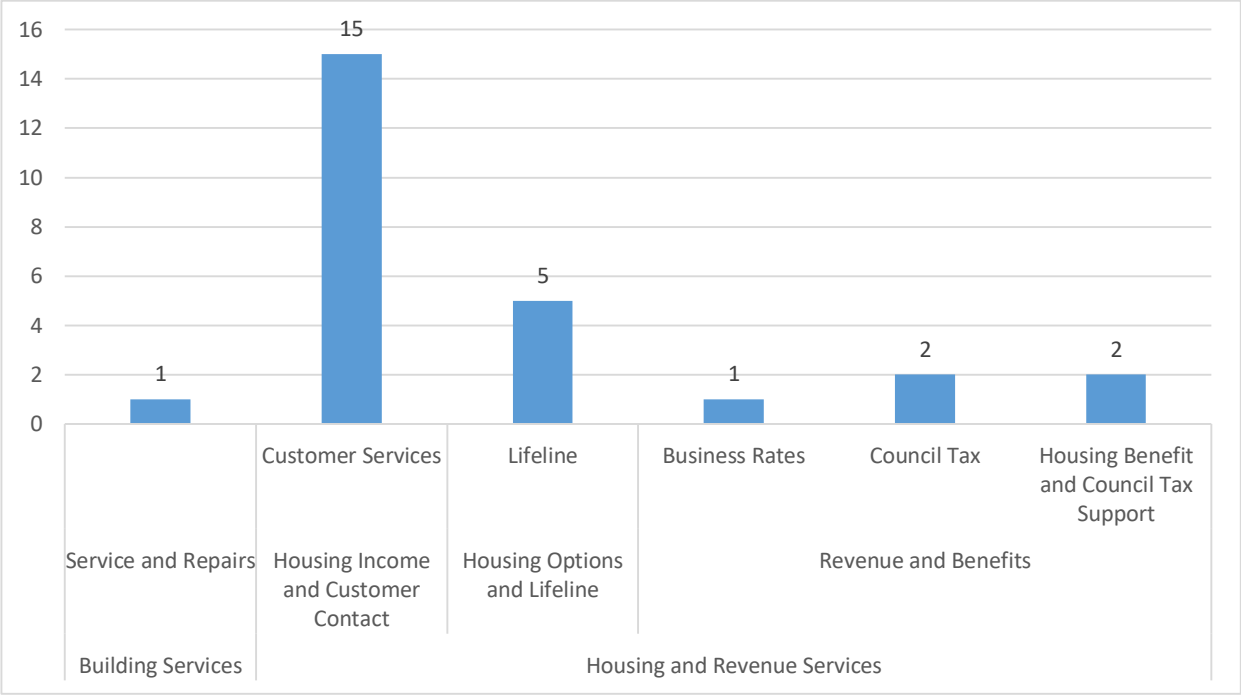
Transport and Capital Projects



Community Services

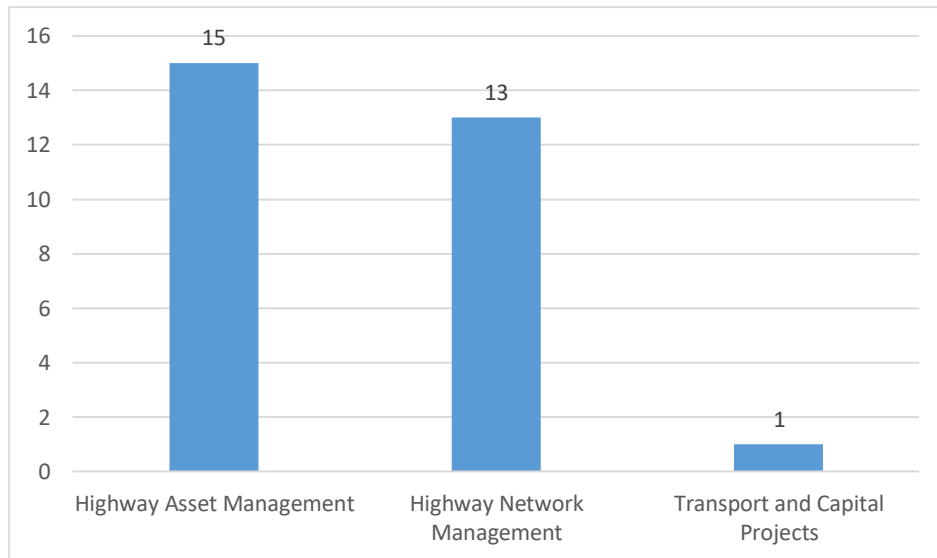


Housing and Building Services



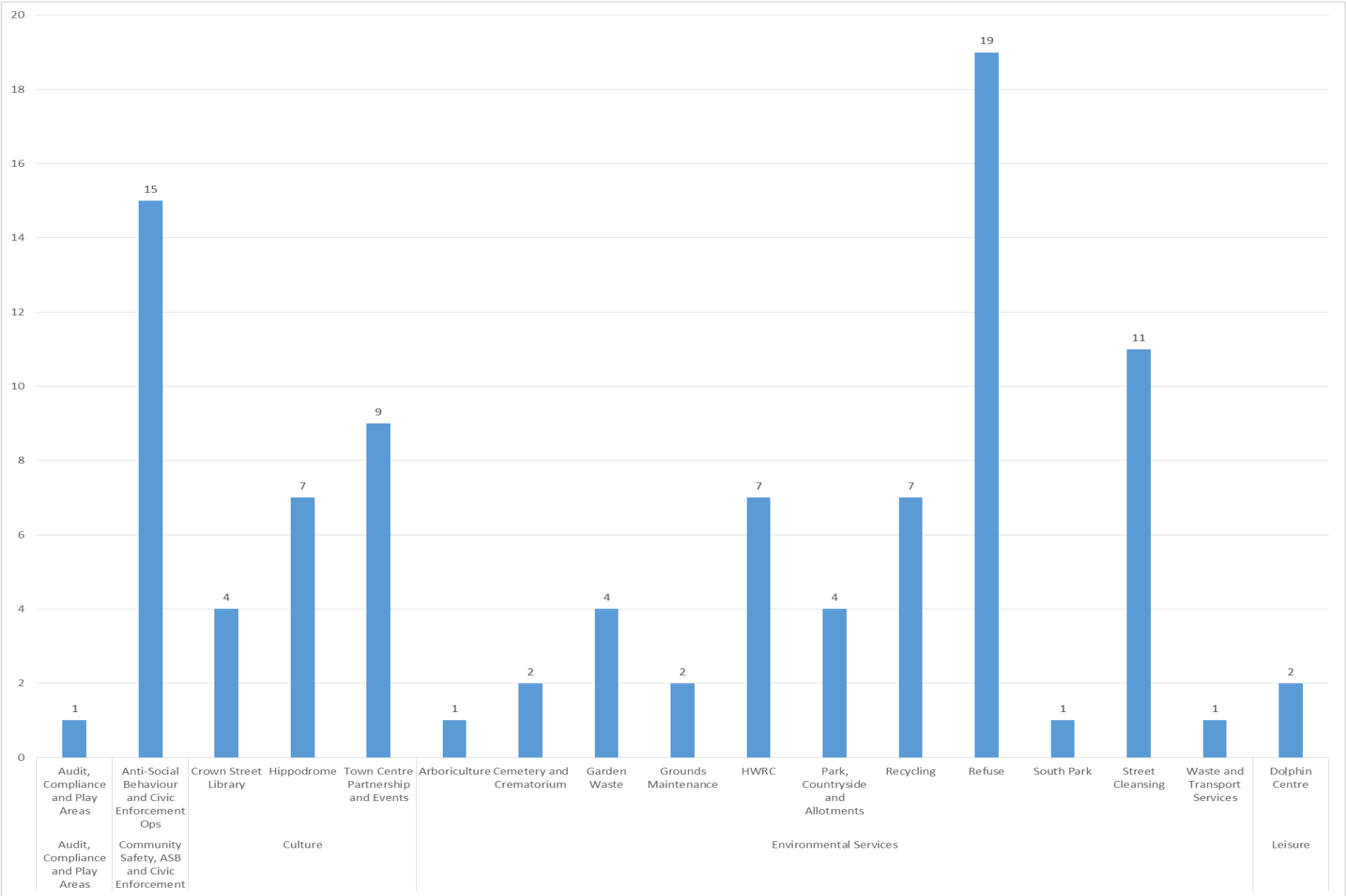
Comments by Service Area/Team

Transport and Capital Projects



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

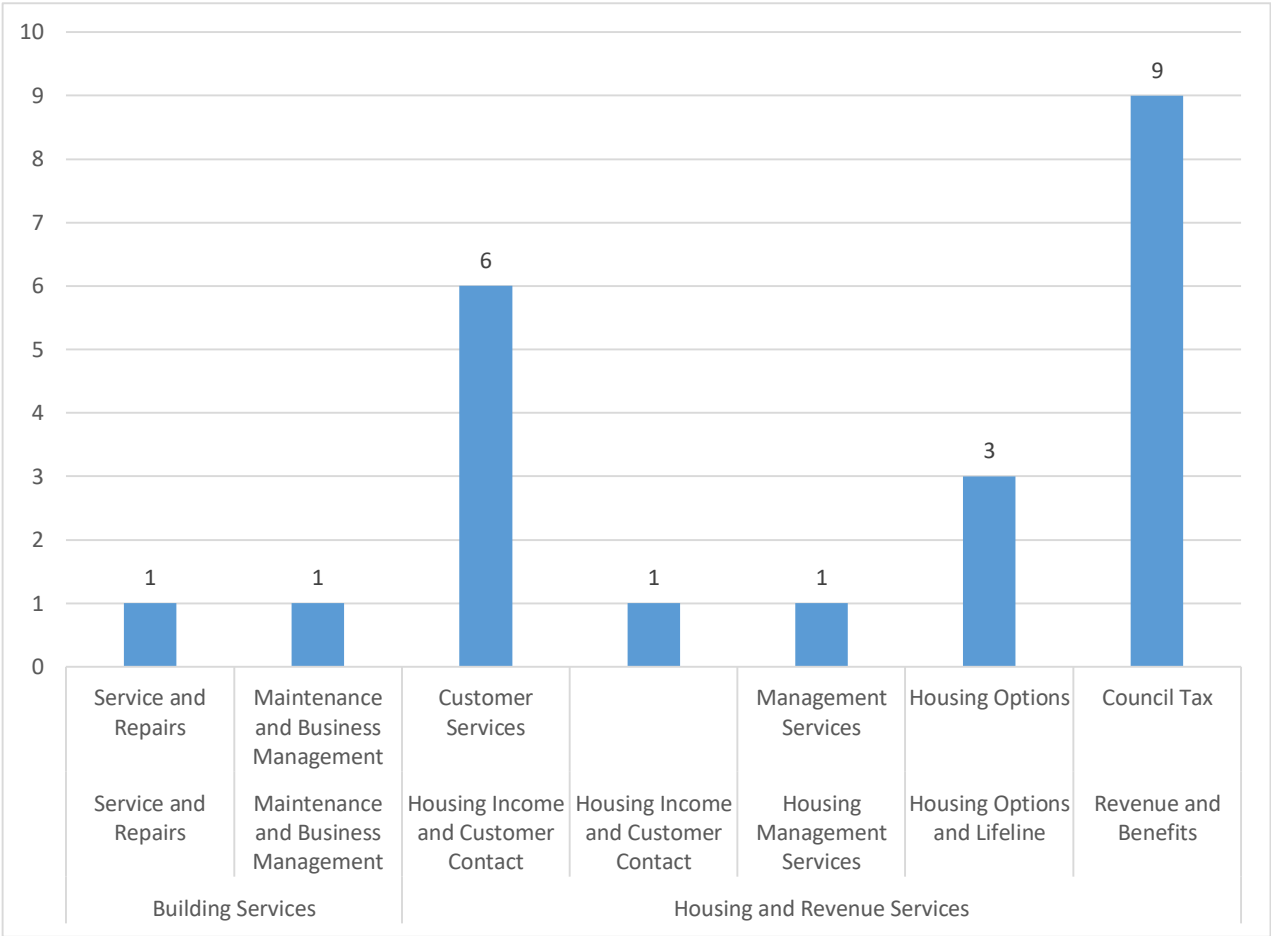
Community Services



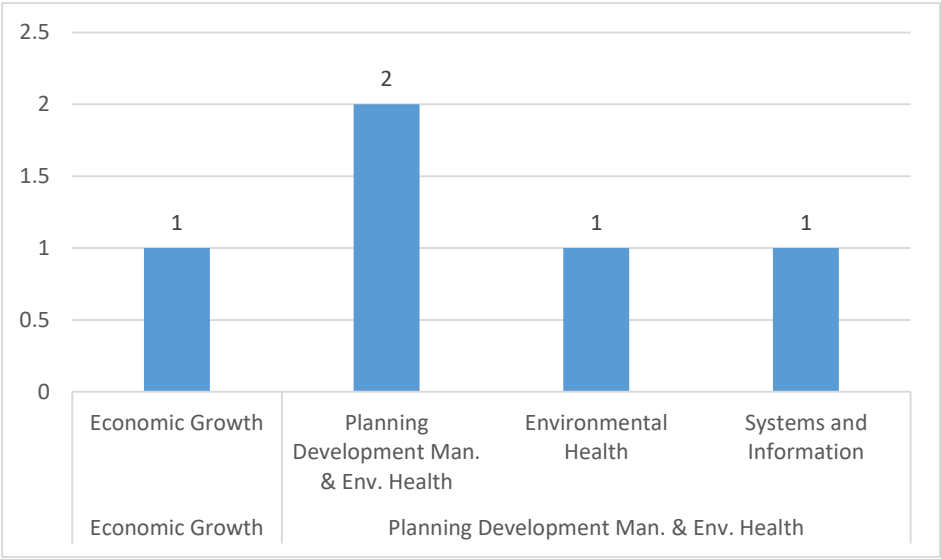
ASB and Civic Enforcement received 15 comments. Parking issues were the most common theme, particularly lack of enforcement action. There were no common themes in the comments for the Hippodrome.

Refuse received 19 comments, the most common themes were dissatisfaction with the charge for a replacement bin and the Council’s policy to no longer provide a recall service for missed bins.

Housing and Building Services



Economic Growth



Complaints by Outcome

The below tables show the decisions reached on complaints during 2019/20. Some of the complaints determined during 2019/20 were received during 2018/19 and the first quarter of 2019/20, prior to the Council's structure change, hence them being logged against former services/teams.

Stage 1 Outcomes

Service Area/Team	Closed With No Response	Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Capital Projects	0	0	0	0	1	0	0	1
Highway Asset Management	0	0	1	14	7	5	2	29
Highway Network Management	0	0	0	5	3	2	0	10
ASB & Civic Enforcement	0	1	0	5	1	3	0	10
Anti-Social Behaviour & Civic Enforcement Ops	0	0	1	7	2	3	0	13
CCVT	0	0	0	1	0	0	0	1
Processing & Appeals	0	0	0	3	1	0	0	4
Licensing	0	0	0	1	0	0	0	1
Trading Standards/Animal Welfare	0	0	0	0	0	1	0	1
Hippodrome	0	0	0	8	2	10	0	20
Crown Street Library	0	0	0	0	0	1	0	1
Town Centre Partnership & Events	0	0	0	1	0	0	0	1
Arboriculture	0	0	0	5	1	5	0	11
Cemetery & Crematorium	0	0	0	1	0	3	1	5
Parks and Green Spaces	0	0	0	0	0	0	1	1
Parks, Countryside & Allotments	0	0	0	3	0	1	0	4
Nursery	0	0	0	1	0	0	0	1
Grounds Maintenance	0	0	0	2	0	12	0	14

Street Cleansing	0	0	2	9	4	8	1	24
Waste & Transport Services	0	0	0	2	0	0	0	2
Garden Waste	0	0	4	4	6	53	3	70
Recycling	0	0	2	23	7	27	2	61
Refuse	0	0	8	79	16	72	5	180
HWRC	0	0	0	5	3	2	0	10
Dolphin Centre	0	0	0	3	0	0	0	3
Eastbourne & Move More	0	0	0	0	1	0	0	1
Service & Repairs 19/20	0	0	0	1	0	1	0	2
Customer Services	0	0	0	3	2	5	5	15
Management Services	0	0	0	3	0	1	2	6
Tenancy Enforcement	0	0	0	0	0	1	0	1
Housing Options	0	0	0	4	4	1	0	9
Revenues & Benefits	0	0	0	1	0	0	0	1
Private Sector Housing	0	0	0	1	0	0	0	1
Business Rates	0	0	0	2	0	0	0	2
Council Tax	0	0	4	18	1	3	4	30
Housing Benefit & Council Tax Support	0	0	1	7	2	0	0	10
Planning Development Man. & Env. Health	0	0	0	1	0	0	0	1
Development Management	0	0	0	3	0	0	0	3
Environmental Health	0	0	0	1	0	0	0	1
Environmental Protection	0	0	0	1	0	1	0	2
Building Control	0	0	0	0	1	0	0	1
Planning Policy	0	0	0	1	0	0	0	1
Totals	0	1	23	229	65	221	26	565

Stage 2 Outcomes

Service Area/Team	Early referral to LGO	Escalated to LGO (No S2 Response provided)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Highway Asset Management	0	0	0	0	1	1	0	2
Highway Network Management	0	0	0	2	1	0	0	3
Capital Projects	0	0	1	1	0	0	0	2
ASB & Civic Enforcement	0	0	0	3	0	0	0	3
Anti-Social Behaviour & Civic Enforcement Ops	0	0	0	0	1	0	0	1
Hippodrome	0	0	0	1	0	0	0	1
Dolphin Centre	0	0	0	0	1	0	0	1
Cemeteries and Crematoria	0	0	0	1	0	0	0	1
Arboriculture	0	0	0	3	0	1	1	5
Grounds Maintenance	0	0	0	1	0	0	0	1
Street Cleansing	0	0	0	1	0	0	0	1
Garden Waste	0	0	1	1	0	4	0	6
Refuse	0	0	1	1	0	3	2	7
Recycling	0	0	0	2	0	0	0	2
HWRC	0	0	0	1	0	0	0	1
Winter Maintenance & Call Out	0	0	0	1	0	0	0	1
Housing & Revenue Services	0	0	0	1	0	0	0	1
Management Services	0	0	0	1	0	0	0	1
Housing Options	0	0	0	1	1	0	0	2
Revenues & Benefits	0	0	0	0	0	0	1	1
Council Tax	0	0	1	2	0	1	1	5
Customer Services	0	0	0	0	1	0	0	1
Environmental Health	0	0	0	1	1	0	0	2

Planning Development Man. & Env. Health	0	0	0	0	1	0	0	1
Totals	0	0	4	25	8	10	5	52

Organisational Learning

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

As a result of a complaint for Highway Network Management, it was arranged for a dropped kerb to be placed on double yellow lines adjacent to a disabled parking bay near South Park.

A further complaint for Highways Network Management resulted in white access protection marking across a driveway being installed.

As a result of a complaint to ASB and Civic Enforcement, a bespoke hidden camera was acquired with a view to identifying fly-tippers and other offenders.

A further complaint to ASB and Civic Enforcement resulted in Civic Enforcement Officers receiving training with the dog warden regarding procedure when he is absent from work.

A complaint to the Hippodrome resulted in a review of processes regarding customers causing a disturbance, this also led to additional training with the front of house team and also ensured the security firm communicate clearly to managers.

As a result of a complaint to Cemeteries and Crematoria, it was arranged for the cemetery staff to receive chain saw training to allow the team to remove fallen trees in a timelier manner.

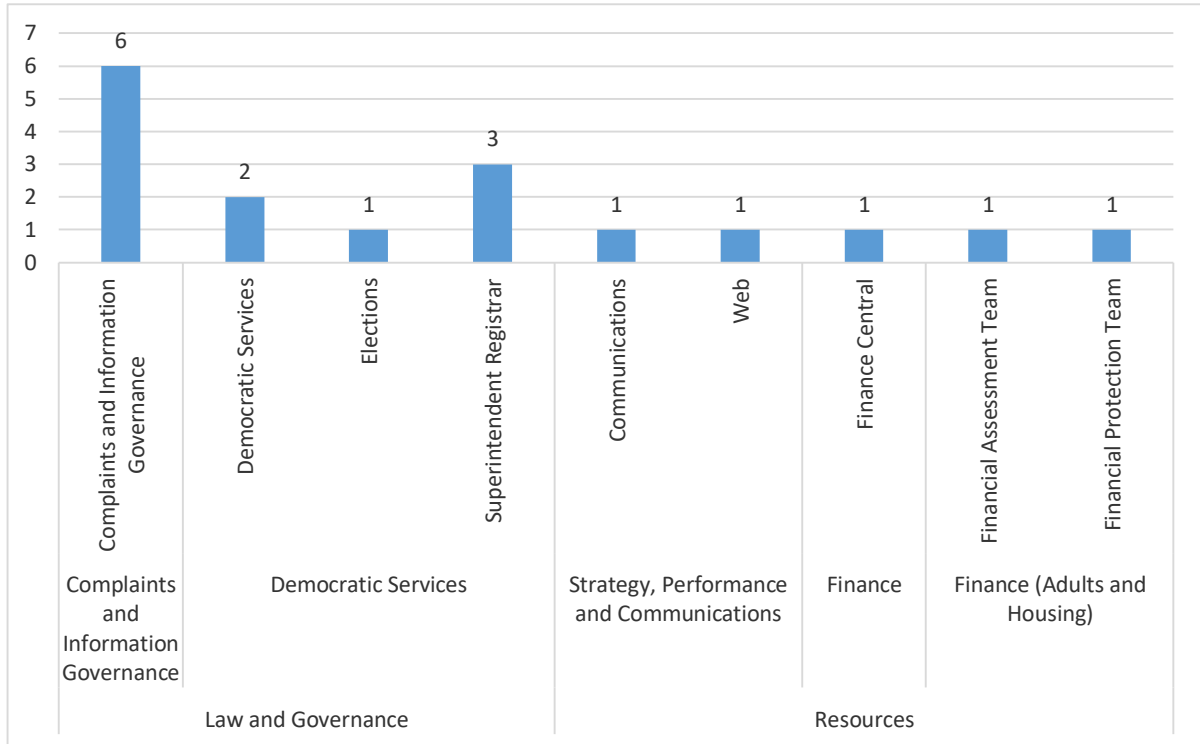
A complaint to Street Cleaning resulted in the organisation of a new route schedule for large sweepers to enable all areas to be swept in approximately a six week rota and have a more detailed record of not only when the road has been serviced but also if any problems have arisen.

As a result of a complaint to Customer Services, the scanning stations were moved further away from the kiosk to allow further access and more privacy.

Complaints, Compliments and Comments by Department Resources

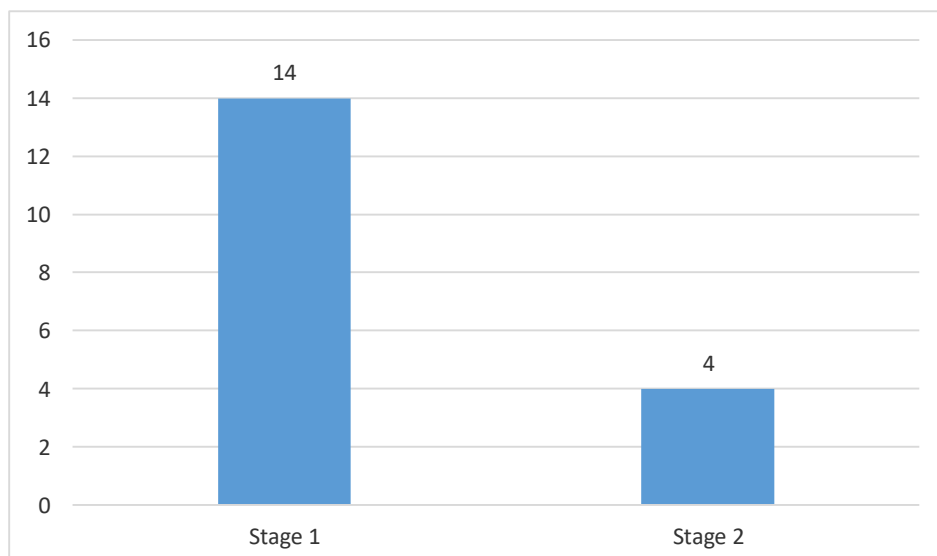
Complaints by Service Area/Team

Overview



The Complaints and Information Governance Team received 6 complaints, a reduction from 10 in 2018/19. The most common theme remained dissatisfaction with the response to subject access requests.

Complaints by Stage



Complaints by Outcome

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

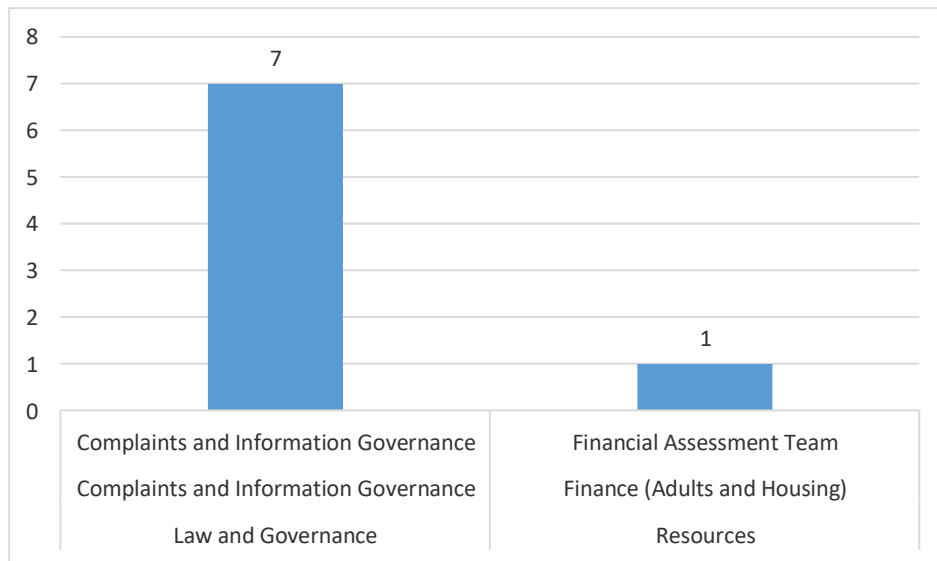
Stage 1 Outcomes

Service Area/Team	Closed With No Response	Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Complaints & Information Governance Team	0	0	0	1	2	1	0	4
Democratic Services	0	0	0	0	1	0	0	1
Elections	0	0	0	0	0	1	0	1
Superintendent Registrar	0	0	0	3	0	0	0	3
Web	0	0	0	0	1	0	0	1
Financial Assessment Team	0	0	0	0	0	1	0	1
Finance (Central/Treasury Management)	0	0	0	0	0	1	0	1
Totals	0	0	0	4	4	4	0	12

Stage 2 Outcomes

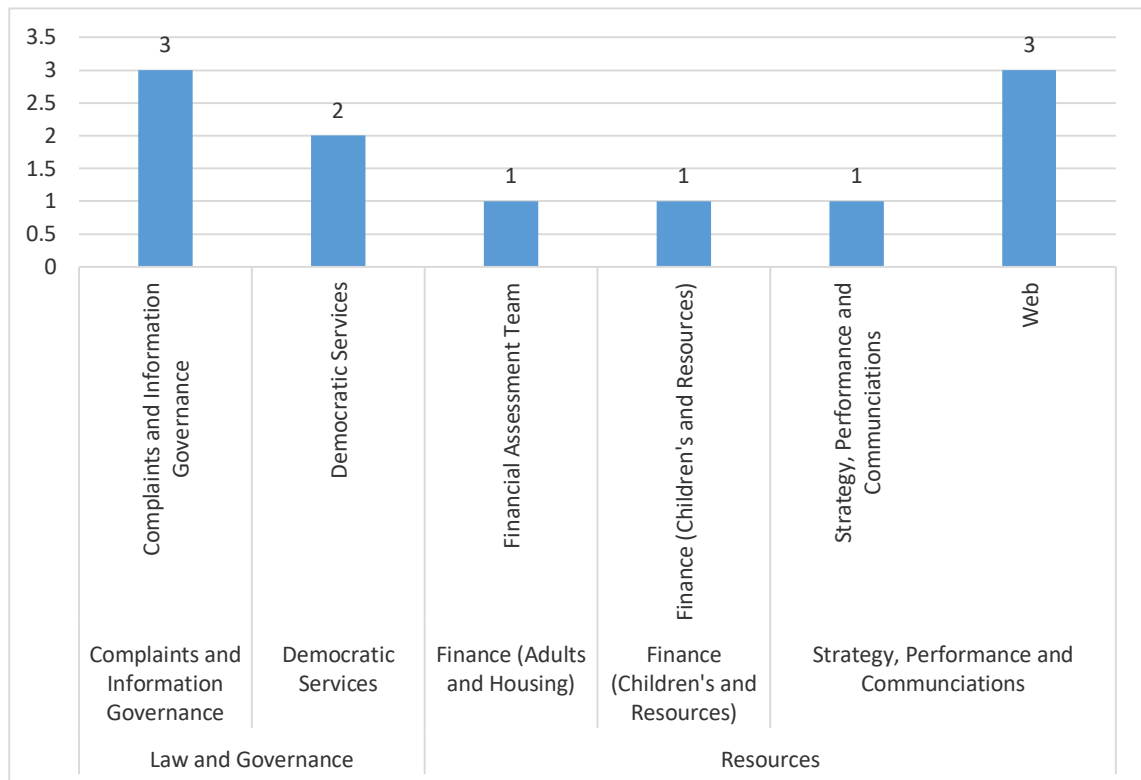
Service Area/Team	Early referral to LGO	Escalated to LGO (No S2 Response provided)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Complaints & Information Governance Team	0	0	0	1	0	2	0	3
Totals	0	0	0	1	0	2	0	3

Compliments by Service Area/Team



Comments by Service Area/Team

Overview



Organisational Learning

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

Following a complaint to the Elections Team regarding delayed receipt of ballot papers, it was agreed that future mailings will go directly into the Royal Mail, rather than via Adare Post.

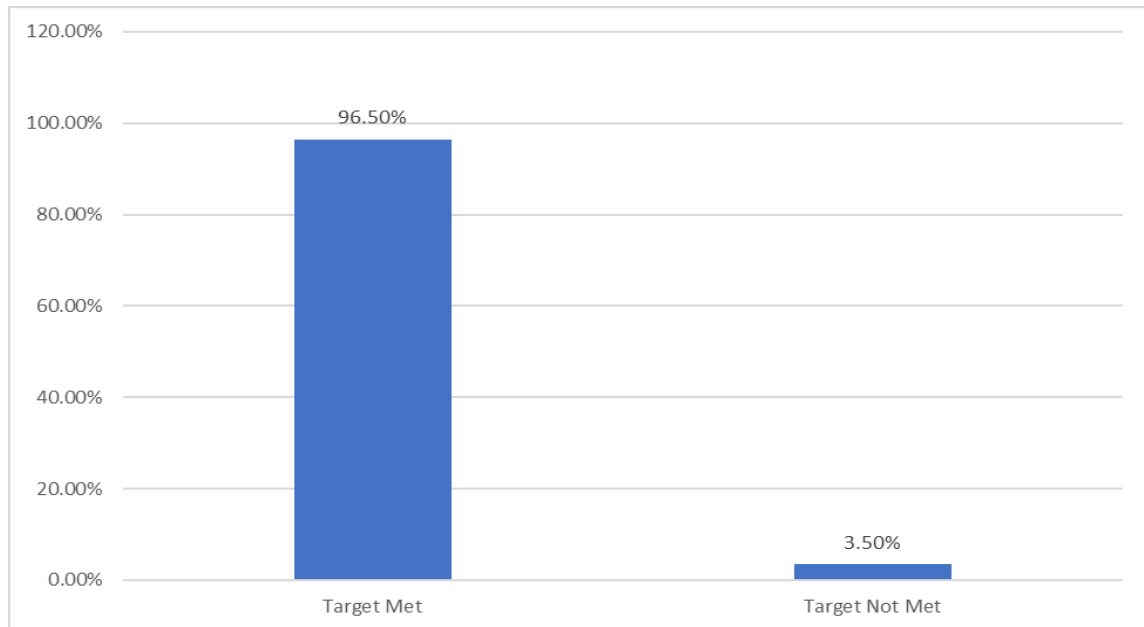
Following a complaint to the Complaints and Information Governance Team, it was agreed that, where appropriate, call recordings should be disclosed as part of a subject access request. Specifically in cases where an applicant requests details of calls or where their contact with the Council has been via the Contact Centre. Staff were reminded that on receipt of a request for call recordings, a copy is sent to the Contact Centre in addition to the services.

A complaint regarding Council's disregard of its statutory obligations under Regulations 113 (7) & (8) of the Public Contracts Regulation 2015 resulted in the necessary information being published on the website.

Performance against the Corporate Complaints, Compliments and Comments Procedure

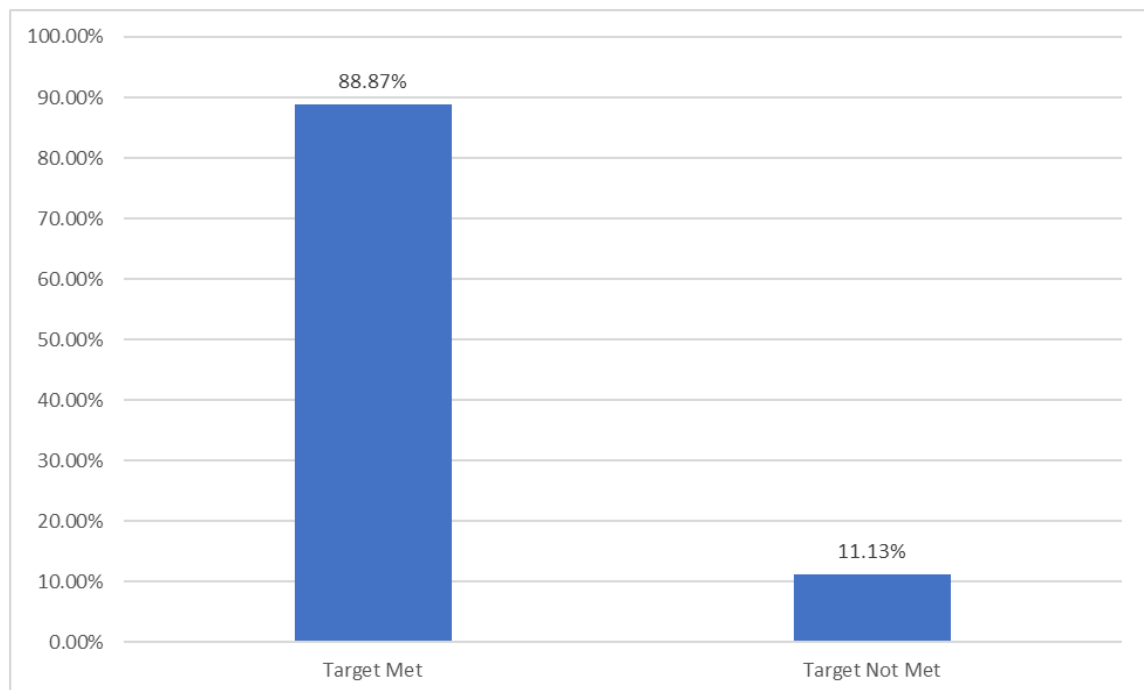
Stage 1

Performance against Stage 1 acknowledgement target (3 working days)



This was an increase in performance from 79.9% in 2018/19.

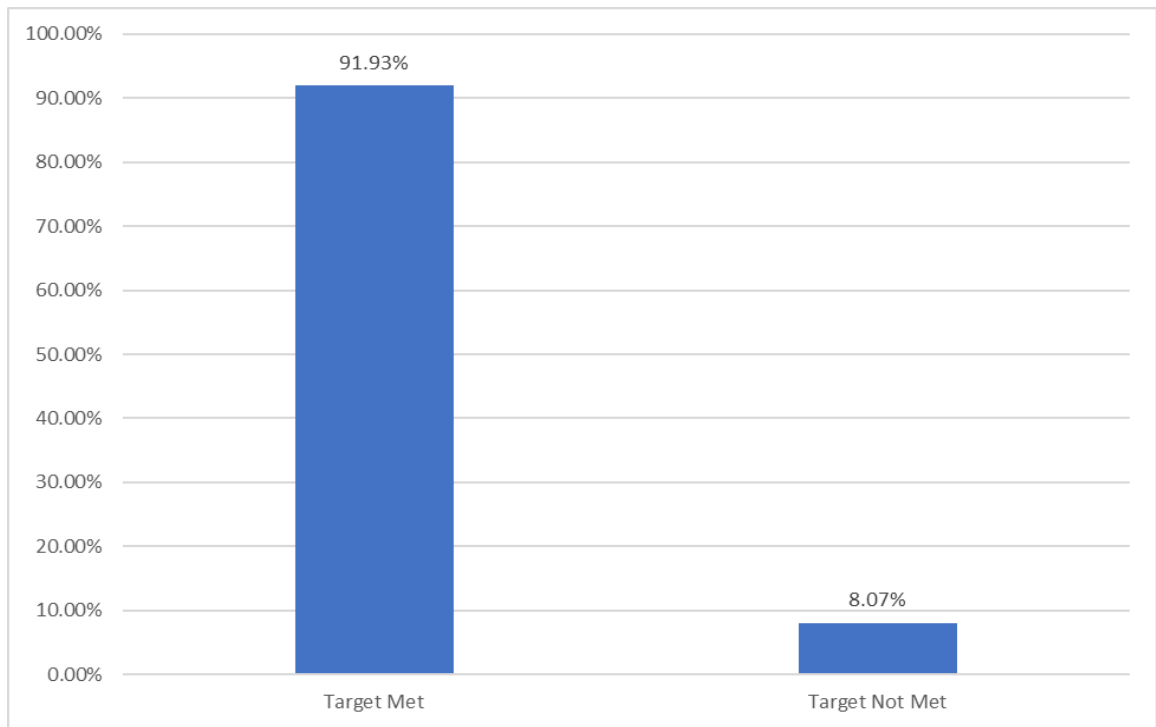
Performance against Stage 1 response target (25 working days)



This was an increase in performance from 80.8% in 2018/19.

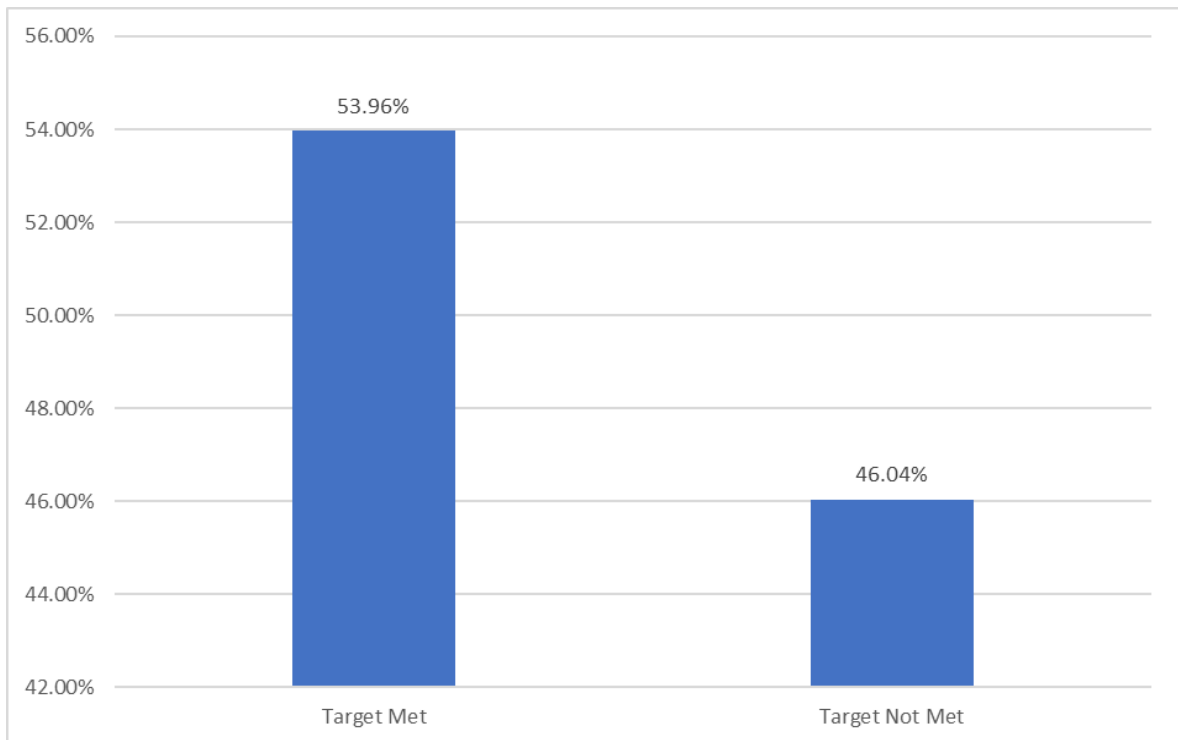
Stage 2

Performance against Stage 2 acknowledgement target (3 working days)



This was an increase in performance from 70% in 2018/19.

Performance against Stage 2 response target (30 working days)



This was an increase in performance from 30% in 2018/19.

Further Recommendations

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

Performance against Local Performance Indicators

In relation to corporate complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government and Social Care Ombudsman. The Council received 1 maladministration decision during 2019/20, an increase from 0 in 2018/19.

Full details of those complaints determined by the LGSCO are included in the Cabinet reports of 3 December 2019 and 15 September 2020 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

CABINET
15 SEPTEMBER 2020

PROPOSED WRITE-OFF OF IRRECOVERABLE DEBTS 2019-20

Responsible Cabinet Member - Councillor Charles Johnson
Efficiency and Resources Portfolio

Responsible Director – Paul Wildsmith, Managing Director and
Ian Williams, Director of Economic Growth and Neighbourhood Services

SUMMARY REPORT

Purpose of the Report

1. To seek 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.

Summary

2. Approval is being sought to write-off a total of £607,190 of former Housing tenant rent arrears for 324 individual cases where arrears exceed £500 for the financial year 2019-20. All reasonable recovery action has been taken and no further economically viable steps can be taken to recover the sums due. This sum represents 2.28% of the annual rent debit of £26.6 million.
3. Approval is also being sought to write-off £163,523 of Housing Benefit overpayments in respect of 97 individual cases exceeding £500 for the financial year 2019-20, where it has become apparent that no further steps can be taken to recover the sums due. This sum represents 0.57% of the total Housing Benefit expenditure for 2019-20 of £28.8 million.
4. Approval is also being sought to write-off £1,292,456 of Non-Domestic Rates and Council Tax in respect of individual cases exceeding £500 for the financial year 2019-20, where it has become apparent that no further steps can be taken to recover the sums due. This sum represents 1.36% of the total debit raised for 2019-20 of £94.7 million.
5. Approval is also being sought to write-off 18 individual sundry debts totalling £32,314.79, this being 0.09% of the debt recoverable of £35.452m, in which during 2019-20 it has become apparent that no further practical or economical steps can be taken to recover the sums due.

Recommendation

6. It is recommended that a total amount of £607,190 of former Housing tenant arrears, £163,523 of Housing Benefit overpayments, £1,292,456 of Non-Domestic Rates and Council Tax, and £32,314.79 of Sundry Debtor invoices be written-off, subject to steps for recovery being taken, wherever possible, if and when contact is made.

Reasons

7. The recommendations are supported by the following 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.

Paul Wildsmith
Managing Director

Ian Williams
Director of Economic Growth

Background Papers

No Background papers were used in the preparation of this report

Anthony Sandys: Extension 6926
Peter Carrick: Extension 5401

S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Wellbeing	There are no issues which this report needs to address
Carbon Impact	There are no issues which this report needs to address
Diversity	There are no issues which this report needs to address
Wards Affected	The proposal effects all wards
Groups Affected	The proposal effects all groups within the community
Budget and Policy Framework	The report does not represent a change to Council's budget or policy framework.
Key Decision	The proposal does not represent a key decision
Urgent Decision	This is not an urgent item
One Darlington: Perfectly Placed	This report does not seek to deliver aspects of the sustainable community strategy
Efficiency	This report does not contain proposals but refers to ongoing initiatives to increase income and reduce costs
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

Former Housing Tenant Arrears

8. A summary of former tenant arrears recommended for write-off is given in Table 1.

Table 1: Proposed former Housing tenant arrears to be written-off 2019-20

Category	No	Value £
Deceased	20	£26,378
Residential care	6	£14,400
Legal Services advice	22	£51,610
No forwarding address	17	£25,219
Cases referred for Debt Recovery action and/or legal action but not financially viable to proceed, for example, cases where the debtor has no assets or is in receipt of state benefits.	253	£471,623
Debt relief/bankruptcy	2	£11,355
Prison	4	£6,605
Total	324	£607,190

9. Applicants who apply for housing with former tenancy debts will be considered objectively. The Choice Based Lettings policy states that applicants with housing related debts exceeding £1,500 will be ineligible for housing, unless there are any current mitigating circumstances. Applicants with housing related debts under £1,500 will be overlooked initially but can be re-housed in accordance with the criteria detailed in table 2 below.

Table 2: Re-housing criteria for applicants with debts

Circumstances	Decision	Action taken by Applicant
Under £500 arrears/not evicted	Overlook for offers	Clear debt in full or maintain repayment schedule for 13 consecutive weeks or more
Over £500 arrears/not evicted	Overlook for offers	Clear debt in full or maintain repayment schedule for 26 consecutive weeks or more
Evicted	Make ineligible	Clear debt in full or fresh application can be made after 12 months ineligibility period, providing repayment schedule maintained for 26 consecutive weeks or more
Former tenants' rechargeable repairs under £500	Overlook for offer	Repayment schedule must be maintained for 13 consecutive weeks or more
Former tenants' rechargeable repairs over £500	Overlook for offers	Repayment schedule must be maintained for 26 consecutive weeks or more

10. Housing Services will take all reasonable steps to recover former tenant arrears and will only write-off debt where it is appropriate. As at 31 March 2020, a total of £23,800 has been received in income from former tenants towards arrears for the financial year 2019-20.

11. Housing Services has a dedicated Housing Income Management team, to ensure that appropriate resources are available to maximise all income streams. Housing Income Officers are dedicated to the collection of former and current tenant arrears.
12. Housing Services carry out pre-termination visits and set in place arrangements to clear any outstanding arrears or debt with outgoing tenants. Officers actively work in partnership with key partners and external agencies, offering financial advice and assistance to all customers.
13. Recovery action includes address searches across several databases, letters, emails and phone calls. When required, cases are referred to the Council's contracted collection agents.
14. Electronic payment terminals are available in the Customer Contact Centre and payments can be made on-line or via the telephone, allowing customers to make cash or card payments. This facility is available for both current and former tenant arrears.
15. The sum of £51,630 has also been written off under delegated powers, for a total of 343 cases, where arrears were below £500.

Housing Benefit Overpayments

16. Table 3 below is a schedule of Housing Benefit overpayments recommended for write-off:

Table 3: Proposed Housing Benefit overpayments to be written-off (individual cases exceeding £500) – 2019-20

Category	Number	Value £
Hardship	9	£11,110
Official error	11	£24,531
Deceased	4	£6,685
No forwarding address	4	£5,326
Bankruptcy	19	£41,835
Other reason*	50	£74,036
Total	97	£163,523

***Other reason** will be aged debts where all reasonable steps to recover the amounts have been taken, but it is no longer financially viable to proceed further.

17. For information, the Housing Benefit overpayments written-off that were under £500 are 269 debts totalling £33,736.
18. Housing Benefit is paid to many thousands of claimants and landlords each year through the Housing Benefit scheme. Whilst every effort is made to minimise overpayments, due to the very nature of the scheme some overpayments will occur.

19. Overpayments can be caused by:
 - (a) A failure of the claimant or landlord to report a change of circumstance, which may affect the level of entitlement to benefit, or
 - (b) Incorrect information being supplied, or
 - (c) Errors made by the Local Authority, or
 - (d) Errors made by the Department for Works and Pensions (DWP) and by Her Majesty's Revenues and Customs (HMRC).
20. Depending upon how the overpayment occurs will determine whether or not it can be recovered or must be written-off as irrecoverable.
21. In respect of recoverable overpayments, these may be recovered by:
 - (a) Raising an invoice, or
 - (b) Deductions from ongoing Housing Benefit entitlement, or
 - (c) Recovery from the landlord's scheduled Housing Benefit payment, or
 - (d) Deductions from certain social security benefits payable to the claimant in certain circumstances, or
 - (e) Deductions from earnings for people in work.
22. In respect of invoiced debts, during the course of recovery procedures, it may be found that an individual cannot be located, has been made bankrupt, or an appeal has been successful. Where appropriate, the Revenues and Benefits section will make every attempt to trace individuals by enquiries through other departments of the Council, and if necessary, via tracing agencies and the Council's contracted collection agents. Only when all avenues of recovery have been exhausted, will the overpayment be considered for write-off.
23. The most effective way to recover overpayments is to make deductions from ongoing payments of Housing Benefit. However, with the migration of Housing Benefit claims to Universal Credit, this is making the recovery of overpayments more challenging.

24. Table 4 provides details of the total amounts of Housing Benefit written-off when compared to the total of Housing Benefit paid and overpayments generated.

Table 4: Housing Benefit paid compared to overpayments in 2019-20

Total benefit paid (£,000)	Total over-payments created (£,000)	Total over-payments written-off (£,000)	Write-offs as a % of total benefits paid	Write-offs as a % of over-payments created
£28,767	£913	£197	0.68%	21.58%

25. The total amount of Housing Benefit overpayments recovered in 2019-20 was £939,792.

Non-Domestic Rates and Council Tax

26. In 2019-20 the Council collected 96.2% of Council Tax due in that year. In-year collection of Non-Domestic Rates was 99.4% during 2019-20. The collection of both Council Tax and Non-Domestic Rates continues to be a challenge for the Council during these financially difficult times.
27. Under the local Council Tax Support (CTS) scheme, most working aged recipients of CTS have to pay a minimum of 20% of their Council Tax. In 2019/20 the total Council Tax liability for people in receipt of CTS was £3.0 million of which £2.3 million was collected during 2019-20 (or 76.7%).
28. The majority of Council Tax and Non-Domestic Rates accounts are paid following receipt of the bill without any recovery action having to be taken. Reminders and recovery action significantly increases the amount of Council Tax and Non-Domestic Rates that are collected. Before a debt is considered irrecoverable and recommended for write-off the following recovery procedures are applied:
- During the course of billing and recovery procedures it may become apparent that an individual has absconded or been declared bankrupt, or in the case of a company that it has ceased trading and winding-up procedures commenced. In these circumstances, the Revenues and Benefits section will try to find absconders or submit claims to receivers/liquidators. Enquiries are made through other departments and, if appropriate, at the properties concerned. Supplementary procedures involve contacts with solicitors, estate agents, landlords, the DWP, other Councils and tracing agents.
 - Furthermore, if in the course of the distress process the Council's contracted enforcement agents find a debtor has absconded, they will make their own enquiries to trace the person concerned.
29. As at March 2020, the total outstanding Council Tax (excluding costs) stood at £4.29 million. A team of dedicated Recovery Officers specifically undertake the recovery of these debts, and recent actions by the team have included bankruptcy proceedings and the forced sale of properties. In 2019-20, £1.24 million of Council Tax arrears from previous years was collected by Recovery Officers. However, some of the older outstanding debts have been identified for write-off.

30. As at March 2020, the total outstanding Non-Domestic Rates (excluding costs) stood at £0.53 million.

31. Table 5 is a schedule of debts recommended for write-off:

Table 5 – Proposed Non-Domestic Rates and Council Tax to be written-off (individual debts exceeding £500) – 2019-20

Fund	Classification	No.	Value £
Non-Domestic Rates	Debt over 6 years old	5	£24,731
	Bankruptcy/receivership	65	£359,988
	No forwarding address	1	£908
	Other reason	52	£186,308
	Total	123	£571,935
Council Tax	Debt over 6 years old	4	£2,357
	Bankruptcy	178	£154,205
	Deceased	13	£9,940
	No forwarding address	50	£40,086
	Other reason	516	£428,709
	Council Tax Support	117	£85,224
	Total	878	£720,521
Totals	Non-Domestic Rates	123	£571,935
	Council Tax	878	£720,521
	Total	1,001	£1,292,456

32. The classification for the write-off of Non-Domestic Rates and Council Tax debts are as follows:

- (a) **Bankruptcy/receivership** – these are debts where the debtor has been made bankrupt, insolvent or the business is in receivership, and there are no assets left to recover the debt.
- (b) **Deceased** – these are debts where the debtor is deceased and there are no assets left in the estate.
- (c) **No forwarding address** – these are debts where all reasonable steps have been taken to trace the debtor, but their current whereabouts are not known. If contact is made in the future, the debt will become recoverable again.
- (d) **Other reason** – these are debts where all reasonable steps to recover the amounts have been taken, but it is no longer financially viable to proceed further.

- (e) **Debt over 6 years old** – these are debts where all reasonable steps to recover the amounts have been taken, but it is no longer financially viable to proceed further and the debt is over 6 years old.
- (f) **Council Tax Support** – these are debts which are actively being collected through the maximum deductions allowable from the debtor's DWP benefits, but where the debtor has multiple debts outstanding. The only alternative to writing-off part of the debt outstanding would be to recover through the Council's contracted enforcement agents. However, this will incur additional costs for the debtor and is likely to result in hardship.

33. Members should be aware that, from the same period and in accordance with Financial Procedure Rule 9(e), the following debts have been authorised for write-off in respect of sums of less than £500, where all practical steps have been taken:

Table 6:– Non-Domestic Rates and Council Tax written-off (individual debts less than £500) – 2019-20

Non-Domestic Rates	£8,137
Council Tax	£628,993
Total	£637,130

Table 7: Summary of Non-Domestic Rates and Council Tax written-off and credits written back – 2019-20

Fund	Classification	Value £
Non-Domestic Rates	Debts over £500 written-off	£571,935
	Debts under £500 written-off	£8,137
	Credits written back	-£319,301
	Net	£260,771
Council Tax	Debts over £500 written-off	£720,521
	Debts under £500 written-off	£628,993
	Credits written back	-£161,332
	Net	£1,188,182
	Net Total	£1,448,953

Sundry Debtor Invoices

34. Following submission of a Sundry Debtor account to a customer, a period of 28 days is normally allowed for payment after which a reminder is sent. A notice advising that legal proceedings may be taken is sent after a further 14 days following which the account is sent to the Assistant Director, Law and Governance in appropriate cases for action through the court.
35. During the course of recovery procedures, it may be found that an individual has absconded or been made bankrupt, or in the case of a company has ceased

trading and winding up procedures commenced. In these circumstances, the Council will try to find absconders or submit claims to receivers/liquidators. Enquiries are made through other departments of the Council and if appropriate, searches initiated by Enforcement Agents. Only when all recovery routes have been exhausted is it considered that invoices should be written off.

36. The following is a schedule of debts over £500 recommended for write-off:

Table 8: Proposed Sundry Debtor Invoices to be written-off (individual debts exceeding £500) 2019-20

Category of Write-Off	2019-20	
	No. of Invoices	Value £
Deceased – No estate	11	9,557.30
Uneconomical to Pursue	2	1,792.92
Recovery Proceedings Exhausted	5	20,964.57
Total	18	32,314.79

37. The main areas of write-off relates to debts for repair or maintenance of Housing properties (3 individual debts amounting to £14,287.22) where the debt is either uneconomical to pursue or tenants have absconded and recovery proceedings have been exhausted, in Adult Social Care (11 debts amounting to £9,557.30) where the debtor is either deceased or the recovery proceedings have been exhausted and in Community Services for services received but unpaid due to company no longer trading (2 individual debts amounting to £5,476.43).
38. Of the £32,314.79 of debts identified above, they are all more than a year old with 11 (61%) of those amounting to £22,440.25 being over two years old.
39. A provision for bad debts is made in the accounts on a monthly basis and reflected in budgets. Debts over one year old are provided for on a 100% basis, so the write-off outlined above will have no adverse effect on the MTFP. Debts of less than one year old may also be provided for and the decision of how much to provide is taken in consultation with the manager responsible for the service.
40. Members should be aware that in accordance with Financial Procedure Rules, the Assistant Director Resources has authorised write-offs amounting to £39,391.49 during 2019-20 in respect of 450 individual debts of less than £500 where all practical steps have been taken to recover the debt.

41. An analysis by group of all debts to be written off is shown in the following table:

Table 9: Sundry Debtor Invoice write-off analysis 2019-20

Department	No. of Invoices	Total £
Adults	222	40,783.16
Children & Schools	21	1,874.32
Economic Growth & Neighbourhood Services	33	7,954.84
Resources	18	1,620.67
Housing	174	19,473.29
Total	468	71,706.28

42. The total amounts to be written off compared to the total invoices raised for 2019-20 are shown in the table below:

Table 10: Sundry Debtor Invoices raised compared to invoices written off 2019-20

	£m	£m
Debt Brought Forward	4.163	
New debt raised during the year	31.289	
Total debt collectable during 2019-20		35.452
<u>Less</u> Cash collected during year	(28.307)	
<u>Less</u> total debt to be written off	(0.072)	(28.379)
Debt carried forward		7.073
Total Debt written off as a percentage of debt collectable in 2019-20		0.20%
Total Debt written off as a percentage of debt collectable in 2018-19		0.66%

43. Darlington Borough Council continually works on debt collection to minimise loss of income by speeding up collection times and reducing the need for invoicing debt by maximising “up front” payment for services wherever possible. Councils are, however, obliged to provide some services that cannot be withheld prior to payment.

Financial Implications

44. Financial regulations require authorities to make an annual assessment of the extent to which any money owed to the Council is likely to prove irrecoverable and make adequate provision in their accounts. The financial implications of writing off the proposed former tenants arrears debt of £607,190 has therefore, already been taken into account in the Housing Revenue Account.

45. In respect of Housing Benefit overpayments, the DWP has recognised that in a system as complex as the Housing Benefit scheme, errors will occur. The DWP provide incentives for local authorities to minimise the number of these errors. As a result, local authorities receive subsidy depending on the type of overpayment.
46. Local authority error overpayments are subsidised at 100% providing we remain below the error threshold of 0.48% of total expenditure. For 2019-20 the error level was 0.17%; therefore these overpayments will be fully subsidised by the DWP. All other eligible overpayments due to tenant or landlord error are funded at 40% subsidy, most of which are then successfully recovered. There will be no financial impact on the Council's current revenue budget as provisions have been made in the previous year.
47. From April 2013, following the introduction of the Non-Domestic Rates Retention scheme, the Council has become liable for its proportion (49%) of the bad and doubtful debts with the remainder being shared between Central Government (50%) and the Durham and Darlington Fire Authority (1%). This has been allowed for in the Council's accounts. Provision for bad and doubtful Council Tax debt has already been made in the Council's accounts so that the write-offs as recommended have no additional financial impact on the Council.
48. For comparison purposes, the amounts of debit raised during 2019-20 (excluding costs) for Non-Domestic Rates and Council Tax were £34.4 million and £60.3 million respectively. The total amounts recommended to be written-off represent 1.66% of Non-Domestic Rates and 1.19% of Council Tax.
49. The amounts collected by the Revenues and Benefits and Housing Income Management teams in 2019-20 are as follows:

Table 11: Summary of amounts collected in 2019-20

	Amount collected
Council rent	£26.0 million
Council Tax	£58.1 million
Non-Domestic Rates	£34.2 million
Housing Benefit overpayments	£0.9 million
Total	£119.2 million

50. Despite the ongoing economic conditions, high collection levels remain. Local Tax and rent collection is critically important to provide the Council with an increasingly large part of the resources that it needs to provide essential services to residents and businesses and must, therefore remain a very high priority.

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CABINET
15 SEPTEMBER 2020

INVESTMENT FUND UPDATE

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

Responsible Director - Paul Wildsmith, Managing Director

SUMMARY REPORT

Purpose of the Report

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

Summary

2. In November 2016 the Council established an investment fund to be used for innovative investment opportunities beyond the traditional Treasury Management Strategy in order to achieve greater returns given the low returns on investment.
3. The fund provision of £50m is being utilised as envisaged in the original reports to Council to include Joint Venture (JV) vehicles and economic regeneration initiatives. Returns on joint ventures are anticipated to be over £4m.
4. The COVID-19 pandemic has had an impact on a few of the schemes within the investment fund with timescales extended in a number of areas. The Joint Venture housing sites were closed down on the 25 March 2020, however the sales teams continued to operate virtually online through the period and new sales were taken during lockdown. All the sites are now up and running and adhering to social distancing and safety measures.
5. The fund is currently being used on eight schemes detailed in the report.

Recommendation

6. It is recommended that Cabinet :-
 - (a) Note the use of the Investment Fund and the returns achieved through the joint venture vehicles.
 - (b) Approve the change of Gross Profit margin acceptable for a development in the DBC/Esh joint venture as noted in **Appendix 1** (Part III).

Reasons

7. The recommendations are supported :-

- (a) To keep Cabinet informed of progress made on opportunities undertaken and investment returns.
- (b) To increase development opportunities and ultimately income for the Council.

Paul Wildsmith
Managing Director

Background Papers

Council report – 24 November 2016 – Investment opportunities

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

Elizabeth Davison : Extension 5830

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

MAIN REPORT

Background

8. In November 2016 Council agreed to the establishment of a Capital Investment Fund and following the successful implementation agreed to increase the fund to £50m on 29 November 2018.
9. It has been agreed the fund is recyclable so as the life of an investment comes to an end and repayment is made it will be recycled back into the investment fund for further utilisation. Any future scheme would of course still require a full detailed business case report to Cabinet.
10. Since the establishment of the fund, Cabinet have agreed to 10 uses of the fund, two of which have completed and the funding recycled, one having been repaid (Eastbourne JV) and one where the guarantee is no longer required (Darlington Sports Village £2.1m). The remaining eight are summarised below:-

Investment	£m's	Cabinet Agreement Date
Markets (MAMD Ltd)	1.80	20/06/2017
Neasham Road: Linked to Relocation of Cattle Mart	3.14	06/03/2018
Feethams House	2.63	06/03/2018
JV - West Park	12.00	03/04/2018
JV - Heighington	6.10	29/06/2018
JV - Heighington repaid to date	-1.70	
JV – Middleton St. George	4.70	08/01/2019
JV – Esh/DBC JV Limited	9.50	03/12/2019
Land acquisition - Faverdale	1.30	31/03/2020
Total	39.47	

Investment update

Market Asset Management

11. In 2017 the Council entered into a lease with Market Asset Management Ltd (MAM) for the management, refurbishment of the Victorian Indoor Market and the management and improvement of Darlington's outdoor market. As part of the lease MAM are obliged and committed to invest £1.5m (plus VAT) in repairs to the roof and structure of the building and improvements to the mechanical and electrical supplies, ventilation and heating system. A loan of £1.8m was made available to MAM to assist with the upfront expenditure and this is being repaid at state aid compliant rates which will benefit the Council to the tune of around £0.278m.
12. Since the last report in July 2019 there has been a re-design of the proposals to reflect the ambition of ensuring the market becomes a focal point within the town. The project features installation of a bio-mass heating system and the re-

development and re-purposing of approximately one third of the market hall to provide a street food scene, bar and events stage, an enhanced entrance and additional public toilets. MAM will produce and manage a full events diary and focus efforts on driving family-based evening economy to benefit the market and the wider town-centre and to dovetail with ongoing improvements to the outdoor markets and enhance events programme, which are all set to continue. Further phases include will involve a face-lift to the remaining shop floor of the market providing a more exciting place to shop and a mezzanine level business centre.

13. An important element of the overall re-development will be the installation of a temperate garden on the eastern facing elevation of the building, adjacent to the market square. This exciting development will include the construction of a new temperate garden and redevelopment of large sections of the market vaults into a bar and restaurant. This investment will act as a real catalyst in ensuring that Darlington town centre becomes a regional attractor for visitors across the Tees Valley, Durham and North Yorkshire.
14. Whilst the Scheme timescales have been impacted by COVID, it is now on track with the roof works starting and the tendering and procurement exercised for the main refurbishment, and alterations are in progress with the work due to commence in January 2021. A more detailed report on the scheme is on the Cabinet agenda.

Neasham Road: Linked to Relocation of Cattle Mart

15. In March 2018 Cabinet agreed to purchase the land at Neasham Road from the Darlington Farmers Auction Mart and others that would help to facilitate the move out of the town centre. It has been a priority for the Council for a number of years as it was recognised that the current location is unsuitable for a Mart operation, undesirable in the context of wider regeneration opportunities, impacts on the neighbourhood around Bank Top, and furthermore is constraining DFAM's growth opportunity. The acquisition of the land at Neasham Road not only assists with this priority but also subject to planning enables the Council to bring forward significant additional development of affordable and social housing to meet an identified need within the borough
16. £3.14m was allocated from the investment fund being the balance of funding required for the move. The funding will be repaid from future Section 106 receipts from affordable housing along with any capital receipts received from the site. This scheme has now received planning permission and a full report on the scheme is provided on the Cabinet Agenda.

Feethams House

17. The Feethams area has seen significant regeneration activity and change in the last five years, with one key gateway site remaining undeveloped. Darlington Town centre is poorly served with Grade A office accommodation and the establishment of Grade A office accommodation in the town centre has always been seen as the final piece in the Feethams Strategy. In March 2018, Cabinet agreed to allocate £2.63m from the investment fund, being the balance of funding on the Feethams House Office development, ERDF and TVCA monies make up the remaining cost. The Council funding represents borrowing and the borrowing costs will be repaid from rentals when the building is occupied.

18. The building has now been completed and office fit out is in progress for the first of the tenants, Deep Ocean who are anticipated to be in situ by September 2020. To date, two tenants have been secured and work is ongoing to attract further occupiers. The Coronavirus pandemic has impacted slightly on the timeframe, however there is positive interest from several parties which are being pursued.

West Park Joint Venture

19. The Council entered into a Joint Venture Company with our framework partners to build and sell houses at West Park and agree funding of £12m to facilitate this. The scheme is part of the larger West Park Village and will be completed over a seven-year period. The Council is anticipated to receive a pre-tax profit on the venture of £1.686m and further surplus on interest payments from the loan of over £0.7m.
20. As with all the Joint Venture housebuilding, the site closed down for a period during lockdown but is now up and fully operational with social distancing measures in place. The venture is still in its early stages however all the infrastructure has now been completed and at the time of writing 19 plots have already been reserved off plan.

Heighington Joint Venture

21. Cabinet approved £6.1m to establish and fund a joint venture company to acquire the site and bring forward a residential development of 43 homes in Heighington. The site is nearing completion with £1.7m of the loan having been repaid. It is anticipated this will be fully repaid by the financial year end. At the time of writing 17 properties have exchanged with a further eight reserved and the scheme is on track to deliver the pre-tax profit anticipated. There has been no change to programme despite COVID-19. The Council is due to receive a surplus on the loan interest of £0.190m and a pre-tax profit on the scheme of £0.677m.

Middleton St. George Joint Venture

22. In January 2019 Cabinet approved the establishment of a Joint Venture company to provide the infrastructure, build and sell 55 new homes private sale and affordable in Middleton St George. To date five plots have sold, 10 exchanged and a further seven reserved. The original forecast for completions this year has been reduced due to site closure and the inability to build all of the plots in the anticipated timescale. These plots have been moved back into 2021 when the whole scheme is anticipated to be completed. Whilst there is a cashflow impact of the delay the anticipated profit remains at the original level with a pre-tax profit of £0.594m and a surplus on the loan of £0.170m.

Esh DBC JV Limited.

23. Building upon the success of the Esh/DBC Joint Venture Housing Companies, Cabinet approved the establishment of a joint venture company in December 2019 to provide the infrastructure build and sale of homes under an investment programme within the North East under the company name Esh DBC JV Limited.
24. This company takes a longer-term view and is not site specific which enables funds to be reinvested over a longer term. All sites are subject to qualifying investment

criteria for residential development and it is envisaged the sites would be outside the boundaries of Darlington but within the North East region.

25. The company is based on a 50:50 split between the Council and Esh Homes Ltd with the company delivering profits equally the two parties. The estimated average pre-tax profit share for the Council per annum is £1m however cashflows will be recycled into new land and WIP until year four when the first dividend of £1m is anticipated.
26. The company is in its infancy however one site has just been purchased for the development of 75 houses in the Gateshead area.
27. As part of the governance of the JV in regard to suitability of sites and the investment criteria, a level of Gross Profit (GP) was agreed. Following review of Darlington other JV Companies, it is felt this level is too high in the prevailing market and is precluding the JV from a number of opportunities. The land market had tightened since COVID-19 and it would be prudent to react to these market changes now to ensure we have a wider choice of sites. A change in the level of GP at appraisal stage is proposed and noted in the Appendix 1 which is a Part III item.

Land Purchase – Land at Faverdale - St Modwens

28. An opportunity arose to purchase the 74 acres of land for employment use to the east of Faverdale East Business Park which Cabinet approved in March 2020. This is part of a long-term strategy for opening up land for development and the acquisition has now taken place.

Summary

29. The investment fund has been used for 10 schemes to date two of which have been recycled back into the fund.
30. The agreed Investment fund of £50m has a commitment against it of £39.47m leaving a balance of £10.53m uncommitted albeit there is a paper on the Cabinet agenda in regard to a Neasham Road JV which would call on this facility if agreed.
31. The investment fund is being utilised as envisaged facilitating wide economic benefits as well as a direct positive impact on the Councils financial position.

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

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