

Cabinet Agenda



**5.00 pm Tuesday, 9 March 2021
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 by e-mail to Lynne.Wood@darlington.gov.uk by 5.00 p.m. on Monday 8 March 2021

1. Introductions/Attendance at Meeting.
2. Declarations of Interest.
3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.
4. To approve the minutes of the meeting of this Cabinet held on Tuesday, 9 February 2021. (Pages 5 - 14)
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) Local Transport Plan –
Report of the Director of Economic Growth and Neighbourhood Services.
(Pages 15 - 52)
 - (b) Darlington Crematorium Refurbishment – Cost Update –
Report of the Director of Economic Growth and Neighbourhood Services.
(Pages 53 - 80)
8. Supporting the Childhood Health Weight Plan for Darlington –
Report of the Director of Economic Growth and Neighbourhood Services.
(Pages 81 - 84)
9. Regulatory Investigatory Powers Act (RIPA) – Report of the Managing Director.
(Pages 85 - 104)
10. Schedule of Transactions –
Report of the Director of Economic Growth and Neighbourhood Services.
(Pages 105 - 108)
11. Membership Changes - To consider any Membership Changes to Other Bodies to which Cabinet appoints.
12. 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.
13. Questions.

EXCLUSION OF THE PUBLIC AND PRESS

14. 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.



Luke Swinhoe
Assistant Director Law and Governance

Monday, 1 March 2021

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 22 FEBRUARY 2021

CABINET

Tuesday, 9 February 2021

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

INVITEES – Councillors Curry, Harker, Snedker and Tait

ALSO IN ATTENDANCE – Councillors Durham and Haszeldine

C90 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C91 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.

In respect of Minute C96(3) below, representations were made by a Member in attendance at the meeting.

C92 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY 12 JANUARY 2021

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 12 January 2021.

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

REASON - They represent an accurate record of the meeting.

C93 MATTERS REFERRED TO CABINET

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

C94 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C95 ANNUAL AUDIT LETTER 2019/20

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) presenting the Annual Audit Letter for 2019/20 (also previously circulated).

The Annual Audit Letter provided a high level summary of the results from the 2019/20 audit work undertaken by Ernst and Young LLP (EY), the Council's external

auditors; confirmed that the Council's accounts gave a true and fair view for the year ending 31 March 2020; and that the Council had put in place proper arrangements to secure value for money in its use of resources.

A representative from Ernst and Young LLP (EY), presented the main findings from the Annual Audit Letter 2019/20 and stated that, Covid-19 had had an impact on a number of aspects of the 2019/20 audit and that the Council had been issued with an unqualified audit opinion.

RESOLVED - That the Annual Audit Letter 2019/20, as appended to the submitted report, be noted.

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

C96 KEY DECISIONS:-

(1) SCHOOLS ADMISSIONS 2022/23

The Cabinet Member with the Children and Young People Portfolio introduced the report Director of Children and Adults Services (previously circulated) requesting that consideration be given to the Local Authority's admission arrangements (also previously circulated) for the 2022/23 academic year for maintained schools in the Borough.

The submitted report stated that in line with the School Admissions Code, an Admission Authority was required to annually determine the admission arrangements used to allocate places for schools for which it was the admission authority.

Particular reference was made at the meeting to the number of in-term transfers.

RESOLVED - That the admission arrangements, as appended to the submitted report, for community and voluntary controlled schools for which Darlington Local Authority was the admission authority, be approved.

REASON - All admission authorities are under a statutory duty to determine admission arrangements for schools for which it was the admission authority for the academic year 2022/2023.

(2) HOUSING REVENUE ACCOUNT - MEDIUM TERM FINANCIAL PLAN 2021/22 TO 2024/25

Pursuant to Minute C68(4), the Cabinet Member with the Health and Housing Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to proposals for the revenue budget, rent levels and service charges for the Council's Housing Revenue Account (HRA) for the financial year 2021/22 in the context of the HRA Medium Term Financial Plan to 2024/25 and the 30-year Investment Plan.

The submitted report stated that the key decision regarding the HRA was the balance between rent and service charge levels and investment in the housing stock; Local Authorities had discretion to inflate rents by the Consumer Price Index (CPI) plus one

per cent, which would result in an average £1.46 increase in weekly rents; Members could opt for a rent reduction or a rent increase of a lesser amount than CPI plus one per; 73% of tenants would have their rent and service charges covered by benefit payments; and that the Council's rent and service charges tended to be much lower than other Social Landlords operating in Darlington.

It was reported that since Central Government lifted the borrowing cap on the HRA the Council had used the additional capacity to invest in building much needed new homes; in 2021/22 it was planned to borrow an extra £8m to fund the new build programme, to be supplemented with Homes England grant; and it was planned to build 100 affordable homes per annum over the next 10 years.

RESOLVED - That it be recommended to the special meeting of Council scheduled to be held on 18 February 2021, that:-

- (a) an average weekly rent increase of 1.7 per cent for 2021/22, be implemented giving an average social rent of £73.11 and affordable rent of £83.62;
- (b) garage rents and service charges, be increased as shown in Table 3 of the submitted report;
- (c) the budget, as detailed at Appendix 1 of the submitted report, be approved;
- (d) the Housing Investment Plan, as detailed at Appendix 2 of the submitted report, be agreed;
- (e) the Director of Economic Growth and Neighbourhood Services be given delegated powers to proceed with new build schemes for affordable rent using the funding, as identified at paragraph 16 of the submitted report; and
- (f) the Director of Economic Growth and Neighbourhood Services be given delegated powers to acquire dwellings in the private sector as opportunities arise, particularly as part of the regeneration initiatives as highlighted at paragraph 17 of the submitted report.

REASON - To enable the Council to deliver an appropriate level of service to tenants to meet housing need and to support the economic growth of the Borough through housing development.

(3) MEDIUM TERM FINANCIAL PLAN

Pursuant to Minute C68(5)/Jan/20, the Leader introduced the report of the Chief Officers Executive (previously circulated) proposing a Medium Term Financial Plan (MTFP) for 2021/22 to 2024/25 (also previously circulated), including setting a budget and council tax increase for 2020/21, to Council for approval on 18 February 2021.

The submitted report stated that over the last decade, the Council had faced significant challenges following the economic downturn and reduction in public sector spending; to date the Council had been successful in responding to those challenges but that this was becoming increasingly difficult; there were still financial pressures to be faced, particularly in respect of a growing elderly population, pressure in the

children's social care sector and the economic impact of Covid-19; Darlington's economy continued to be the Council's top priority; and that the draft Local Government Finance Settlement (LGFS) had been received on 17 December 2020 which had confirmed a number of funding streams.

It was reported that the Council undertook a significant consultation exercise in 2016, following an in-depth and detailed review of all services which resulted in the agreement of a Core Offer budget which allowed for a small futures fund allocated to discretionary services; in subsequent MTFP's the Council had agreed to use unallocated balances of £6.5m to invest in five areas which held great value to the community; the Core Offer remained challenging with significant pressures arising from social care and the impact of Covid-19; through innovative financial investments and increased income from economic growth successes, the Council could still deliver the agreed plan whilst retaining usable balances of £3.738m; and that the Council's financial position was robust with a four year balanced MTFP with funds available for investment which would be delegated to Cabinet.

Details of the projected expenditure and income, budget pressures and savings, schedule of fees and charges, assumptions used to prepare estimates, projected Revenue Outturn 2020/21, assessment of risk balances, were also appended to the submitted report.

The Deputy Leader made particular reference at the meeting to the creation of the Stronger Communities Fund (SCF) which would provide funding to all Members to utilise at their discretion to deliver the objectives of the Fund.

The Chair of the Economy and Resources Scrutiny Committee stated that feedback from each of the Council's Scrutiny Committees on the MTFP had been considered at the meeting of the Economy and Resources Scrutiny Committee held on 19 January 2021; there was a majority support for the Council Tax increase of 1.9 per cent, Adult Social Care Precept of three per cent and the fees and charges levels; proposed changes to the MTFP in relation to not increasing junior swim and providing funding for climate change, which had been taken on board and reflected in the current MTFP; and that he had received a letter from the Chair of the Children and Young People Scrutiny Committee in respect of the concerns relating to the recommendations from that Scrutiny Committee.

Particular references were made at the meeting to a number of additional items that had been included within the MTFP, which Scrutiny and Members, had not had the opportunity to be consulted upon; the funding for the Climate Change Working Group; and the decision not to increase the junior swim prices.

RESOLVED - That the Revenue Medium Term Financial Plan, as set out in Appendix 7 of the submitted report, be approved, and it be recommended to the special meeting of Council on the 18 February 2021, including the following:-

- (a) a Council Tax increase of 1.99 per cent plus a three per cent Adult Social Care precept to help fund social care for 2021/22 totalling 4.99 per cent;
- (b) the Schedule of Charges, as set out in Appendix 3 of the submitted report; and

- (c) the continuation of the Futures Fund into 2024/25, as set out in paragraph 62 of the submitted report.

REASONS - (a) The Council must set a budget for the next financial year.

(b) To enable the Council to continue to plan services and finances over the medium term.

(c) To ensure decisions can be made in a timely manner.

(4) DARLINGTON CAPITAL STRATEGY

The Leader introduced the report of the Chief Officers Executive (previously circulated) requesting that consideration be given to the Council's proposed Capital Strategy for 2021/22, incorporating the capital programme priorities.

The submitted report stated that the revised Prudential Code for Capital Finance in Local Authorities 2017 required every Council to publish a Capital Strategy and review it on an annual basis; in accordance with those regulations, the Council published its first strategy in 2019/20; the Strategy was an evolving document; and that it incorporated the Capital Programme (also previously circulated) for approval.

It was reported that the Strategy provided an overview of how capital expenditure and financing plans were decided upon; provided the framework for the development, management and monitoring of the Council's capital investment plans; focused on core principles that underpinned the Council's four-year capital programme and governance framework which was in place; the Strategy highlighted the resource streams available in terms of funding to the Council and the risk management approach taken; and it maintained a strong and current link to the Council's priorities and to its key strategy documents such as the Treasury Management Strategy, Medium Term Financial Plan and the Council Plan.

RESOLVED - That it be recommended to the special meeting of Council scheduled to be held on 18 February 2021, that :-

- (a) the Capital Strategy for 2021/22 to 2024/25, as detailed at Appendix 1 of the submitted report, be approved; and
- (b) the Capital Programme, as detailed at Appendix 2 of the submitted report, with priorities summarised in Annex A of the submitted report, be approved.

REASONS - (a) To ensure the Council adopts the Prudential Code for Capital Finance 2017.

(b) To enable the Council to invest in its assets.

(c) The Strategy is approved by Council.

C97 CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2021/22

The Leader introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the Calendar of Council and Committee Meetings for the 2021/22 Municipal Year (also previously circulated).

RESOLVED - That the Calendar of Council and Committee Meetings 2021/22, as appended to the submitted report, be approved, and the proposed dates for the meetings of Council be referred to the Annual Council meeting scheduled to be held on Thursday 20 May 2020, for approval.

REASON - To ensure that the calendar of meetings is approved for the forthcoming municipal year.

**C98 PRUDENTIAL INDICATORS AND TREASURY MANAGEMENT STRATEGY
2021/22**

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting consideration be given to reviewing the Prudential Indicators and Limits for 2021/22 to 2023/24 relating to capital expenditure and Treasury Management activity; a policy statement relating to the Minimum Revenue Provision; and the Treasury Management Strategy 2021/22, which includes the Annual Investment Strategy for 2021/22.

The submitted report outlined the Council's Prudential Indicators for 2021/22 to 2023/24 and sets out the expected treasury operations for that period and reported that the expenditure plans, Treasury Management and Prudential Borrowing activities indicated that they were within the statutory framework and consistent with the relevant codes of practice, were prudent, affordable and sustainable and were an integral part of the Council's Revenue and Capital Medium Term Financial Plans.

The submitted report also included a Treasury Management Strategy for 2021/22, covering the Council's debt and investment projections estimates and limits on future debt, expected movements in interest rates and the Council's borrowing and investment strategies for future years. Key objectives of the investment strategy were outlined noting that the primary objective was the safeguarding of the repayment of principal due to the Council, ensuring adequate liquidity of those investments and finally the rate of return on the investment.

RESOLVED - That it be recommended to the special meeting of Council scheduled to be held on 18 February 2021 that:-

(a) the Prudential Indicators and limits for 2021/22 to 2023/24, as summarised in Tables 1 and 2 of the submitted report, be approved;

(b) the Minimum Revenue Provision (MRP) statement, as detailed in paragraphs 33 to 37 of the submitted report, be approved;

(c) the Treasury Management Strategy 2021/22 to 2023/24, as summarised in paragraphs 41 to 69 of the submitted report be approved; and

(d) the Annual Investment Strategy 2021/22, as contained in paragraphs 70 to 107 of

the submitted report, be approved.

REASONS - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities and the Ministry of Housing, Communities & Local Government (MHCLG) guidance on investments.

(b) To comply with the requirements of the Local Government Act 2003.

(c) To approve a framework for officers to work within when making investment decisions.

C99 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER THREE 2020/21

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

The submitted report stated that the projected outturn of the current Capital Programme was £261.789m against an approved programme of £262.014m; the investment was delivering a wide range of improvements to the Council's assets and services; the programme, including commitments, remained affordable within the MTFP for 2020/21 to 2023/24; the Council had 40 live projects, with an overall projected outturn value of £127.405, the majority of which were running to time 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 source via an open/OJEU tender process.

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

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

(c) That the adjustments to resources, as detailed in paragraph 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.

C100 REVENUE BUDGET MONITORING 2020/21 - QUARTER 3

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) providing an up-to-date forecast of the

2020/21 revenue budget outturn as part of the Council's continuous financial management process.

The submitted report stated that it was the third revenue budget management report to Cabinet for 2020/21; the impact of Covid-19 on both expenditure and income levels was projected to be significant; to date the Government had provided a grant of £8.682m to assist with pressures; the Government announced a further package of support to help reimburse lost income and this additional funding was anticipated to be £2.681m this financial year; the Government also announced that it would fund 75 per cent of the 2020/21 collection fund deficit which was anticipated at £1.196m; and that should all funding come to fruition it was estimated that there would be a Covid-19 surplus for 2020/21 of £1.654m; and that it was proposed to create an earmarked Covid-19 reserve that would be used to fund the pressures that would undoubtedly continue into the next financial year and beyond.

Reference was also made to the budget rebasing exercise that had been undertaken following the outturn position which had returned £0.897m into general reserves; the year-end projection, taking into account the Covid-19 pressures, anticipated grants, the rebasing exercise and savings, showed an overall improvement in 2020/21 financial position of £2.943m; and to concerns for future years.

RESOLVED - (a) That the financial position in the forecast revenue outturn for 2020/21, as detailed in the submitted report, be noted.

(b) That the Covid-19 pressures and government grants received to date, as detailed in the submitted report, be noted.

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

(d) That the earmarked Covid-19 reserve, as detailed in the submitted report, be approved.

(e) That carry forwards requested, as detailed in the submitted report, be agreed.

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

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

C101 ACQUISITION OF LAND AT SNIPE LANE, DARLINGTON

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 acquiring 11.16 acres of land at Snipe Lane, as shown hatched and cross-hatched on the plan at appended to the submitted report, for future residential development and to secure withdrawal of objections to the Snipe Lane Compulsory Purchase Order (CPO).

The submitted report stated that the withdrawal of objections would allow early confirmation of the CPO by the Secretary of State which in turn would enable the Council and its Joint Venture (JV) partner (ESH) to enter into contracts for provision

of infrastructure; in March 2018 (Minute C127/Mar/20 refers) approval had been given to the acquisition of land from Darlington Farmers Auction Mart (DFAM) adjacent to Snipe Lane for development to provide 450 new homes, including 300 affordable homes; a JVC to deliver infrastructure and to deliver and sell houses had been established; and that approval had been given to the use of a CPO at the Executive Decision Session held in April 2020 (Minute 3/Apr/20 refers) to acquire part of Snipe Lane itself, which was in unknown ownership and was required to guarantee access to the proposed development.

It was reported that a number of plots of land would be accessed from Snipe Lane as well as the Council's land; two owners of land had registered a caution against first registration of Snipe Lane and a right of way over it and they had formally objected to the CPO via agents; and that during informal negotiations both objecting owners had agreed terms to sell their land interests to the Council which would result in the withdrawal of their objections to the CPO and secure land for future development.

RESOLVED - (a) That the acquisition of land, as shown on the plan appended to the submitted report, be approved, on the terms, as set out in Appendix 2 of the submitted report.

(b) That the Assistant Director for Law and Governance be authorised to complete the transfers of land accordingly.

REASONS - (a) To secure the withdrawal of objections to the Snipe Lane CPO.

(b) To secure land for future residential development.

C102 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 be completed on the terms and conditions detailed therein.

REASONS – The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

C103 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

C104 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-

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 12 FEBRUARY 2021**

**CABINET
9 MARCH 2021**

LOCAL TRANSPORT PLAN

**Responsible Cabinet Member – Councillor Andy Keir
Local Services Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. This report provides Members with an annual update on highways and transport from a regional and local perspective. It outlines delivery, performance and public satisfaction in 2020/21 and seeks approval for the 2021/22 programme, including the release of funding. It also provides an update on the Tees Valley Strategic Transport Plan and the Darlington Transport Plan.

Summary

2. Changes in travel behaviour have been one of the very visible signs of the restrictions we have all faced during 2020/21 as a result of Public Health England and Government advice. By early April our streets had become deserted with a huge reduction in traffic as people were furloughed or started working from home, most shops, businesses and schools closed and people were encouraged to walk and cycle as part of their daily exercise.
3. Next came a period of transition and adaptation as we tackled the reopening of shops and businesses. Social distancing measures were introduced in our normally busy streets; capacity and demand on bus and rail services was suppressed and passengers adapted to wearing face coverings, using contactless payments and sitting apart; car parking was free to support essential workers and essential trips; and construction sites re-opened within COVID-19 secure working arrangements.
4. And then in September schools re-opened. Travel Demand Management techniques were used to plan public transport and home to school transport to ensure that children and young people could travel to school and college safely, whilst retaining capacity for the general public.
5. The challenges continue and as we have already seen, vehicle traffic levels are quick to recover. The increase in online shopping and home deliveries which in turn increases the number of vans and lorries onto our roads is unlikely to abate significantly. This is balanced with many people continuing to work from home and in the future a move to more agile working combining home and office work.

However, there is already recognition that the transport sector will need to work hard to increase bus and rail services back to full capacity and encourage passengers back on to them. And those that started walking or cycling during the summer lockdown need to be encouraged to continue to travel sustainably.

6. Despite this the capital programme of works has progressed. The National Productivity Investment Fund schemes at Yarm Road/Lingfield Way junction and Haughton Road/Tornado Way junction (throughabout) were completed. Work started on the Rethinking Victoria Road scheme and a 3km section of the Stockton and Darlington Railway Walking and Cycling Route from the A66 to Middleton St George was completed. A full programme of maintenance schemes was delivered.
7. In addition, there was progress on the planning and designs for schemes including 20mph schemes at schools, key junctions on the A68 corridor and the Stockton and Darlington Railway Walking and Cycling Route.
8. Darlington has also secured additional funding during the year. In September 2020 £1.274m was awarded from the DfT's Pothole and Challenge Fund which has been spent on pothole and micro-asphalt schemes in 2020/21 and will be used to implement two large scale maintenance schemes in 2021/22. TVCA has been allocated funding from the Active Travel Fund following a successful bid which includes a walking and cycling route on Woodland Road/Duke Street in Darlington.
9. The Council continues to work in partnership with TVCA and the other Tees Valley local authorities to deliver the Strategic Transport Plan. This has included consultation on the Northern Link Road; progressing the designs for Darlington Station; a procurement for a new three-year Wheels 2 Work scheme following a successful pilot; a procurement for the roll out of Electric Vehicle Charging Points; the promotion of TeesFlex, providing a service to residents in the rural areas with no bus services; and the development of a new Urban Traffic Management and Control system to enable the Council to better manage traffic flows.
10. A new Bus Partnership has been established with representatives from the main commercial bus operators and the local authorities. Working groups have been established to improve bus services and coordinate efforts to encourage people back onto buses, including looking at ticket options. A new online portal has been developed to make the application process for concessionary bus passes more straight forward. And a bulk re-issue of over 14,000 bus passes in Darlington has been completed.
11. Changes to car parking charges were approved by Cabinet following funding from TVCA.
12. Progress on the consultation for the Darlington Transport Plan has been delayed due to the Transport Planning Team working on the additional COVID-19 requirements and staff resource issues. Whilst the work continues on COVID-19 transport adaptations, there is now resource in place to progress the Plan.
13. The aims of the Plan have been reviewed and updated to reflect a new focus set out in the town centre Plan i.e. a place to shop, live, visit, be proud of and do business in, as town centres change from being predominantly retail.

14. The Plan will continue to prioritise maintenance but has a focus on supporting economic growth through the delivery of sustainable transport options and identifying key traffic pinch points on the highway network. A consultation plan and timeline is being finalised so that consultation can take place whatever restrictions are in place, but with the aim of maximising participation.
15. Performance indicators and public satisfaction have been monitored and reported but many show fluctuations relating to the lockdowns and restrictions. On average people make 1000 trips per year, where a single trip is say home to work or home to the shop. That's an average of three trips per day and this is a norm that is consistent across multiple studies and behaviours across the world. This year we were told not to make those trips but to stay at home, only travel for essential reasons and only make local trips. This has skewed some of the datasets, such as traffic levels, public transport patronage and road traffic accidents. People have also travelled in different ways such as walking to a local shop or cycling for exercise rather than driving to work. Therefore, some people have experienced the transport network in a different way, with some positive and some negative experiences.
16. The Council has already made significant investment into improving the efficiency of street lighting assets, which has reduced carbon emissions by two thirds which is over 1,000 tonnes per year, saving over £500k per year in electricity alone and reducing reactive repair cost. We will continue to identify ways in which we can reduce the impact of transport on carbon emissions as part of our commitment to climate change. This will be a basket of measures including maximising the number of trips that are walked or cycled (zero emissions); achieving modal shift from single person car journeys to car sharing and mass transport (bus and rail); and decarbonising vehicles through a switch from petrol and diesel to electricity and hydrogen. Other savings will be sought through our construction processes, such as reusing materials that would otherwise be disposed of (2000 tonnes in 2020/21).
17. In 2021/22 we will be:
 - (a) Continuing to recycle certain roads in the programme. This is where a machine lifts the old material, re-processes the material and relays it in-situ. (500 tonnes recycled planned).
 - (b) Middleton Road between the A67 and Sadberge will be reconstructed using the existing material (4700 tonnes) and recycled road materials taken from other projects around the Borough (3300 tonnes). 8000 tonnes of material will not go to tip and this will be one of our first recycled roads using waste products from other projects. This means we will not have to manufacture 8000 tonnes of material and not have to send 8000 tonnes of material to waste sites that would cost £560k making the scheme unaffordable.
 - (c) Starting to trial warm asphalt in road construction, manufactured at lower temperatures to reduce the carbon produced during the manufacturing process.
 - (d) We are also working in partnership with a private company to set-up a treatment facility whereby our waste material is treated and stored, rather than being sent to waste. This will then be re-used on projects in the Borough.
 - (e) We will be replacing all lit bollards and signs with LEDs or reflective signs further reducing energy consumption.

Recommendation

18. It is recommended that:

- (a) Members note the progress in delivering the Local Transport Plan and agree to release £0.893m Integrated Transport Block and £1.205m Highway Maintenance Funding (£0.964m plus £0.241m incentive funding), subject to Department for Transport confirmation, to deliver the 2021/22 transport programme;
- (b) Members approve the release of £1.274m Pothole and Challenge Fund monies awarded by the Department for Transport in September 2020; and release £0.969m Pot Hole and Challenge Funding awarded in February 2021 for 2021/22.
- (c) Members approve the release of Active Travel Fund monies subject to Department for Transport and Tees Valley Combined Authority confirmation, to deliver the Tees Valley Local Cycling and Walking Infrastructure Plan;
- (d) Members approve the Darlington Transport Plan framework as the basis for consultation in 2021.
- (e) Members approve the following recommendations of the Communities and Local Services Committee:
 - (i) that the School Streets Initiative should be progressed to the next phase; and
 - (ii) that the prioritisation of the top three schools for phase three be conducted using the 'Essential', Traffic Impacts' criteria and 'Supporting Criteria'

Reasons

19. The recommendations are supported by the following reasons:

- (a) To continue to deliver Darlington's Transport Strategy as set out in the Third Local Transport Plan until a new Darlington Transport Plan is adopted;
- (b) To maximise the opportunities to maintain the highway asset for the benefit of all road users;
- (c) To deliver the Woodland Road/Duke Street cycling and walking scheme as part of the wider A68 Pinch Point scheme; and continue to secure further funding for the delivery of sustainable transport initiatives.
- (d) To enable residents, businesses and organisations to help shape the transport strategy for Darlington

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

Darlington's Third Local Transport Plan; 2011-2026

Tees Valley Strategic Transport Plan; 2020-2030

Sue Dobson : Extension 6207

S17 Crime and Disorder	Crime and disorder implications were considered in the preparation of the Third Local Transport Plan and will be considered in the development and delivery of specific transport schemes or measures.
Health and Wellbeing	Health and wellbeing implications have been considered in the preparation of the Third Local Transport Plan and its implementation. The transport strategy seeks to achieve better health and longer life expectancy for everyone by reducing the risk of death, injury or illness from transport and by providing travel options to keep people active and independent. This will be reviewed as part of the development of the next Darlington Transport Plan.
Carbon Impact and Climate Change	Carbon emissions and their impact have been considered in the preparation of the Third Local Transport Plan and its implementation. The transport programme seeks to reduce carbon emissions from transport through a shift towards electric and hydrogen vehicles from petrol and diesel. The programme also seeks to encourage the use of sustainable modes of transport and mass public transport, as well as seeking ways to reduce the need to travel or travel shorter distances.
Diversity	Multi-strand Equalities and Disability Impact Assessments were undertaken in the preparation of the Third Local Transport Plan. The Plan seeks to achieve a fairer society by enabling people to access jobs, education, training, health, food and green spaces; and to achieve a better quality of life for all by improving the journey experience and minimising the negative impacts of transport such as noise, air pollution and accidents on the natural environment, heritage, landscape and people. This same approach will be applied in the development of the next Darlington Transport Plan. As highway schemes have an impact on the built environment, disability groups are consulted to ensure the needs of disabled people are considered.
Wards Affected	All
Groups Affected	There are no proposals that impact on specific groups.
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework. The Tees Valley Strategic Transport Plan was adopted by TVCA Cabinet on 31/01/2020 as the Local Transport Plan for the Tees Valley including the constituent local authorities. A new Darlington Transport Plan will be developed during 2021 (delayed from 2020) which will set out local priorities and will provide an overarching policy framework for other subsidiary documents such as the Asset Management Plan and Rights of Way Improvement Plan. This will also form part of the policy

	framework once it has been approved by Cabinet and adopted by Council.
Key Decision	This is a Key Decision
Urgent Decision	This is not an Urgent Decision
One Darlington: Perfectly Placed	One Darlington: Perfectly Placed set the wider context for the development of the Third Local Transport Plan. This programme will enable Darlington to have more businesses and jobs; be a place designed to thrive; and will grow the economy. One Darlington: Perfectly Placed will set the local context for the Darlington Transport Plan.
Efficiency	The Transport Strategy seeks to implement schemes that demonstrate value for money and/or deliver the greatest outcomes at a local level. An evidence-based approach is used to identify schemes that have higher benefit cost ratios, reduce maintenance liabilities and/or seek to reduce revenue costs. Maintaining the highway network will reduce traffic disruption in the longer term and improve network management. Vehicle delay has a negative impact on the economy, including logistics and freight.
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

Tees Valley Combined Authority

20. The Strategic Transport Plan was adopted as the Local Transport Plan for the Tees Valley in January 2020. Tees Valley Combined Authority (TVCA) is the transport authority and has a statutory duty to publish a Local Transport Plan. It supports the delivery of the Tees Valley Strategic Economic Plan. It sets the vision for transport as:

‘To provide a high quality, low carbon, quick, affordable, reliable and safe transport network for people and freight to move within, to and from Tees Valley.’

21. The Tees Valley Strategic Transport Plan will help to direct the investment of £256.7 million into transport projects across the Tees Valley in the period 2019-2029. TVCA and the individual local authorities are now working together to implement key elements of the Plan including investment in the development of the Darlington Northern Link Road, Darlington Station Growth Hub, bus improvement corridors and the establishment of the Bus Partnership, Demand Responsive Transport, travel behaviour programmes, upgraded Urban Traffic Management and Control System, Wheels to Work, Local Cycling and Walking Improvement Plan investment and electric vehicle charging infrastructure.

22. These programmes are already being progressed or delivered:

- (a) Darlington Northern Link Road – information exercise on the proposed route undertaken and the development of a business case progressing;

- (b) Darlington Station – acquisitions and CPO progressing and planning application to be submitted in Spring 2021;
- (c) Tees Flex service ('demand responsive' bus service) which was launched in February 2020 and serves the rural areas of Darlington that do not have a regular bus service.
- (d) Wheels 2 Work (W2W) provides scooters, mopeds or e-bikes to those living in the Tees Valley who do not have access to public transport but who need transport to access training or employment. TVCA is undertaking a procurement process in January 2021 to operate this scheme for a further three years and moving to electric motorbikes. Separately a bid has been submitted to Government for e-bikes, some of which would be managed by the W2W operator, again to provide access to training and employment across the Tees Valley.
- (e) Following a market testing exercise a procurement will be undertaken in Spring 2021 to roll out the installation of Electric Vehicle Charging Points across the Tees Valley.
- (f) Consultation on the Tees Valley Local Walking and Cycling Infrastructure Plan and specifically the scheme on Woodland Road/Duke Street concluded on 29 January 2021. Construction of the schemes in Darlington and Middlesbrough will be completed by April 2022.
- (g) The Bus Partnership has been established with a Steering Group of senior managers from the local authorities and bus operators, and working groups to review Information and Communications, Service Delivery, Finance (including concessionary fares), Tickets and Fares and Infrastructure.
- (h) Development of a pipeline of schemes on the Key Road Network to address pinch points and enable development to come forward.

23. To complement the Tees Valley Strategic Plan each local authority will produce a Local Implementation Plan (LIP) defining the local priorities of each authority. This will be known as the Darlington Transport Plan.

Darlington Transport Plan (Local Implementation Plan)

24. Each of the five local authorities in the Tees Valley needs to develop its own Local Implementation Plan to set out how it will seek to deliver both the Tees Valley strategic priorities but also local priorities. Darlington Borough Council is the highway authority and as such as statutory duties including traffic management and asset management. At Cabinet in March 2020 a framework for the basis of consultation on the Darlington Transport Plan was approved. The key aims focus on the physical infrastructure and how people travel, supported by a travel behaviour programme to promote travel choice and reduce the impact of transport on the environment.
25. Progress has been delayed due to the Transport Planning Team working on the additional COVID-19 requirements and staff resource issues. Whilst the work continues on COVID-19 transport adaptations, there is now resource in place to progress the Plan.
26. The aims of the Plan have been reviewed and updated to reflect a new focus set out in the Town Centre Plan i.e. a place to shop, live, visit, be proud of and do business in, as the town centre change from being predominantly retail.

27. The Plan has a focus on supporting economic growth through the delivery of sustainable transport options and identifying key traffic pinch points on the highway network.
28. Internationally, nationally and locally there is an increased urgency to reduce the negative impacts of transport on public health, the environment and the climate, and lock in the positive benefits of active travel and zero or low emission vehicles.
29. The annual National Highways and Transportation survey has highlighted the importance amongst local people of road safety, and therefore we have included this as a specific aim.
30. The key aims are:
 - (a) Provide an efficient transport system that meets the needs of businesses, visitors and residents
 - (b) Maintaining and improving access to key services
 - (c) Having a transport system that supports physical health and mental wellbeing and has a positive impact on the environment
 - (d) Improve safety for all highway users
31. The Framework is in **Appendix A**.
32. The Plan will be set in the wider framework of the Tees Valley Strategic Transport Plan and the Council Plan.
33. This was discussed by Communities and Local Services Scrutiny Committee on 13 February 2020.

Scrutiny recommendations	Response in revised framework
A section of the new plan relating to the town centre and how transport policy will link to delivering the Town Centre Strategy.	A separate Town Centre Transport Plan is being developed in conjunction with the Town Centre Strategy. An initial draft is in Appendix B .
Public Transport (bus services), and in particular, routes available, service reliability, passenger facilities and fares were identified as an area the committee would like to focus on as the plan develops and that Members would input individually in the consultation, but also consider a specific piece of work within their work programme.	The Tees Valley Bus Partnership has now been established with representatives from the local authorities, TVCA and the bus operators. Officer working groups are now in place to review services, infrastructure and fares.
The current subsidy in relation to town centre car parking offers versus the lack of incentives to use more sustainable modes such as bus, walking or cycling.	The subsidy of town centre parking has been extended with funding from TVCA. Options to review public transport fares and tickets will be considered as part of the Bus Partnership work.

34. This report was considered by the Communities and Local Service Scrutiny Committee on 25 February 2021. Members noted the revised framework for the Darlington Transport Plan and welcomed the framework for a specific Town Centre Transport Plan following their request in 2020.
35. The Communities and Local Services Scrutiny have been involved in the development and investigation into the concept of school streets, through a School Streets Initiative Review Group. The Committee agreed that that a Quad of Aims be submitted to establish a Task and Finish Review group to review additional measures available to address issues associated with traffic problems around schools. The following recommendations were also agreed by the Committee and Cabinet are requested to consider the recommendations :
 - (a) that the School Streets Initiative should be progressed to the next phase; and
 - (b) that the prioritisation of the top three schools for phase three be conducted using the 'Essential', Traffic Impacts' criteria and 'Supporting Criteria'
36. The committee are actively involved in a review of the management of grass verges across the borough. Involvement of the committee in the review and development of these areas of service will add value and assist development of the services.

COVID-19 and the Impact on Transport and Travel

37. During 2020 Tees Valley Combined Authority has received additional funding from the Department for Transport to implement measures to meet the guidance set out by Public Health England (PHE) to adapt transport to meet social distancing requirements. This has been a challenge as funding has been awarded over short times frames, with immediate implementation, and requiring implementation by the five local authorities.
38. Initial funding focused on temporary measures to enable people to socially distance in key locations such as town centre bus stops and on normally busy walking routes into and within the town centre. Some of these short term measures are still in place in line with PHE social distancing guidance.
39. This has been followed by Travel Demand Management work to predict the use of public transport to identify key pinch points on the bus network. Funding was then provided in September to provide additional capacity on buses for children and young people returning to school and college until October half term. Further funding has been provided on a term by term basis, which has created challenges around vehicle and driver availability and procurement. It is not certain how long these measures will stay in place.
 - (a) The Travel Demand Work also included a communications campaign across the Tees Valley to ensure that key government messages about travel and the use of transport were shared. Initially these focussed on walking and cycling to school, parking away from the school gate and wearing a face covering on the bus to school or college. More recently as schools have closed and lockdown restrictions have come into force again the messages have changed to Stay Home, Stay Local and Stay Safe. This activity has contributed to the increasing visits to the Let's Go Tees Valley website and social media platforms, with visits increasing by 190% over the last 20 months.

40. Traffic levels fell to 40% of normal levels during the first lockdown in March but as restrictions lifted traffic levels returned to 95% of normal levels. As further restrictions have been applied and lifted, traffic levels have fluctuated in response but not to the same degree as during the initial lockdown. This may be down to a number of factors including more people returning to work in their workplaces rather than working at home, more home deliveries and people avoiding public transport.
41. However, capacity on bus and rail services has been reduced significantly, both through reductions in service frequency and reduction in vehicle passenger capacity to comply with social distancing rules. Going forward rebuilding rail and bus services in terms of capacity and public confidence will be key to supporting our strategic transport aims. National data shows that those who have continued to use public transport feel safe doing so, but the challenge will be to reassure those that have not used it for some time, that they can do so with confidence.
42. The restrictions have resulted in the suspension of both pedestrian and Bikeability cycle training programmes.
43. Delivery of the plans set out at Cabinet 2020 has not been possible due to restrictions introduced as a result of Public Health England social distancing guidance. Initially all works on the highway (apart from emergencies) were stopped and sites closed down. Staff were allocated to other duties. As new working methods were introduced sites re-opened and progress was made although there remained issues around some resources and availability of materials. April - October is usually the busiest time for works on the highway when the weather is generally better so being unable to work for a number of weeks has understandably delayed delivery of the programme.

Delivery in 2020/21

44. The following section outlines the capital and revenue investment in transport in Darlington over the last 12 months:
 - (a) The major improvement programme for Darlington Station was presented to Cabinet on 4 February 2020. Work has started to develop the initial phases of the project on either side of the station using the £25m allocated from TVCA. The Outline Business Case has been submitted and work on the Full Business Case to release the funds for the rail interventions has commenced. A planning application will be submitted in 2021 for a new Multi Storey Car Park, transport interchange and landscaping on the Neasham Road side of the station. A second application will be submitted for changes to the highway at the Victoria Road entrance to link into the existing work on Victoria Road.
 - (b) TVCA has funded work to develop and assess the single carriageway options for the Darlington Northern Link Road. This stage culminated in public information exercise which ended in December 2020. The feedback will be used in the development of the Outline Business Case which will be submitted to Government in 2021.
 - (c) The National Productivity Investment Fund schemes to improve access to the Eastern Growth Zone have been completed. This £4.8m programme followed a successful bid to Department for Transport in 2017. Following the

completion of the Yarm Road/McMullen Road roundabout scheme in 2019/20, the following was delivered in 2020/21:

- (i) the installation of traffic signals at Yarm Road/Lingfield Way junction;
 - (ii) the extension to the cycle route from Yarm Road northwards along the east side of Lingfield Way to join the cycle route which runs along Allington Way;
 - (iii) creation of a layby on Lingfield Way for HGV parking;
 - (iv) resurfacing of Morton Road and creation of a continuous footpath to connect Lingfield Way to the new Morton Park Way road and walking/cycling infrastructure to the Amazon site and Tornado Way;
 - (v) re-engineering of the Tornado Way/Haughton Road throughabout to create a roundabout;
 - (vi) new pedestrian and cycle crossing facilities on Haughton Road and Barton Street;
 - (vii) improvement of walking and cycling routes; and
 - (viii) landscaping scheme including improvements to the local green spaces and the centre of the roundabout.
- (d) The reconstruction and resurfacing of a 3km (1.8miles) walking and cycling route from the A66 to Middleton St George. This forms part of the Stockton and Darlington Railway 26 mile walking and cycling route which is being developed for the 2025 bicentenary. This was funded from a successful bid to the Rural Payments Agency for £212,934 of European Agriculture Fund for Rural Development monies the improvements have been well received by local residents.
- (e) A programme of dropped kerbs has been implemented to assist residents with mobility issues including along Haughton Road, Hundens Lane and Eldon Street;
- (f) 2,824 potholes have been reported and repaired up until the end of November 2020, which is on a par with 2019. A greater emphasis is now being placed on preventing potholes and the Pothole Fund has also been used to target surfacing works. A programme of Micro Asphalt works has been carried out on unclassified roads in almost 70 residential streets (listed on the Council website). This was the final year of a three year programme of additional Council funding to improve the condition of unclassified roads.
- (g) A programme of carriageway structural maintenance schemes was carried out including A167 Merrybent, Morton Palms roundabout, Barnes Road, Fenby Avenue and Bates Avenue footway scheme;
- (h) The 'Rethinking Victoria Road' scheme started on site with work commencing at the western end between St Cuthbert's/Feethams roundabout and Clifton Road junction. The resurfacing of the back lane, widened footpaths, traffic calming, a 20mph speed limit, traffic signals and landscaping are due for completion in June 2021;
- (i) By the end of March the bulk re-issue of the English National Concessionary Travel Scheme passes (bus passes) will be completed. This is a complex process but a new website enables people to apply online. Full support is still

available via the customer service centre and the technical support team especially for applications which require evidence to be provided.

- (j) In addition to Council schemes, there are several major highway schemes funded from other parties which have been completed in 2020 including the completion of a pinch point scheme A66/Little Burdon roundabout (Highways England); completion of the A68 Humbleton Farm roundabout (supporting the relocation of Darlington Farmers Auction Mart); and a new roundabout on Newton Lane and link road (Thomas Sopwith Way) to open up access to West Park Garden Village housing sites (funded by housing developers).
- (k) A Street Works Permit Scheme was introduced on Darlington's publicly maintained roads on 2 March 2020. This replaced the old noticing system and followed a request from the Secretary of State for Transport for all Highway Authorities to adopt permits. The new process requires that promoters of works in the highway (e.g. utility companies or the Council) obtain a permit before works can begin. The permit scheme allows greater scrutiny of proposed works to ensure they are carried out in a timely fashion and to the required standards. As the scheme has been operational for less than a year (during which COVID-19 disrupted works) it is difficult to quantify the benefits at this stage. However yearly reviews will be carried out for the first three years and over time it is hoped that the scheme will allow for the more efficient management of the highway network to the benefit of users, but allowing utility providers sufficient access to maintain and renew their apparatus.

Delivery in 2021/22

TVCA Funded Programmes

- 45. The Tees Valley Local Cycling and Walking Infrastructure Plan has identified a number of key corridors with the potential for increasing levels of cycling. The first priority in Darlington is Woodland Road. Following consultation (ended 29 January 2021) and a funding agreement, the scheme will commence in summer 2021 and will be completed by March 2022. This is the first phase of delivering a continuous cycle route from West Park to the town centre.
- 46. A procurement process in 2021 will accelerate the deployment of Electric Vehicle Charging Points across the Tees Valley. This will include sites in Darlington. This is to kickstart private investment in both the charging infrastructure and vehicles by providing a network of charging facilities across the Tees Valley.
- 47. A second procurement process will award a contract to deliver a Wheels 2 Work scheme. This has been successfully trialled across the Tees Valley and has enabled people to access new employment and training opportunities and in some cases retain employment. The new scheme which should come on stream from April 2021 onwards will utilise electric motorbikes, underlying a commitment to reducing the impact of transport on the environment. A separate bid has been submitted to Government to secure 100 e-bikes, some of which would be managed by the W2W scheme.
- 48. The Bus Partnership will start to develop work programmes. This will include the development of schemes to improve reliability and punctuality of services on key routes. In Darlington options are being developed for the route of Service 2

(Branksome to Red Hall via the town centre); X66/X67 between Darlington and Stockton/Middlesbrough; and North Road. Initial feasibility work has started and TVCA has an approved budget to develop, prioritise and deliver schemes.

49. TVCA and Middlesbrough Borough Council are leading on the implementation of an upgraded Urban Traffic Control system. The initial actions for Darlington will be to connect our existing traffic signals to the system in order that traffic flow along main roads is actively managed. Traffic signal controlled junctions in Darlington currently operate as discrete junctions.
50. Sustainable Transport initiatives are an important priority for TVCA and Darlington and we will continue to work to progress more sustainable transport initiatives.

Darlington Borough Council

51. Darlington Borough Council receives funding for both maintenance and integrated transport.
52. The maintenance programme is based on road condition data and an independent inspection regime of bridges and other structures. As part of driving continuous improvement the Department for Transport (DfT) introduced the Local Highways Maintenance Incentive Element Fund to ensure local authorities improve standards. Darlington receives the maximum amount of funding and is in the top band of performance. Details of the programme are in **Appendix C**.
53. At Cabinet in March 2020 it was noted that the Pothole Funding from the Department for Transport had yet to be announced for 2020/21. In previous years this funding had been in the region of £100k but Government had committed to doubling the Pothole Action Fund so additional funding was anticipated. A Local Highways Maintenance Challenge Fund 2019/20 bid was submitted to the Department for Transport (DfT) on 30 October 2019. The scheme 'A68 Growth Zone Maintenance Programme' was for £2.26m of Government funding with a local contribution of £603k from the 2020/21 maintenance programme. However, the bid was not successful, and the work will need to be completed on a phased basis over several years using the highways maintenance budget.
54. In 2020/21 the Department for Transport (DfT) has combined the two funds into the Pothole and Challenge Fund and allocated the funding on a formulaic basis. Darlington received £1,274,133 in September 2020. This is almost an in-year doubling of capital allocation for road repairs. Some of this funding has been spent this financial year on potholes and the balance will be carried forward into 2021/22. £500k will be allocated for maintenance works a rural section of the A68 (as per the Challenge Fund Bid) and a further £500k will be to Middleton Road between Sadberge and the A67.
55. In February 2021 DfT announced funding for 2021/22. This has included £1.205m for structural maintenance of carriageways and structures and a further £0.969m Pothole Funding. The micro asphalt programme will tackle potholes and preventative maintenance on 50+ unclassified roads (residential streets) across the borough.
56. As part of the bridge parapet strengthening programme two significant schemes have been identified and the works are currently being procured on a design and

build basis. These are being funded from the parapet inspection funding released by Cabinet in April 2017.

57. The integrated transport block, £0.893m, includes smaller scale schemes including speed management and bus and cycle facilities. The funding is also used as the Council's local contribution to larger scale schemes when funding bids are submitted to Government. Details are in Appendix C.
58. In 2020 an Expression of Interest was submitted to Government for Pinch Point funding to improve journey times on the A68 from the A1 Junction 58 to the town centre. The DfT announced in February 2021 that the Pinch Point Fund would be included in a new Levelling Up Fund. Details have not yet been announced on the criteria for this fund but it is anticipated that the A68 Pinch Point scheme will remain a priority for Darlington and the Tees Valley. In the meantime design work has continued so that the schemes can be 'shovel ready' when funding is available. Alternatively, the schemes may have to be delivered in a phased programme using DBC and/or TVCA funding.
59. The programme also includes constructing the next section of the Stockton and Darlington Railway walking and cycling route in Middleton St George, as approved by Cabinet in November 2020. This will require planning permission and consultation with key stakeholders.
60. A programme of road safety schemes around schools has been developed. The first schemes that have been designed are 20mph speed limits with traffic calming measures at Mount Pleasant and Hurworth Primary schools. Following consultation it is proposed to build these schemes in the school summer holidays. Further schemes are being designed.
61. An initial assessment has been carried out on all schools in the borough to develop a priority list for School Streets; an initiative developed to address school gate congestion and parking and to encourage walking and cycling to school through time limited road closures. Further work will be carried out in collaboration with the schools and local residents to identify whether one or more pilot projects are viable. This would be undertaken as part of a wider programme to address safety, traffic and active travel around schools.
62. A grass verge management discussion paper has been presented to Communities and Local Services Scrutiny and work will be ongoing with members to develop an operational policy and information for members. .
63. The Council is currently working with the supplier of our Highway Asset Management system to develop an improved method of reporting highway defects and issues online. The new "Report It" system will allow a customer to report defects such as potholes online using a PC, tablet or smartphone. The user can plot the location of the defect, report the type of defect from a dropdown list and, if desired, upload a photograph. Customers will be able to see the reports plotted on a map which should help reduce duplicated reports. The customer reports will be sent to the Highway Inspectors' tablet PCs. They can then raise work tickets for any necessary repairs and send a response to the customer via email.
64. The Public Rights Of Way across the borough continue to be inspected and maintained. This year more people have started accessing some of the routes due

to lockdown, increasing interest in and requests for improvements. Opportunities to work in partnership to access additional funding is sought wherever possible. Initial feasibility work is underway to improve Patches Lane, a Discover Brightwater project.

Performance Indicators

65. In developing the Transport Strategy in 2011 the Council adopted several performance measures, to be used to assess the impact of the Local Transport Plan on achieving the objectives. All the performance data is set out in **Appendix D**.
66. The lockdowns and social distancing measures introduced in response to the COVID-19 pandemic will have an impact on this year's data sets. At the start of the national lockdown road traffic levels fell by 60% (up to ~95% at weekends) as people were told to stay at home and not travel except for a limited number of trips for essential services such as food and medical appointments. Non-essential shops, workplaces and schools closed and much of the education and work moved to the home. Bus operators and rail operators were asked to suppress demand and limit capacity on vehicles to provide social distancing. Face coverings and contactless payments became the norm.
67. The knock on effect of this was less traffic, less traffic accidents, quieter roads and more people walking and cycling.
68. As lockdowns have been lifted traffic levels have recovered quickly, whereas bus and rail patronage has not been able to recover in the same way as Government has asked that demand should continue to be suppressed. Increases in walking and cycling levels do not appear to have been sustained but active travel is seasonal and influenced by weather so monitoring will continue.
69. Darlington continues to have a good road safety record. In 2020 the number of people killed or seriously injured in a road traffic accident was 25 (a three year rolling average of 53), and the number of people slightly injured was 100 (a three year rolling average of 156). Even though road safety has improved, unfortunately there were three children seriously injured and 11 children with a slight injury. However, it should be noted that traffic levels were much lower than normal and the number of trips people made were lower due to the travel restrictions.
70. The maintenance condition indicators for all classes of roads are at an acceptable level. However the condition of footways has worsened in the latest survey data with 17% potentially requiring remedial action. This will in part be addressed through allocating some of the micro asphalt programme to footways but may require prioritisation of investment in future years.

Public Satisfaction

71. Darlington participates in the National Highways and Transportation Survey to measure public satisfaction with transport related themes. Darlington has taken part in the NHT Survey 12 times and is one of the 109 authorities across the UK to take part in the survey this year. The survey was sent to 3,300 households across the authority area and 729 members of the public responded. This represents an overall response rate of 22.1% compared with the national average of 23.8%. It is

a random survey and participants are not selected by or representative of how people travel and what transport they use, i.e. whether they travel by bus or drive a car.

72. The survey asks the public to rate how important they regard key aspects of highways and transport and how satisfied they are with each one. The Darlington public placed most importance on 'Safety on roads' and 'The condition of roads'. Looking at the difference between the levels of importance and the corresponding levels of satisfaction, the biggest differential between the two was for 'The condition of roads'. Therefore it is unsurprising that 'The condition of roads' was the most popular choice for improving the level of service and spending more. We will therefore look to address this by promoting and marketing the services we provide and the investment we are making to improve road condition.
73. The condition of roads still scores relatively low, in line with the national picture. Closer inspection of the analysis shows that people are dissatisfied with the condition of the road surface, how the Council deals with potholes and the speed of repair. In addition, responders were not satisfied with the cutting back of overgrown hedges and keeping drains clear and working. This is something we will look to address as part of the new report-it system and more information and marketing about the services provided.
74. There were new questions in the survey this year canvassing opinion about changing travel habits and congestion charging. In Darlington the public 'Tended to disagree' with the statement that they could travel less by car than they currently do and 'Tended to agree' that they could walk, cycle or use public transport more than they currently do. These responses initially seem to be at odds but it could be dependent on whether the respondents currently travel by car and whether they already travel using more sustainable forms of transport. The most popular answer to the question about congestion charging was to 'Strongly oppose' such a scheme being introduced.
75. A number of indicators went down including satisfaction with road safety education, public transport information and walking and cycling routes. These may well be due to COVID-19 restrictions which have had an impact on delivery of some services, such as the delivery of the road safety programme in schools. Dissatisfaction with walking has centred on the condition and cleanliness of footpaths (reflected in the recently reported condition data), and dissatisfaction with cycling has included cycle parking, directional signs and information. The latter may reflect that some people started cycling during the lockdown as a means of exercise and travel and that we need to do more to promote and way mark the cycle facilities that we have. Work is being planned to audit the cycle routes and undertake any remedial work before some sections which are currently not adopted, are added to the adopted highway network. This will improve the ongoing inspection and maintenance of the routes.
76. This information helps to inform both our policy priorities and programme of expenditure. We have added 'Improve safety for all highway users' in our policy framework for the Darlington Transport Plan as respondents have placed the most importance on 'safety on roads'; and our work programme allocates a high % of available funding to maintenance to address the imbalance between importance and satisfaction.

Financial Implications

77. Transport funding is allocated to Tees Valley Combined Authority (TVCA) by the Department for Transport and is based on a formulaic approach and performance (efficiency). This is then devolved to each local authority. This provides the Local Transport Plan maintenance and integrated transport block funding. Other funding is bid for as part of a competitive process, usually from the Department for Transport but is administered by TVCA. The following is a summary of the transport capital funding for 2021/22 compared to 2020/21:

Funding source	Basis of allocation	2020/21 £'000	2021/22 £'000
LTP Highway Maintenance	Formulaic	1,398	964
Maintenance Incentive Fund	Performance	291	241*
Pothole and Challenge Fund	Formulaic	1,274**	969
DBC Capital – 3 year Unclassified Road Maintenance	Maintenance programme based on inspections	500	
LTP Integrated Transport Block	Formulaic	886	893
Sustainable Access to Employment (LGF/single pot)	Successful bid to TVCA for the <i>Rethinking Victoria Road</i> scheme	725	
Active Travel Fund	TVCA programme, following successful bid to DfT		905***
Rural Payments Agency	Successful bid	212	
Total		5,286	3,972

* Subject to assessment of maintenance questionnaire by DfT

** Awarded in September 2020 and ~£1m will be carried forward into 2021/22

*** Subject to design and cost, and could increase to ~£1.7m

78. The Local Transport Plan programme comprises a programme of schemes to manage and improve the highway network funded from the Integrated Transport Block. The programme consists of small scale schemes to address road safety, network and speed management, parking and sustainable travel. Delivery of the 2020/21 programme has been delayed due to COVID-19 and therefore funding will be carried forward to 2021/22. Details are included in Appendix C.

TVCA and Third-Party Funding

79. Darlington has successfully bid into the Tees Valley Combined Authority (TVCA) Sustainable Access to Employment programme over recent years delivering schemes such as the John Street cycle route and the pedestrian/cycle bridge over Parkgate. Following extensive consultation with local residents and businesses a

bid to implement the Rethinking Victoria Road scheme was submitted. The bid for £725,000 was successful but the work was delayed due to COVID-19. These works are now progressing and should be completed by June 2021. This funding programme is now finished.

80. TVCA worked with the five local authorities to develop a Local Cycling and Walking Infrastructure Plan (LCWIP). The Department for Transport indicated that this would form the basis of future funding opportunities and recently announced the Active Travel Fund as a mechanism to start delivering the LCWIPs. A Tees Valley bid was submitted on 7 August 2020 and funding was awarded on 13 November 2020. Subject to successful consultation the Woodland Road/Duke Street scheme will be allocated funding for scheme delivery by March 2022. The initial allocation is £905k but a revised detailed design and cost estimate will increase the funding request to approximately £1.7m.
81. In 2020/21 the Department for Transport confirmed that an additional year of Access Funding (£1.108m) would be provided in 2020/21. As part of this programme, Darlington delivers a travel behaviour programme across the Tees Valley to increase the number of trips made by more sustainable modes including bus, rail, walking, cycling and electric vehicles. This includes the Let's Go Tees Valley Personalised Travel Planning and marketing programmes. Delivery has been difficult due to the COVID-19 restrictions and much of the work has focused around messaging associated with travel restrictions on public transport and the return to school. TVCA has made a request to the Department for Transport that the remaining funding is retained locally so that support can continue to be provided to those accessing work, training and education. Further announcements regarding revenue support for travel behaviour change programmes is awaited.
82. An Expression of Interest (EOI) was submitted to the Department for Transport's Local Pinch Point Fund in January 2020 by TVCA. Darlington's bid was to improve seven junctions on the A68 between Cockerton and the town centre, as well as looking at measures to improve walking and cycling infrastructure on Woodland Road, bus priority and reviewing road safety. The estimated scheme cost was £4.5m (though these costs have increased due to new design guidance from DfT) and the Council proposed to fund 25% of this cost through its Local Transport Plan budget, section 106 monies and potentially Housing Infrastructure Fund monies if required. The Department for Transport announced in February 2021 that the Pinch Point Fund has now been included in a new Levelling Up Fund. No details have been announced on the criteria or process to access this funding. It is anticipated that the A68 Pinch Point scheme will remain a priority for Darlington and the Tees Valley. To date £555k Local Transport funding has been allocated plus £100k of section 106 monies. It is proposed to allocate a further £250k in 2021/22 and again in 2022/23.

Legal Implications

83. There is a statutory duty for a transport authority to have a Local Transport Plan. Darlington currently has a Third Local Transport Plan 2011-2026, adopted by Council on 10 March 2011 as part of the Council's policy framework.
84. The statutory duty for the Local Transport Plan has now moved to Tees Valley Combined Authority as part of the devolution deal. TVCA has produced a Tees

Valley Strategic Transport Plan to fulfil this duty, which was approved by TVCA Cabinet on 31 January 2020.

85. The five constituent local authorities have been asked to produce a Local Implementation Plan. This will demonstrate how each highway authority will support the delivery of the Strategic Transport Plan at a local level but will also set out local priorities, policies and actions. This is like the model that was followed in all the previous Local Transport Plans published across the Tees Valley which had a consistent Tees Valley context chapter produced by the Tees Valley Joint Strategy Unit.
86. Once completed the Darlington Transport Plan will need to be adopted as part of the Councils policy framework. It will draw together other local policies on parking, asset management, traffic management, Rights of Way Improvement Plan, and link to other corporate plans, including the Council Plan 2020-23.
87. The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society pursuant to which the Council is subject to the 'Public Sector Equality Duty'.
88. The Public Sector Equality Duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
89. This is relevant in the context of transport policy making, where for example the change or cessation of services may disproportionately impact protected characteristic groups. The Council will observe its Public Sector Equality Duty in policy and schemes relating to transport and further detail on equalities considerations are provided later in the report.

Estates and Property Advice

90. The highway maintenance programme will be works within the adopted highway and does not require corporate landlord advice. Any modifications to the adopted highway will be notified to the highway asset management team.
91. Any individual scheme that involves a land requirement outside of the adopted highway, whether that be Council owned land or land in third party ownership, will involve the Estates Team to negotiate land acquisition or other legal agreement. If a scheme cannot be implemented within the adopted highway or permitted rights the required planning permission will be sought at an early stage in the process.

Procurement Advice

92. All procurement activity will be in line with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015. Where a suitable framework is available for a procurement this will be used in the first instance. Applications to Tees Valley Combined Authority for funding will be subject to a robust due diligence process which includes procurement, legal and value for money. All procurements will be in line with the requirements of any subsequent grant funding agreements from TVCA or any other funder.

Consultation

93. In March 2020 Cabinet agreed that consultation could start on the framework for the Darlington Transport Plan. However, with the introduction of lockdown and subsequent social distancing measures it has not been possible to carry out the consultation. Whilst it is possible to undertake some consultation on line using websites and other tools such as virtual rooms, TEAMS and ZOOM meetings and map based tools such as Common Place, this does exclude people who do not have access to these technologies.
94. Therefore a consultation plan is being developed that tries to provide as many as opportunities as possible for people to comment on the Darlington Transport Plan. This will be flexible and adapt as the restrictions change.

Outcome of Consultation

95. Consultation on the Woodland Road/Duke Street walking and cycling route was carried out in December and closed on 29 January 2021. TVCA has collated the results and these will both inform the scheme design and be part of the evidence base for the funding submission to the Department for Transport. Overall there were high levels of support for the scheme, particularly on Duke Street and 70% of those who don't currently walk or cycle along this route said it would encourage them to do so. There were high levels of support for the reduction in the speed limit on Duke Street (90%) and 80% think that the stepped cycle route will help to protect cyclists. And 85% of respondents would support the extension of the scheme along Woodland Road towards Cockerton. There was support to reopen the Winston Street West car park but businesses were more or less equally split between whether to providing parking bays or loading bays on Duke Street. The detailed comments from the online survey as well as feedback from key stakeholders including Darlington Association on Disability, Arriva, Durham Constabulary and Darlovelo have been fed into the detailed design process. A special session was held with young people to get their views, especially as this is a busy corridor for young people moving between the Sixth Form College and the town centre. They were particularly interested in how it would be monitored and how 'success' would be measured.

Equalities Considerations

96. As the Darlington Transport Plan is developed and consulted on, equalities will be a key consideration. The Third Local Transport Plan set out a policy to 'better meet the needs of disabled people' and this should be retained or developed further.
97. The equalities impact of individual schemes and policies is considered as they are developed. As most of the work programme involves changes to the physical environment the main impacts that are considered relate to disabilities, including mobility, visual and hearing impairments and learning disabilities. Regular meetings are held with Darlington Association on Disability and other advisory groups such as RNIB and Guide Dogs are involved for specific issues.

Darlington Transport Plan

Appendix A

Darlington Transport Aims	Darlington Transport Objectives	Darlington Transport Actions
<p>Having a transport system that encourages health and wellbeing and has a positive impact on the environment</p>	<ul style="list-style-type: none"> • Increase levels of walking and cycling by providing a safer and more convenient walking and cycling network 	<ul style="list-style-type: none"> ➤ Inform residents and visitors of Darlington of the travel choices available to them in particular the cycle network and their impact on the environment ➤ Promote and market walking and cycling through Let's Go Tees Valley to encourage physical activity ➤ Dropped kerbs and level access at bus stops and train stations - mobility ➤ Improve waymarking, seating and public realm improvements - link to other strategies - to support walking
	<ul style="list-style-type: none"> • Reduce the need to travel • Promote of alternative methods of travel to aid behaviour change towards the way the residents of Darlington travel, specifically walking, cycling, and public transport • Encourage residents and visitors to make green and healthy transport choices 	<ul style="list-style-type: none"> ➤ Secure Travel Plans through the planning process and stakeholder engagement ➤ Implement a travel behaviour change programme for short trips, travel to work and the journey to school. ➤ Provide information and advice through the team of travel advisors ➤ Expand the car share offer to other employers ➤ Establish a car club - linked to town centre strategy

	<ul style="list-style-type: none"> • Ensure the residents and visitors of Darlington are informed of all the travel choices available to them 	
	<ul style="list-style-type: none"> • Support the transition to a low carbon transport system 	<ul style="list-style-type: none"> ➤ Tees Valley Combined Authority (TVCA) procurement of Electric Vehicle Charge Points (EVCP) infrastructure including key sites in Darlington ➤ Develop Tees Valley Design standards to enable the expansion of the charging network through the planning process, private investment, stakeholder engagement and household investment ➤ Develop maintenance, operational and construction practices to reduce carbon
<p>Maintaining and improving access to key services</p>	<ul style="list-style-type: none"> • Work in partnership with the rail industry to increase service frequency to support growth in travel by train • Improve access to and interchange at key transport hubs 	<ul style="list-style-type: none"> ➤ Work with Bishop Line Community Rail Partnership (CRP) to deliver their action plan ➤ Work with TVCA and rail industry to improve service frequency on the Tees Valley rail line ➤ Identify improvements at Dinsdale Station ➤ Finish improvement of Victoria Road ➤ Northgate improvements including Rail Heritage Quarter (RHQ) ➤ Parkgate improvements
	<ul style="list-style-type: none"> • Maintain an efficient, effective and affordable network of high quality bus services 	<ul style="list-style-type: none"> ➤ Support the development of the new Bus Partnership Agreement ➤ Deliver bus corridor improvements to maintain / improve bus punctuality and reliability -

	<p>in partnership with the bus operators</p>	<ul style="list-style-type: none"> - Service 2 Bus improvements Urban Traffic Management Control (UTMC) and new bus link from Red Hall to Tornado Way - North Road - UTMC - Bus services X66/X67 <ul style="list-style-type: none"> ➤ Improve bus information ➤ Support the continued Covid-19 recovery to ensure that Darlington has a stable commercial bus network ➤ Work with public transport operators to develop a range of fares and tickets
	<ul style="list-style-type: none"> • Maintain, manage and improve the walking and cycle network to enable behaviour change to more active travel 	<ul style="list-style-type: none"> ➤ Stockton and Darlington Railway walking and cycling route ➤ Local Cycling and Walking Infrastructure Plans (LCWIP) - A68/Woodland Road/Duke Street and Yarm Road ➤ Local cycle links <ul style="list-style-type: none"> - Faverdale Industrial Estate - A1150 - Walking and cycling route alongside River Skerne (connecting town centre to RHQ) - Link to Hurworth - Newton Lane to A1 walking and cycling route and beyond to Coniscliffe Road - Neasham Road ➤ Review Darlington's Rights of Way Improvement Plan
	<ul style="list-style-type: none"> • Improve accessibility to ensure that transport is not a barrier to accessing jobs and services • Ensure the transport network is 	<ul style="list-style-type: none"> ➤ Promote Wheels to Work ➤ Promote Tees Flex ➤ Ensure that development sites are in locations that are served by frequent bus services and can be accessed by good quality walking and cycling routes ➤ Ensure the design and implementation of all schemes consider the needs of disabled people

	accessible to all; better meeting the needs of disabled people	
Improve safety for all highway users	<ul style="list-style-type: none"> • Provide a safe highway network and reduce the risk of road traffic collisions • Reduce the risk to vulnerable road users being involved in road traffic collisions through a programme of enforcement, road safety education, training and publicity 	<ul style="list-style-type: none"> ➤ School 20mph and speed management schemes ➤ School Streets programme ➤ Enforcement, particularly around schools ➤ Active Neighbourhoods ➤ Area wide 20mph schemes ➤ Bikeability ➤ Pedestrian Training ➤ Road Safety Education and Publicity ➤ School crossing patrol
Provide an efficient transport system that meets the needs of businesses, visitors and residents now and in the future (Maintain, Manage, Improve)	Maintain the highway network in a timely, cost effective way	<ul style="list-style-type: none"> ➤ Strategic maintenance schemes, including structures <ul style="list-style-type: none"> - A1150 - Town centre structures - A68 corridor ➤ Annual programme based on condition monitoring
	Manage the transport network to ensure that it operates in an efficient and resilient way	<ul style="list-style-type: none"> ➤ Implement the UTMC system on key transport corridors ➤ Implement and review the permit scheme for utility works
	Identify future pinch points on the highway	<ul style="list-style-type: none"> ➤ Support Highways England A66 improvement programme

	<p>network and to carry out improvements in a timely manner to support Economic Growth</p>	<ul style="list-style-type: none"> ➤ Support TVCA’s business case for Darlington Northern Link Road ➤ Key Road Network (KRN) hot spots - <ul style="list-style-type: none"> - A68 Pinch Point scheme - A1150 Salters Lane - Darlington Eastern approaches - A167 Northgate UTMC - A167/White Horse junction
	<p>To provide and manage parking to support the local economy</p> <p>To develop a plan for all road users in the Town centre to support existing service and future development</p>	<ul style="list-style-type: none"> ➤ Parking strategy <ul style="list-style-type: none"> - Parking supply and tariffs - Residents parking - Parking management ➤ Town centre transport plan
	<p>Invest in international, national and regional transport gateways, including the airport, rail stations and bus and coach interchange in partnership with key stakeholders</p>	<ul style="list-style-type: none"> ➤ Provide improved interchange at Teesside International Airport by all modes ➤ Deliver Darlington Station master plan ➤ Deliver improvements at North Road Station to support the RHQ Masterplan ➤ Investigate future improvements at Dinsdale station as part of TVCA project to review stations ➤ Improve customer waiting facilities for bus and coach passengers ➤ Darlington Northern Link Road (DNLR)

Town Centre Transport Plan

Appendix B

1. Darlington has ambitious plans for the town centre as set out in the Town Centre Strategy 2019-2030 and the Towns Fund Investment Plan. Transport underpins these developments, enabling people to travel to, from and through the town centre. The transport system needs to be planned in a cohesive way to ensure that as each development comes forward the appropriate design and function can be achieved for the people living, working or visiting the destination or locality.
2. Currently the Inner Ring Road carries the majority of the traffic around the outside of the town centre. The heart of the town centre is pedestrianised and movement of traffic is restricted for the majority of the day whilst access is retained for bus services, taxi services, loading and servicing, cycling and parking.
3. As the town centre uses change it is important that the town centre does not become congested with traffic; instead the benefits of the pedestrianisation, public spaces, the river side and low traffic areas support a vibrant and attractive town centre. Meeting the needs of businesses in the town centre needs to be balanced with the needs of people living in and visiting it.
4. Darlington's Transport Aims as set out in the draft Darlington Transport Plan are:
 - (a) Having a transport system that encourages good physical health and mental wellbeing, and has a positive impact on the environment
 - (b) Maintaining and improving access to key services
 - (c) Improve safety for all highway users
 - (d) Provide an efficient transport system that meets the needs of businesses, visitors and residents
5. At Scrutiny in February 2020 it was suggested that a specific transport plan for the town centre to set some guiding principles for the developments would be beneficial. This was supported by Cabinet in March 2020. A more detailed traffic management plan is required and an associated review of Traffic Regulation Orders (plus a review of enforcement)

Principle	Rationale	Link to Darlington's Town Centre Strategy A town to.....
Limit traffic movement in the town centre	With limited space the roads should be prioritised for public transport and servicing/deliveries; other spaces should be prioritised for those walking and cycling; cars should only require access to parking and do not require a through route; Minimise traffic to maintain good air quality	Be proud of

	Maintain a safe environment for all road users	
Provide a Car Club in the town centre	This provides an alternative option to those living in the town to have access to a car when required (Mobility As a Service) rather than owning a car; use electric vehicles	Live in
Provide parking solutions for residential developments	The town centre is a sustainable location as there is good access to bus, rail, coach and taxi services and many services are within walking or cycling distance; therefore zero or low parking numbers are appropriate. If parking is to be provided it should be within the development red line boundary where possible; on street parking will remain strictly limited; parking for visitors is available in short stay car parks in the town centre or long stay car parks outside of the Inner Ring Road. Cycle parking should also be provided.	Live in
Retain short stay parking in car parks	Parking within the town centre should remain as short stay to encourage people to visit for two or three hours and maximise the use of the spaces; free or low cost evening parking charges support the evening economy; longer stay commuter parking should remain in car parks outside of the Inner Ring Road	Shop
Provide disabled parking near key destinations	The location of disabled parking bays may change as land is redeveloped and uses of buildings or sites change but careful consideration of overall numbers, location and usage is essential	Shop
Provide Electric Vehicle Charging Points	Providing charging points for electric cars, vans and bikes for all users of the town centre, to encourage the shift towards low carbon transport. This will combine charging with a visit to the town centre, but the needs of residents living in the town centre also need to be met through the planning process.	Shop
Retain the bus route through the town centre	The bus route through the town centre works efficiently as long as other vehicles do not use the route; additional traffic should not be added and if possible inappropriate use of the bus route should be curtailed	Shop
Improve the bus passenger waiting facilities	Kerb space for waiting passengers is at a premium; any opportunity to increase the space for waiting passengers especially	Shop

	on Prebend Row, East Street, Crown Street and Tubwell Row should be taken.	
Maintain/Improve the coach facilities	The location of the coach stop is effective in terms of coach movements and ease of access for passengers. The Dolphin Centre provides a degree of informal passenger facilities but options to improve the waiting facilities further should be considered	Visit
Improve the connections between the town centre and North Road station	The link between the town centre and North Road Station provides an opportunity to improve access to rail services but also connect the Rail Heritage Quarter to the town centre. This could include walking and cycling routes as well as information/branding of north road bus services	Visit
Improve the connections between the town centre and Darlington Station	The aim is to encourage more travel by train to and from Darlington by making it easier to reach the train station from the town centre by bus, on foot or by bike	Visit
Review and improve the cycling routes to, from and through the town centre	The cycle routes approach the town centre (Priestgate, Leadyard, Feethams, Grange Road, Coniscliffe Road, Duke Street with cycle bypasses at Northgate, Bondgate and Blackwellgate) but the routes through the town centre are not cohesive and are not clearly signed; two way cycle access is required on key links such as Skinnergate; good quality, secure, convenient cycle parking is required to encourage trips to town by bike.	Shop
Create a walkable town centre	Build on the positives of the Pedestrian Heart whilst learning the lessons around the use and design of space for everyone, specifically meeting the needs of people with disabilities; Create public realm with function so that it is used – a thoroughfare, a place to sit, a place to eat, a place to meet with people	Be proud of
Locate taxi ranks in appropriate locations to support the day and evening economies	The day time trade includes those that travel in one way to town e.g. on foot or by bus, but then do their shopping and require a door to door service to get home; The evening trade is focused around hospitality and culture and should be located near these venues and away from residential areas	Do business in

<p>Provide a coherent plan for deliveries and servicing that meets the need of businesses and residents</p>	<p>Deliveries are currently limited in some locations such as Skinnergate and High Row to before 10.00am and after 5.00pm – this creates a better environment for pedestrians and people wanting to eat outdoors; Other areas such as Tubwell Row are not restricted and this creates issues for other users of the town centre; Restricted access should be consider for other streets.</p>	<p>Do business in</p>
<p>Promote zero emission last mile delivery</p>	<p>Operating a local delivery service would support town centre businesses; Green Link already operates such a service using cargo bikes</p>	<p>Do business in</p>
<p>Provide information to guide people around the town centre</p>	<p>Signs, maps, landscape and art should guide people around the town centre in a safe way; Reduce street clutter</p>	<p>Visit</p>

Maintenance Block – funding to maintain the highway network including structures and street lighting

Department for Transport Allocation	£'000
Bridge structural maintenance	212
Highway structural maintenance	637
Incentive funding	241
Fees	115
Sub Total	1,205
Pothole and Challenge Fund 2020/21	1000*
Pothole and Challenge Fund 2021/22	969
Total	3,174

* £1.274m was awarded in September 2020. By 31 March it is anticipated that £274k will have been spent on repairing potholes. The remaining £1m has been allocated to two schemes; a rural section of the A68 (in line with the Challenge Fund bid) between Houghton Bank and the borough boundary; and for Middleton Road (C38) between A67 to A66 Slip and Sadberge Road (A66 slip to Sadberge) .

1. Further Pothole and Challenge Funding has been announced for 2021/22 and this will enable us to continue to accelerate the maintenance programme, including preventative maintenance, and complete further sections of the A68.
2. The following maintenance schemes have been identified as the priority based on the condition data surveys. This is a rolling programme and subject to tender returns.
 - (a) Coatsay Moor Lane (Heighington By Pass) to School Aycliffe roundabout
 - (b) Victoria Embankment (kerb/channel)
 - (c) B6279 Tornado Way
 - (d) Stanhope Rd/Coniscliffe Rd/West St
 - (e) Merrybent (Phase 2) - end of Phase 1 to A1(M) Bridge
 - (f) Hewitson Road
 - (g) Mayfair Road (West Back Lane)
 - (h) Greenhill Road, Heighington (Footway) Victoria Road
3. In addition the micro asphalt and patching programmes will include roads across the borough. This continues the investment in 50+ unclassified roads, which are predominantly residential streets.

Integrated Transport Block - funding to Manage and Improve the highway network

Manage/ Improve	Scheme	2021/22	2022/23	Notes
Network management				
Manage	North West Growth Zone Corridor (A68)	250**	250**	£555k** LTP + £100k section 106 funding is already secured as

	including Cockerton roundabout)			local contribution for the Pinch Point Expression of Interest. Awaiting decision from DfT. Ensuring that the scheme is progressed to being 'shovel ready'.
	Traffic monitoring	20		
	Traffic counter replacement programme	20		
Sustainable and public transport				
Improve	Improvements to bus passenger and cycle facilities	50		Includes raised kerbs, bus shelters and cycle parking
Improve	Dropped kerbs	40		Improves access for all
Improve	Public Rights Of Way	10		Improves access for all
Improve	Walking and cycling route in Middleton St George between Yarm Road and Mill Lane	150		Improves access for all and supports the delivery of the 26 mile S&DR route
Speed Management and Road Safety programme				
Manage	School speed management and safety schemes includes school streets	200		£125k carried forward + £200k (total of £325k) to deliver a programme of schemes including Mount Pleasant, Hurworth Primary and Abbey Infant and Junior Schools
	speed management schemes including village entry schemes	42		
Sub total		775		
Fees		111		
Total		893		

** In January 2020 an Expression of Interest was submitted to the Department for Transport's Pinch Point Fund to implement a programme of improvements on the A68 corridor. In March 2020 Darlington Council's Cabinet agreed to underwrite the local contribution element required by the Department for Transport for the bid for Pinch Point Funding, on the basis that other funding sources may become available over the next 12-36 months and, if the bid was successful, the most appropriate source of funding would be utilised at the time. If the bid was unsuccessful the available local funding would be used to start implementing the A68 corridor pinch point improvements. This funding is to build up funding for the scheme as either match or delivery money. This will not be sufficient to deliver the scheme in 2021/22 unless other bids are successful.

The Department for Transport has now announced that the Pinch Point funding will be added to the Levelling Up Fund and Darlington and TVCA will need to work together to secure funding from this new fund. It is proposed to deliver the first element of the

scheme through the Active Travel Fund monies and continue to progress the designs on the key junctions at Cockerton and Woodland Road/Staindrop Road.

4. £200k has previously been allocated to widen the cycle route alongside the River Skerne north of Albert Road. This funding will be retained and the work progressed on this strategic route as resources allow.

Bids

5. A business case was submitted to TVCA on 12 December 2019 for the final scheme in the Local Growth Fund Sustainable Access to Employment programme. 'Rethinking Victoria Road' will improve the route between Darlington Station and Feethams roundabout. The scheme was due to start on site in March 2020 but was significantly delayed due to COVID-19 restrictions. Work is now well underway and it is anticipated that the works should be completed by the end of June 2021. The TVCA funding should be spent and claimed by the end of March 2021 and the local contribution from the Local Transport Plan will be carried forward into 2021/22 to fund the final stage of the works.
6. TVCA submitted proposals to the Department for Transport for Active Travel Funds to start the delivery of the Tees Valley Local Cycling and Walking Infrastructure Plan. The proposal included adding TVCA Transforming Cities Fund monies to create a bigger pot of funding so that the delivery could be accelerated. In Darlington the first scheme is Woodland Road/Duke Street, although the new standards issued by DfT mean that only a short section can be constructed in the first phase. Consultation has been carried out and it is anticipated that a funding agreement will be in place by 31 March 2021 for delivery by March 2022.

Performance Data and Public Satisfaction

**estimated*

APPENDIX D

Performance Measures	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Peak period traffic count (average) (data from traffic counters on inner cordon on the approach roads to the Inner Ring Road)	20,092	19,528	19,514	20,287	20,419	19,417	19,090	19,524	19,023	14,853*
24 Hour traffic count (average) (data from traffic counters on inner cordon on the approach roads to the Inner Ring Road)		127,306	125,642	123,847	124,764	126,801	125,519	127,938	125,017	94,007*
Bus Punctuality % on time	62%	64%	64%	63%	87%	89%	86%	86%	Update due Autumn 2021 from DfT	Not yet available
Bus Patronage (all operators)	7,164,000	6,605,517	6,604,117	6,505,849	6,422,947	6,240,594	5,972,163	5,741,507	5,457,204	1,987,898*
Concessionary fares patronage	2,907,515	2,750,929	2,744,792	2,673,485	2,627,062	2,607,611	2,450,526	2,347,694	2,167,240	752,476*
Rail Patronage (all 4 Darlington stations)	2,320,360	2,241,390	2,279,159	2,322,927	2,337,809	2,368,780	2,417,328	2,498,158	2,529,450*	Not yet available
Number of cycling trips (automated cycle counters)	1,635.75	1224.50	1,450	1,556.50	1,315.75	1,618	1,585	1,650	1,614	1,648*
No. of walking trips in the town centre	121,948	119,163	121,876	133,983	126,687	124,608	120,359	104,825	111,042	Not yet available

Roads and Footway Conditions

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
% of principal roads where maintenance should be considered ('A' class)	5%	6%	5%	3.3%	4%	3.4%	1.6%	1.1%	2.2%	3%	Not yet available
% of non-principal roads where maintenance should be considered ('B' & 'C')	10%	11%	12%	14%	11%	9%	6%	6%	7%	6%	Not yet available
Condition of unclassified roads	6%	7%	9%	10%	10%	12%	15%	22%	16%	8%	13%
% of footways which are structurally unsound				10%	9%	9%	9%	9%	9%	11%	17%
Cost to restore the highway network and assets to original condition Accumulated depreciation – Whole of Government Accounts)			£59.3 million	£74.2 million	£81.7 million	£92.2 million	£84.0 million	£90.3 million	£88.1 million	£78.3 million	Not yet available
Street Lighting											
% of street lighting columns over 40 years			29%	26%	20%	24%	3.8%	Not available	0	0	0
% of street lighting columns 20-40 years old			56%	51%	45%	44%	14%	Not available	15%	17%	17.5%
	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Bridges											
Bridge Condition Index (average across all bridges;					85%	85%	Not available	71%	75%	81%	82%

work programme developed from individual inspection reports)											
Bridge Condition Index (Critical Elements i.e. relating to structural integrity) (average across all bridges; work programme developed from individual inspection reports)					74.6%	74%	Not available	71%	72%	69%	71%
Inspections											
Number of potholes repaired				9,490	8,004	6,611	6,246	6,582	6,631	5075	2824 (to end Nov)
Public Rights of Way											
% of rights of way open and available for use – urban fringe leisure routes		63%	75%	67%	84%	79%	86%	75%	85%	85%	82%

Road Safety and Sustainable Transport (figures in brackets are the three year rolling average)											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Number of people killed or seriously injured in road traffic accidents	33 (37)	36 (37)	35 (35)	41 (37)	41(37)	32 (31)	39 (31)	45 (39)	52 (45)	49 (49)	26 (42)
Number of people slightly injured in road traffic accidents	303 (338)	296 (321)	309 (303)	285 (297)	285 (297)	242 (270)	256 (260)	230 (243)	208 (231)	166 (201)	106 (160)
Number of children killed or seriously injured in road traffic accidents	2 (1.7)	4 (2.6)	3 (3)	7 (4.6)	7 (4.6)	2 (4)	4 (3)	5 (3)	5 (5)	6 (5)	3 (5)
Number of children slightly injured in road traffic accidents	34 (41)	32 (36)	45 (37)	34 (37)	34(37)	32 (43)	27 (41)	24 (28)	28 (26)	13 (22)	11 (17)
% of children taking part in pedestrian training from participating schools	91	80	85	91	91	86	90	87	86	86	Not available
% of children taking part in cycle training (Year 5) from participating schools	65	45	54	56	56	50	52	66	63	63	Not available

NHT Satisfaction Survey Results

Public Satisfaction – National Highways and Transportation Survey (NHT)										
	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Overall public satisfaction	56.3	55.7	54.9	55.1	56	56	54	54	55	55
Public transport overall	56	54	-	-	59	59	60	62	64	
Local bus services	57	54	58	60	60	62	60	62	63	63
Local bus services (BVPI 104)	51	47	53	55	60	61	64	66	62	59
Public Transport Info (BVPI 103)	46	39	41	48	48	51	47	51	51	41
Taxi/Mini cab services	68	67	68	70	69	67	66	68	69	69
Community Transport	57	57	57	58	56	55	55	55	59	62
Walking & Cycling overall	59	58	57	55	57	58	56	56	56	53
Pavements and footpaths	56	56	55	55	55	55	54	53	54	53
Pavements and footpaths (aspects)	57	57	58	57	61	61	58	58	60	56
Cycle routes and facilities	60	59	55	53	54	55	55	54	53	50
Cycle routes and facilities (aspects)	60	60	57	55	58	58	55	59	55	49
Rights of Way	60	57	60	58	58	60	57	58	59	58
Rights Of way (aspects)	57	56	55	52	58	56	56	56	56	54

Tackling congestion overall	51	52	54	53	53	51	48	49	50	49
Traffic levels and congestion	49	49	49	44	47	46	44	46	45	49
Management of Road works	49	54	53	51	56	50	51	53	55	54
Traffic management	53	55	54	54	56	56	55	57	56	42
Overall road safety	60	59	57	57	62	58	57	60	59	56
Road safety locally	61	62	59	61	63	60	57	58	59	58
Road safety environment	59	58	56	57	61	57	57	59	59	57
Road safety education	58	58	57	56	61	58	58	61	59	54
Overall highways maintenance	51	50	46	47	52	53	50	49	51	49
Condition of highways	32	34	28	31	34	38	34	30	35	35
Highways maintenance	48	48	48	48	54	53	51	51	53	51
Street lighting	71	69	69	71	70	69	66	65	65	65
Highway enforcement/obstructions	52	49	49	48	51	50	48	49	52	46

**CABINET
9 MARCH 2021**

DARLINGTON CREMATORIUM REFURBISHMENT – COST UPDATE

**Responsible Cabinet Member -
Councillor Andy Keir, Local Services Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. To bring to Cabinet's attention to the increase in costs to deliver the Crematorium Refurbishment and new Chapel project.

Summary

2. Work to replace the cremators, redeveloping the existing chapel into a bereavement service office and building a new chapel within West Cemetery was due to commence in April 2020. The project was then delayed for a year due to the pandemic to ensure there was adequate capacity for cremations. As a result of the delay and the impact of Brexit and COVID-19, the costs for the project have increased significantly on the original estimate.

Recommendation

3. It is recommended that Members:-
 - (a) Approve continuing with the project as the additional costs can be met within the existing financial envelope.
 - (b) Release additional capital funding of £1.512m as detailed in this report.

Reasons

4. The recommendation is supported by the following reasons :-
 - (a) To enable the replacement and updating of the current cremators ensuring they meet the requirements of current legislation.
 - (b) To provide a chapel that provides the facilities that are expected from a modern crematorium.

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

Background Papers

(i) Cabinet report, Darlington Crematorium Refurbishment, 8 October 2019

Ian Thompson : Extension 6628
CD

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

MAIN REPORT

Information and Analysis

5. Cabinet received a report in October 2019, attached at **Appendix 1**, with regard to options for the replacement of the cremators and options to meet the expectation of today's requirement from a cremations service. The options considered were:
 - (a) Option 1 – New build/new site;
 - (b) Option 2 – To replace the existing cremators alongside limited improvements to the chapel;
 - (c) Option 3 – Replace the existing cremators as well as redeveloping the existing chapel into a bereavement service office and new chapel within West Cemetery on part of the land identified for future burials.
6. Cabinet approved proceeding with Option 3.
7. The project needs to be completed within one financial year to minimise VAT repayable to HMRC related to the Council's exempt activities. The intention was to complete the project in financial year 2020/21. However, due to the pandemic and potential impact on the cremation service, a decision was taken to delay for a year to minimise the risk of reducing capacity for cremation.
8. At the time of Cabinet making the decision in October 2019, the costs for the project were based on the estimate from the feasibility study carried out in 2018. The resources approved were:
 - (a) £4,500,000 for the crematorium and new chapel
 - (b) £400,000 previously approved for the cemetery extensionTotal: £4,900,000
9. Following the recent tendering exercise, the project costs have come in significantly higher than originally anticipated. Following a value engineering exercise, the project remains at £1,511,795 over the original budget. This figure includes a contingency amount of £336,000 for any unforeseen issues arising during construction, which is normal on all capital projects. The reasons for the increase in costs are associated with:
 - (a) the additional mitigation and requirements arising from the planning and consultation process - £310,000.
 - (b) the inflation costs associated with the decision to delay commencing the project at the start of the pandemic given the uncertainty during that period – 5% £230,000.
 - (c) significant increases in costs and the volatility in supply of materials across the construction industry arising from both the pandemic and supply chains from

the UK and abroad – 16% to 20% £677,000 to £847,000.

10. The design has been developed since the original budget estimates were produced in 2018 and this has been tendered to obtain the costs. This will have increased some costs, but value engineering exercises are continuing on the project. Our estimates on inflation increases are based on our intelligence of the local market. However, there is anecdotal evidence of much higher inflation percentages in the construction sector, which may mean some materials and costs in the tender are higher than the figures quoted above and may account for the increased costs. It has not been possible to directly attribute the cost increases across the numerous reasons identified above.

Financial Implications

11. The project is being funded through the use of prudential borrowing and when originally costed the interest repayments on the borrowing were £0.197m per annum financed by the environmental surcharge and additional fees which were introduced in 2016/17. After taking this cost and all other relevant revenue costs into consideration the business plan provided a small annual surplus of £0.014m per annum.
12. The additional costs to deliver the project are £1,511,795, however due to the significant reduction in interest rates over the last year the borrowing costs only increase to £0.208m per annum, an increase of £0.011m which can be accommodated within the overall financial envelope given the original £0.014m surplus.

**CABINET
8 OCTOBER 2019**

DARLINGTON CREMATORIUM REFURBISHMENT

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

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

SUMMARY REPORT

Purpose of Report

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

Summary

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

Recommendations

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

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

Reasons

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

Ian Williams
Director of Economic Growth & Neighbourhood Services

Background papers

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

Ian Thompson : Extension 6628
IT/CD

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

MAIN REPORT

History

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

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

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

Mercury Abatement

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

new facility.

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

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

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

Other Crematoria in the Area

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

(a) **Durham**

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

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

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

(c) **Middlesbrough**

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

(d) **Hartlepool**

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

(e) **Kirkleatham**

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

(f) Stockton

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

Annual Cremations – Darlington Crematorium

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

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

20. Since 2008/09, the number of cremations has fallen by 216, although this does vary year on year.
21. The reduction in cremations coincides with the opening of the new crematorium in Coundon in April 2009. It is likely that historically people who have travelled to Darlington from the Wear Valley area will now use the facility at Coundon. As this new facility has been operating for nine years, it is reasonable to assume that the decline will now have bottomed out and cremations should continue at approximately 1650 to 1700 per annum. It remains to be seen what effect the opening of Stockton will have on Darlington's performance but inevitably it is likely that there will be some reduction, although it is anticipated that the biggest effect of such an opening will be on that of the crematorium at Middlesbrough. This makes it all the more imperative that the service at Darlington provides what mourners wish for and it is likely that any losses are mitigated to some degree by natural increases in overall population.

The Current Situation

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

this is consecrated ground), which is not guaranteed;

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

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

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

Chapel Capacity

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

Options for the Future

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

Option 1 – New build, new site

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

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

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

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

33. Several sites were considered in consultation with colleagues across the Council with a short list of eight sites deemed to be worthy of further investigation. All of the sites have their challenges and potential for other uses, which would rule out building a crematorium on those sites. In addition, for some there would be land acquisition costs or lost opportunity costs of land in DBC ownership, alongside this an estimated cost for a new crematorium is approximately £6.5million. For these reasons, whilst a new crematorium on a new site would provide the best solution, it is neither feasible nor financially viable. A new site should also be ideally set in 10-15 acres (4-6 hectares) of surrounding land to ensure a peaceful and dignified environment, which is still easily accessible.

34. The sites considered were:

- (a) Banks Road (site to the rear of both the housing estate and busy industrial estate)
- (b) Cummins (site located to the rear of Cummins Manufacturing facility)
- (c) Low Brankin Moor (site located between A66 and main train line running from Darlington to Middlesbrough)
- (d) Morton Grange Farmland (site lies between A66 and A67)
- (e) Morton Palms Business Park (site located to the east of Morton Palms Business Park adjacent to the A66)
- (f) Muscar House Farmland (site located in Brampton on the north-western outskirts of Darlington)
- (g) Salters Lane South (location to the rear of the site)
- (h) West of Aeolian House (site that lies between the A66 and A67).

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

35. Due to the location of the Crematorium in the centre of West Cemetery and the fact the building is surrounded on nearly every side by graves close against the walls, there is very little room for any extension to the building with the exception of the grassed area to the front and paved at the rear. The focus of any redevelopment is therefore mainly limited to the redesign of the inner spaces to provide an improved operational environment for staff and to potentially increase the capacity of the Chapel.

36. With any refurbishment or redevelopment project of an existing building, compromise on what is achievable or possible will always form part of the design process. With a site as restricted as this, compromise is likely to form an even larger part of the design with the end result often not providing the full package expected by the local community nor providing a solution fully compatible with future requirements.

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

Crematory Development

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

Crematory Development Cremation Equipment

This would involve:

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

Chapel Development

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

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

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

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

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

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

Car Parking Traffic Flow

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

Risks

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

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

in terms of space, design and safety.

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

Timescale

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

Phased Approach

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

The advantages of carrying out the work in this way:

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

The disadvantages of the phased approach would be:

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

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

Full Closure

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

The advantages of this approach are:

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

The disadvantages of this approach are:

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

Estimated Cost

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

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

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

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

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

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

no impediment to building a split site.

Risks

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

Timescales

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

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

Note:

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

Estimated Cost

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

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

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

Refurbishment Analysis

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

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

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

Government Review of Crematorium Provision and Facilities

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

Consultation with Local Religious Leaders and Funeral Directors

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

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

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

Place Scrutiny

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

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

Financial Implications

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

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

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

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

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

VAT

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

Operational Financial Implications

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

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

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

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

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

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

Equalities Advice

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

Legal and Property

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

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

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

Procurement

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

Conclusion

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

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**CABINET
9 MARCH 2021**

SUPPORTING THE CHILDHOOD HEALTH WEIGHT PLAN FOR DARLINGTON

**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 to commence a review of the available planning powers that could be used to support the Council's objectives of achieving the targets set in the Childhood Healthy Weight Plan for Darlington.

Summary

2. Planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have a role in enabling a healthier environment by supporting opportunities for communities to access a wide range of healthier food production and consumption choices.
3. Local planning authorities can consider bringing forward, where supported by an evidence base, local planning policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant.
4. Policies may also request the provision of allotments or allotment gardens, to ensure the provision of adequate spaces for food growing opportunities.
5. Local planning authorities and planning applicants could have particular regard to the following issues: -
 - (a) proximity to locations where children and young people congregate such as schools, community centres and playgrounds
 - (b) evidence indicating high levels of obesity, deprivation and general poor health in specific locations
 - (c) over-concentration and clustering of certain use classes within a specified area
 - (d) Residential amenity – odours and noise impact
 - (e) traffic impact
 - (f) refuse and litter
 - (g) Over proliferation – where the number approved establishments within the Ward equals or exceeds the UK national average per 1000 population

(h) Opening hours

Recommendations

6. It is recommended that:-
- (a) Cabinet request officers explore the merits of adopting the available planning powers through the development of an evidence base and the analysis of good practice elsewhere in the country which will assist in addressing childhood obesity.
 - (b) in conducting the review, officers consult with the Health and Wellbeing Board.
 - (c) a report be brought back to a future Cabinet meeting.

Reasons

7. The recommendations are supported as they will contribute to the further health and wellbeing of the Town.

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

Childhood Healthy Weight Plan for Darlington

Mark Ladyman: Extension 6306

S17 Crime and Disorder	No direct impact
Health and Well Being	Potentially positive impacts for health and wellbeing
Carbon Impact	No direct impact
Diversity	No direct impact
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	This decision does not involve any change to the budget and policy framework
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	Potentially positive impacts for health and wellbeing
Efficiency	No direct impacts
Impact on Looked After Children and Care Leavers	Potentially positive impacts for all children including Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

8. Tackling obesity requires a whole system approach, with local authorities, health services and commissioners all playing their part. The health and wellbeing of local communities is affected by a wide range of factors. The built environment is a key factor that spatial planning can be used to improve. There are existing powers within the planning system which can be adopted to support health and wellbeing and several local authorities have adopted Supplementary Planning Documents (SPD) to assist in managing the number of hot food takeaways.
9. The National Planning Policy Framework (NPPF), published in February 2019 is a material consideration in the determination of planning applications. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 explains that there are three dimensions to sustainable development – economic, social and environmental. The social role comprises supporting strong, vibrant and healthy communities, by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Poor health also impacts on economic outcomes.
10. Paragraph 91 of the NPPF focuses on promoting healthy communities emphasizing how planning can play an important role in facilitating social interaction and creating healthy, inclusive communities.
11. It is important to note that the NPPF aims to ensure the vitality of town centres by encouraging local planning authorities to set out policies for the management and growth of centres, including making clear which uses will be permitted in certain locations and promoting competitive town centres that provide customer choice and a diverse retail offer. The NPPF states that planning policies and decisions should aim to achieve amongst other things, strong neighbourhood centres and active street frontages. This section of the NPPF also requires planning decisions to guard against the loss of valued facilities and services.
12. The range of issues that could be considered through the plan-making and decision-making processes, in respect of health and healthcare infrastructure, include how: the local planning policies promotes health, social and cultural wellbeing and supports the reduction of health inequalities and considers opportunities for healthy lifestyles (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces and opportunities for play, sport and recreation).
13. It should be noted for the proposed work will be carried out in conjunctions with the Health and Wellbeing Board to ensure any spatial planning policy changes are informed through evidence and intelligence of impact of hot food takeaways on childhood obesity the local area. A clear evidence base and justified policy wording should result in the policies being found to be 'sound' by the Planning Inspectorate and subsequently become the adopted policy. It is important that any adopted policy provides strong grounds that enable the policy to be used as grounds for

refusal in planning application decision making and that the decision is capable of being upheld at any subsequent appeal proceedings.

14. Future policy initiatives also need to reflect and adopt good practices that exist across the country. In the interim the Director of Public Health will be consulted when planning applications are received until there is further detailed work done on this issue. The response from the Director of Public Health would identify or not any specific issues regarding public health that may be material to the determining of any given application, in any given locality.

Financial Considerations

15. There are no financial implications to this report at this moment.

Consultation

16. The Council is strongly committed to involving as many people as possible in the preparation of any planning policy changes to ensure that stakeholders and the community have an opportunity to have their say. The Council is legally required by Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulation 2012, alongside the Darlington Statement of Community Involvement (SCI) to carry out early engagement during the scoping exercise and formally consult on the draft planning policy.

**CABINET
9 MARCH 2021**

REGULATION OF INVESTIGATORY POWERS

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

Responsible Director - Paul Wildsmith, Managing Director

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to inform and update Members about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in October 2020. Members are also asked to approve a revised RIPA Policy.

Summary

2. The Regulation of Investigatory Powers Act 2000 ("RIPA") enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with.
3. The Investigatory Powers Act 2016 ("IPA") is the main legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with.
4. This report updates members on issues relevant to this area of work and gives details of RIPA directed surveillance applications and IPA communications data applications that have been authorised since the last report to Cabinet.
5. As a result of the Inspection by the Investigatory Powers Commissioner's Office that took place in August 2020 (reported in October's Cabinet Report) and also to pick up on forthcoming changes to senior management, the RIPA Policy has now been amended and updated. A copy is attached at **Appendix 1**.

Recommendation

6. It is recommended that Members:-
 - (a) Note the developments that have taken place since October 2020.
 - (b) Approve the RIPA Policy attached at Appendix 1, with re new Policy to come into force from 1 June 2021.

- (c) Receive further reports on the Council’s use of RIPA and IPA and other associated issues.

Reasons

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

- (a) In order to ensure that the Council complies with the legal obligations under RIPA, IPA and national guidance.
- (b) To help in giving transparency about the use of RIPA and IPA in this Council.
- (c) To update the RIPA policy and procedures to reflect both legislative, operational and structural changes.

**Paul Wildsmith
Managing Director**

Background Papers

Home Office, Covert Surveillance and Property Interference, Revised Code of Practice, August 2018

Home Office, Covert Human Intelligence Sources, Revised Code of Practice, August 2018

Luke Swinhoe: Extension 5490

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

MAIN REPORT

Information and Analysis

RIPA Policy

8. The current version of the RIPA Policy was approved by Cabinet on 5 February 2019 and, following the inspection by the Investigatory Powers Commissioner's Office in August 2020, it now requires further amendment.
9. In line with the Inspector's comments, we have therefore:
 - (i) Provided clarification about what is meant by "collateral intrusion" by adding a definition of this into the relevant section;
 - (ii) Deleted the reference to urgent actions;
 - (iii) Added more detail about retention, review and delegation;
 - (iv) Reviewed the information within the Policy concerning social media and surveillance;
 - (v) Updated the section on lawful business practice;
 - (vi) Reviewed the section covering "non RIPA" surveillance;
 - (vii) Included the Director of Children and Adult Services as an Authorising Officer; and
 - (viii) Included guidance about what is done with the product (i.e. photos, recordings, logs) of any surveillance exercise.
10. In addition, the RIPA policy has also been amended to reflect staff retirements and changes to the senior management. It is proposed that the Group Director of Operations will discharge the role of the Senior Responsible Officer and the authorising officers will be the Chief Executive, the Group Director of Operations, the Group Director of Services and the Director of Children and Adult Services. The RIPA Co ordinating Officer will continue to be the Assistant Director, Law and Governance. It is proposed that the updated RIPA policy comes into force on the 1 June 2021, when the new senior management structure goes live.

RIPA Authorisation Forms

11. These have not been updated by the Home Office for some time. The forms predate the Protection of Freedoms Act and reference earlier Codes of Practice that have since been revised. It was suggested by the Inspector in August 2020 that we could update our forms ourselves, rather than await any Home Office updates. It is our intention to do this later in 2021 and we shall update you on our progress with this in the next Cabinet Report.

Authorisation Forms for Surveillance Outside of RIPA

12. Once the RIPA Authorisation Forms have been updated, it is also our intention to create a similar set of updated forms to cover surveillance that falls outside of RIPA. This is because there is case law that suggests that RIPA only applies to circumstances when the local authority is carrying out a core function. Core functions are the specific public functions undertaken by the local authority, for instance a regulatory function.
13. This means that if a matter relates to an ordinary function, RIPA does not apply. Accordingly, any surveillance activity will be undertaken outside of RIPA and therefore without the statutory protection afforded by RIPA compliance. In such circumstances, the activity will only be lawful if it can be shown that the requirements of the Human Rights Act 1998 have been complied with. These forms will enable the Council to demonstrate that compliance with the HRA. Again, we shall update you on our progress with this in the next Cabinet Report.

Bi-Annual Report

Directed Surveillance Authorisations

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

Communications Data Authorisations

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

REGULATION OF INVESTIGATORY POWERS

DARLINGTON BOROUGH COUNCIL RIPA POLICY

REVIEWED BY CABINET ON:- 9 March 2021

IN FORCE FROM - 1 June 2021

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THE REGULATION OF INVESTIGATORY POWERS ACT 2000

Policy Statement

1. Darlington Borough Council will apply the principles of the Regulation of Investigatory Powers Act 2000 (RIPA) to all activities where covert surveillance or covert human intelligence sources are used. In doing so the Council will also take into account their duties under other legislation, in particular the Human Rights Act 1998 and Data Protection Act 2018, and its common law obligations.

Overview of the Act

2. The Act came into force on the 24th September 2000, and aims to balance, in accordance with the European Convention of Human Rights, the rights of individuals with the need for law enforcement and security agencies to have powers to perform their roles effectively. The Act and amending legislation allow local authorities to collect evidence of criminal activity lawfully where the

investigation requires covert surveillance even where that may lead to them obtaining private information about individuals.

Purpose of the Act

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

Definitions

Private Information

7. Should be taken generally to include any aspect of a person's private or personal relationship with others, including family and professional or business relationships.

Confidential Information

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

Surveillance

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

Covert Surveillance

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

Intrusive Surveillance

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

Residential Premises

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

Private Vehicles

17. Used primarily for the private purposes of the person who owns it or a person otherwise having the right to use it e.g. a company car.

Directed surveillance

18. Surveillance is “directed” if it is covert, but not intrusive, and is undertaken:-
 - (a) for the purposes of a specific investigation or operation;
 - (b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation).

19. Surveillance will not be directed, and therefore will not require authorisation, if it is done by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for carrying out the surveillance.

Covert Human Intelligence Source

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

Revised Code of Practice 2018

24. The Home Office have produced a Code of Practice for Covert Surveillance and Property Interference, this has been revised recently and this Policy has been updated in accordance with the Revised Code. The Revised Code of Practice 2018 provides guidance on the use by public authorities to authorise covert surveillance that is likely to result in obtaining private information about a person.
25. A copy of the Revised Code of Practice 2018 can also be found at <https://www.gov.uk/government/collections/ripa-codes>

Collateral Intrusion

26. Collateral intrusion is the interference with the privacy of people not connected with your investigation. The risk and proportionality of such intrusion must be weighed up and steps taken to mitigate it, where possible.

Does RIPA apply?

27. Before any authorisation takes place officers must consider whether the surveillance falls under RIPA. Consideration needs to be given to the changes introduced by the Protection of Freedoms Act 2012 (see paragraphs 31 and 32 below) and also to circumstances when guidance suggests that RIPA does not apply.
28. The Revised Code of Practice 2018 at pages 24 to 29 outlines various circumstances when a RIPA authorisation is not required or not appropriate.
29. If the type of surveillance being considered does not fall under RIPA, it cannot be authorised. The Council will therefore not be afforded the legal protection that RIPA provides. For this reason, such operations should not be undertaken without the advice of Legal Officers. Please refer to paragraphs 97 to 100 at page 16 of this Policy.
30. Even if RIPA does not apply, use of surveillance will still have to be in accordance with the Human Rights Act 1998 and will therefore need to be:
 - (a) Proportionate
 - (b) Necessary
 - (c) Non-discriminatory
 - (d) Lawful.

Restrictions on the use of RIPA

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

33. If RIPA does apply then the investigation will only be lawful if the authorisation procedures set out below are followed.

Authorisation Procedures

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

Written Authorisations

35. The application forms are available from the intranet (the forms portal). Each application will have a Unique Reference Number (URN). The URN is obtained from Legal Services, which holds the centrally retrievable recording system of all RIPA authorisations. This URN will be recorded onto the application for all of the forms completed in respect of a particular authorisation for identification and retrieval purposes.
36. The application will be made in writing (or can be typed) by completing the application form and forwarding this to the relevant authorising officer. Authorising officers are those officers listed on page 17. Authorising officers can only authorise the use of RIPA if they have completed the SRO approved mandatory training and attended the mandatory training updates. Authorisations, unlike applications, should be handwritten and not typed. This is best practice as, in a typed form, an authorising officer is open to the assertion that they received the authorisation form already completed and merely signed it or that it had been changed retrospectively.
37. Guidance and support in completing the application and authorisation process can be obtained from Legal Services.
38. Immediately after internal authorisation is granted an electronic copy of the form must be sent to the Assistant Director, Law and Governance with the original (with wet signatures) being sent in a confidential envelope via the internal post. This will be retained on the central record. A copy must also be retained by the applicant on the department file.
39. The application for judicial approval by a Magistrate will be made by Legal Services on receipt of the completed internal authorisation. The Authorising Officer should however make themselves available to attend court with the Legal Services' Officer.
40. For urgent applications Legal Services should be contacted at the earliest opportunity in order to make urgent arrangements to see a Magistrate. The application form and internal authorisation will still be needed but the time in which to get judicial approval should be reduced.

Time Limits

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

Reviews

43. Reviews of Authorisations should take place every four weeks or sooner if the risk of obtaining private information or of collateral intrusion is high and in accordance with the circumstances of the case.
44. A Review will take place by an applicant completing a Review Form which is located on the forms portal of the intranet before the date for review and forward the form to the Authorising Officer for consideration.
45. A copy of the review form should be forwarded electronically [immediately after the review is completed] to the Assistant Director, Law and Governance for inclusion onto the central file. The original form (wet signature) must also be forwarded to the Assistant Director, Law and Governance in the internal post. A copy of the review form should also be kept on the departmental file

Renewals

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

48. Subject to internal authorisation and judicial approval, the surveillance can be extended for a further 3 months and a CHIS can be extended for a further 12 months, starting on the date of the day the old authorisation ended.

Cancellations

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

Records

52. The Centrally Retrievable record of authorisations, renewals and cancellations is held in a locked cabinet in Legal Services and overseen by the Assistant Director, Law and Governance. The record for each RIPA application contains the following information:-
 - (a) the URN of the investigation or operation
 - (b) the title of the investigation or operation
 - (c) the type of authorisation
 - (d) the date the authorisation was given
 - (e) name and rank and grade of the authorising officer
 - (f) the application for judicial approval and order made
 - (g) if the authorisation has been renewed, when it was renewed and who authorised the renewal
 - (h) whether the investigation or operation is likely to result in obtaining confidential information
 - (i) whether the authorisation was granted by an individual directly involved in the investigation
 - (j) the date the authorisation was cancelled
53. To ensure that the Central Retrievable record is up to date, and to allow proper central oversight, it is important that all applications approved and any subsequent renewals, extensions or cancellations are sent electronically to the Assistant Director, Law and Governance as soon as those decisions are made. Hard copy original application, extension and cancellation forms (i.e. with wet signatures) must also be forwarded to the Assistant Director, Law and

Governance in the internal post. All documents sent by internal post must be marked confidential.

54. The documents in the Central Retrievable record are kept until such time as they have been made available for an OSC inspection and, in any event, for a period of at least three years from the date of the end of the authorisation.
55. All original and copy documents shall be destroyed after a period of three years from the date the authorisation comes to an end. Regular reviews should take place to ensure that retention and destruction take place appropriately.
56. Departments should also keep copies of all application forms (whether the application is granted or not), including renewal and cancellation forms on an accessible record. All records should be kept in a secure place, preferably a locked cabinet or drawer with limited key holders. All authorisations, renewals, cancellations and records of reviews shall be retained for a period of three years commencing on the date the authorisation comes to an end.
57. In relation to the use of covert human intelligence sources additional records must be maintained (see pages 13 to 15 below).

Monitoring and Review

58. Officers who made applications for Authorisations and Authorising Officers should monitor any Authorisation and keep them under review. Consideration should also be given by applicant officers and authorising officers as to whether Authorisations should be cancelled or renewed. Decisions should be recorded in addition to the reasons for those decisions.
59. In addition to the above review mechanism the Senior Responsible Officer (SRO) or her designated officer will review the authorisations held on the central file on a quarterly basis to ensure that the Act is being used consistently with the policy and the policy remains fit for purpose and that authorisation forms are being correctly completed.
60. The Group Director of Operations is appointed by the Council as the SRO for the purpose of RIPA within the Council. The SRO is responsible for:-
 - (a) the integrity of the process in place within the Council to authorise directed surveillance and the use of CHIS
 - (b) Compliance with RIPA and its Codes
 - (c) Engagement with the Commissioners and Inspectors when conducting their inspections
 - (d) Where necessary overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner
 - (e) Ensuring that all authorising officers are of an appropriate standard

61. The Assistant Director, Law and Governance is the Co-Ordinating Officer for RIPA. They are responsible for record-keeping; oversight of the applications, authorisations, reviews, renewals and cancellations; organising training; and raising RIPA awareness within the Council.
62. Elected members will review the RIPA policy annually and will consider internal reports on the use of RIPA bi-annually. These reports will be completed by the Senior Responsible Officer (SRO) or her designated officer and update members about RIPA usage (or non-usage if there has been no covert surveillance undertaken in that half of a year), compliance reviews and other matters of general relevance concerning RIPA including proposals for legislative change and guidance updates.
63. Elected members should not be involved in making decisions on specific authorisations.
64. The Investigatory Powers Commissioner's Office has set up an Inspectorate to monitor the various authorities' compliance with the Act. For local authorities the first point of contact for the Inspectors will be the Assistant Director, Law and Governance, however potentially any of the Councils' employees and records could be subject to inspection.

Granting Authorisations - Guidance for Authorising Officers

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

Criminal Conduct

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

Necessity

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

When completing the application form the applicant should set out:

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

- (h) In the case of applications for directed surveillance authorisations, both the applicant and the authorising officer **MUST** explain why covert surveillance is a necessary activity for the investigation.

Proportionality

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

Equipment

- 74. Each department shall keep a record of equipment held and to be used for the purposes of RIPA. A copy of the list of equipment should be forwarded to the Assistant Director, Law and Governance in order for the central record of all equipment held by the Council to be maintained and kept up to date.
- 75. The equipment is to be held by the individual departments should be accessible by other departments within the Council in order to carry out the functions under RIPA. Appropriate training must be given to the individual installing and using the equipment to ensure that the equipment is correctly installed and that data recorded is fit for purpose and meets the objectives of the investigation.
- 76. The impact on necessity and/or proportionality will be directed related to the type of equipment used. Any equipment used must be fit for purpose in meeting the objectives of the investigation. It is therefore important for the authorising officer to be informed of what equipment is being used and its capabilities [i.e. range, how its turned on manually or remotely] on the application form so that due consideration can be given when considering whether or not to grant the

authorisation. The authorising officer will also need to give consideration and advise how images will be managed, for example images will not be disclosed without first speaking with the data controller to ensure compliance with the appropriate data protection requirements under the Data Protection Act 2018 and any relevant codes of practice produced by the Council.

77. When equipment has been installed a check should be undertaken at least every 48 hours if not daily in order to ensure it remains operational.
78. The Criminal Procedure and Investigations Act 1996 Code of Practice makes provision for the storage and retention of the product of the surveillance. Retention of the investigation data, such as images etc, are to be kept by the relevant department in accordance with both the Code of Practice and any relevant policy of that Department. The investigator must retain material obtained in a criminal investigation which may be relevant to the investigation. Material may be photographed, video-recorded, captured digitally or otherwise retained in the form of a copy rather than the original at any time, if the original is perishable; the original was supplied to the investigator rather than generated by him and is to be returned to its owner; or the retention of a copy rather than the original is reasonable in all the circumstances. All original and copy documents shall be destroyed after a period of three years from the date the authorisation comes to an end. Regular reviews should take place to ensure that retention and destruction take place appropriately.

Covert Human Intelligence Sources (CHIS)

79. If a CHIS is to be used, there are detailed requirements regarding management of their activities. The use of a CHIS who is an adult and not a vulnerable person can be authorised by any of the authorising officers. In a case where the proposed CHIS is a juvenile or a vulnerable person, only the Chief Executive can grant an authorisation or, in their absence, the Director of Children and Adults Services would deputise for them and can grant the authorisation instead.
80. Because of the particular requirements when using a CHIS you should seek advice from the Assistant Director, Law and Governance when considering the use of a CHIS and before any decisions are made.
81. It is of primary importance when using a CHIS that the Local Authority officers involved comply with the statutory risk assessment requirements specified in section 29 of the Act which are designed for the safety of the individual acting as a CHIS and the protection of the Human Rights of those who may be directly or indirectly involved in the operation. The CHIS must be made aware of any potential risks associated with the role of CHIS.
82. The Code of Practice relating to Covert Human Intelligence Sources can be found at www.gov.uk/government/collections/ripa-codes and provides:-
 - (a) There will at all times be an officer who has day to day responsibility for dealing with the source and the sources safety and welfare.

- (b) Another officer will have general oversight of the use made of the source.
 - (c) An officer will have responsibility for maintaining a record of the use made of the source.
 - (d) The records must contain all matters specified by the Secretary of State.
 - (e) Records which disclose the identity of the source are not available to persons other than those who need access to them.
83. There are special provisions relating to the use of juveniles as a CHIS
- (a) A CHIS under the age of 16 years old should never be authorised to give information against his parents or anyone with parental responsibility for him.
 - (b) The local authority must ensure that an appropriate adult is present at meetings with the CHIS
 - (c) Use of a CHIS under the age of eighteen must not be authorised, granted or renewed unless the Local Authority has carried out or updated a risk assessment sufficient to demonstrate that any risk has been identified and evaluated, that the risk is justified, that the risks have been properly explained and understood by the potential CHIS
 - (d) Only the Chief Executive or, in their absence, the Director of Children and Adults Services who would deputise for them, can authorise the use of a juvenile CHIS.
84. A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Such a person should only be used as a CHIS in the most exceptional circumstances and only the Chief Executive may authorise use of a vulnerable adult as a CHIS or, in the absence of the Chief Executive, only the Director of Children and Adults Services when deputising for them can grant the authorisation instead.
85. The Code of Practice details the records which must be kept when using a CHIS. Originals must be hand delivered to the Litigation Team, Legal Services.
86. Each department or section shall nominate an officer who will have responsibility for ensuring that such records are kept and retained and the Assistant Director, Law and Governance informed of the identity of the designated officer.
87. It should be noted that the Code of Practice states that an officer must not grant authorisation for use of a CHIS unless he believes that there are arrangements in place for ensuring that there is at all times a person with the responsibility for

maintaining a record made of the use of the source.

88. Procedures, codes of conduct etc., developed by individual Departments in respect of their operations, which involve the use of a CHIS, must incorporate the requirements of this Policy.

Social Networking Sites and Internet Sites

89. Although social networking and internet sites are easily accessible, if they are going to be used during the course of an investigation, consideration must be given as to whether RIPA authorisation should be obtained.
90. Care must be taken to understand how the social media site being used works. Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.
91. Officers are also reminded that they must not use personal devices or their personal social media profiles in the course of an investigation. All such investigation must take place using Council devices and generic Council profiles.
92. Paragraphs 3.10 through to 3.17 of the Covert Surveillance and Property Interference Revised Code of Practice (August 2018), which can be accessed at <https://www.gov.uk/government/collections/ripa-codes> sets out in detail the considerations to be worked through in order to establish whether a RIPA authorisation is necessary for any covert online investigation.

Lawful Business Practice

93. The Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-keeping Purposes) Regulations 2018 deals with the lawful interception of communications and the restrictions on such interception. This statutory instrument can be found by accessing the link below:
<https://www.legislation.gov.uk/ukSI/2018/356/contents/made>
94. Such interceptions are only allowed if the controller of the telecommunications system on which they are affected has made all reasonable efforts to inform potential users that interceptions may be made. This Council's Internet and E-mail Usage policy does inform employees that internet and e-mail usage is monitored. Please note however that the telephone system is not subject to such monitoring therefore these regulations cannot be used as authorisation to intercept telephone calls.
95. Telephone calls may be intercepted with the consent of one of the parties to the call. However, an authorisation for directed surveillance or for the use of a Covert Human Intelligence Source must first be granted.
96. Local Authorities may not intercept communications where neither party has been made aware that the communication is being monitored.

Surveillance outside of RIPA

97. RIPA provides a lawful means of carrying out directed surveillance and using CHIS. There is case law that suggests that RIPA only applies to circumstances when the local authority is carrying out a core function (these are the specific public functions undertaken by the local authority, for instance a regulatory function). This means that if a matter relates to an ordinary function RIPA does not apply. Accordingly, any surveillance activity will be undertaken outside of RIPA (but without the statutory protection afforded by RIPA compliance). In such circumstances the activity will only be lawful if it can be shown that the requirements of the Human Rights Act 1998 have been complied with.
98. Under Article 8 of the European Convention on Human Rights an individual has the right to respect for their private and family life. This is a qualified right, which means that in certain circumstances public authorities can interfere with the private and family life of an individual. Such interference must be proportionate, in accordance with law and necessary to protect national security, public safety or the economic wellbeing of the country; to prevent disorder or crime, protect health or morals, or to protect the rights and freedoms of others.
99. This is a highly technical area. Specific legal advice must be obtained from the Assistant Director, Law and Governance if it is considered that surveillance being contemplated relates to an ordinary function and on any occasion when any surveillance in this category is contemplated.
100. If it is agreed with Legal Services that such surveillance is permissible then there are relevant forms to be completed for audit and record keeping purposes that will be provided for completion, after that discussion with the Assistant Director, Law and Governance has taken place.

Darlington Borough Council Designated Authorising Officers

101. The following persons are Authorising Officers:-

Ian Williams – Chief Executive

Dave Winstanley – Group Director of Services

Elizabeth Davison – Group Director of Operations

James Stroyan – Director of Children and Adult Services

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

**CABINET
9 MARCH 2021**

SCHEDULE OF TRANSACTIONS

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

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

SUMMARY REPORT

Purpose of the Report

1. To consider and to seek approval of the terms negotiated in respect of the Schedule of Transactions as set out below.

TRANSACTION	PURPOSE OF TRANSACTION	MINUTE REF
Acquisition of approximately 3.59 acres of land including the 1861 railway goods shed, scrap yard and approximately 0.73 acres of land off Bonomi Way, Darlington	Acquisition in connection with the Rail Heritage Quarter Scheme	C94(6)(d)/Jan /20
Acquisition of iconic premises at the corner of Crown Street and Priestgate	Acquisition in connection with Town Centre Strategic Acquisitions	C25(c)/Jul/19
Letting of 21 Nightingale Avenue plus garage, Darlington	New letting of 21 Nightingale Avenue and separate garage for a term of three years for an Indian Food Takeaway. The premises were previously a fish and chip shop so there are no planning implications.	n/a
Lease Renewal – Accommodation at 12a Horsemarket, Darlington	To renew the Lease to the existing leaseholder for a term of 5 years.	n/a

Summary

- It is necessary for Cabinet to approve terms negotiated by the Director of Economic Growth and Neighbourhood Services on behalf of the Council to enable contractually binding contracts to be completed. The Part III **Appendix 1** details the terms negotiated for consideration and approval.

Recommendation

- It is recommended that the schedule be approved and the transactions completed on the terms and conditions detailed therein.

Reasons

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

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

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

Guy Metcalfe : Extension 2735

S17 Crime and Disorder	This report has no implications for Crime & Disorder
Health and Wellbeing	There are no issues relating to Health & Wellbeing which this report needs to address
Carbon Impact and Climate Change	There is no impacts
Diversity	There are no issues relating to Diversity which this report needs to address
Wards Affected	The impact of the report on any individual Ward is considered to be minimal
Groups Affected	The impact of the report on any Group is considered to be minimal
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	This report does not adversely impact on the Strategy
Efficiency	The terms set out in the Schedule of Transactions appended to this report are considered to be in the Council's best interest and ensure the Council's business is conducted efficiently
Impact on Looked After Children and Care Leavers	There are no issues in relation to Looked After Children and Care Leavers

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

Document is Restricted

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