



DARLINGTON
Borough Council

Council Agenda

6.00 pm, Thursday, 30 September 2021
Sports Hall, Dolphin Centre, Horsemarket, Darlington, DL1 5RP.

Members of the Public are welcome to attend this Meeting.

1. Introductions / Attendance at Meeting.
2. Minutes - To approve the Minutes of the Meeting of this Council held on 15 July 2021 (Pages 5 - 10)
3. Declarations of Interest.
4. Sealing.
5. Announcements.
6. Questions - To answer questions (where appropriate notice has been given from):-
 - (a) The Public;
 - (b) Members to Cabinet/Chairs;
 - (c) Members to the Police, Crime and Victims' Commissioner for Durham and Darlington.
7. Council Reports.
 - (a) Chief Executive's Appraisal –
Report of the Assistant Director Resources
(Pages 11 - 14)

- (b) Licensing Act Policy Review –
Report of the Group Director of Services
(Pages 15 - 64)

8. Cabinet Reports.

- (a) Overview Report of the Leader of the Council; (Pages 65 - 68)
- (b) Overview Report of the Stronger Communities Portfolio; (Pages 69 - 76)
- (c) Overview Report of the Adults Portfolio; (Pages 77 - 80)
- (d) Overview Report of the Children and Young People Portfolio; (Pages 81 - 86)
- (e) Overview Report of the Economy Portfolio; (Pages 87 - 90)
- (f) Overview Report of the Health and Housing Portfolio; (Pages 91 - 96)
- (g) Overview Report of the Local Services Portfolio; and (Pages 97 - 100)
- (h) Overview Report of the Resources Portfolio. (Pages 101 - 104)

9. Scrutiny Reports - To consider Scrutiny Overview Reports:-

- (a) Adults Scrutiny Committee; (Pages 105 - 106)
- (b) Children and Young People Scrutiny Committee; (Pages 107 - 110)
- (c) Communities and Local Services Scrutiny Committee; (Pages 111 - 114)
- (d) Economy and Resources Scrutiny Committee; and (Pages 115 - 118)
- (e) Health and Housing Scrutiny Committee. (Pages 119 - 122)

10. Notice of Motion

- (a) To consider a Motion submitted by Councillor Layton, and seconded by Councillor Harker –

In increasing National Insurance Contributions (NIC), the government will be funding social care reforms at the cost of the poorest and the youngest in our community. Younger workers and households relying on welfare will be hardest hit by this tax increase.

The increase in NIC contributions could dissuade local companies from hiring people on a permanent basis due to higher employee NIC payment, leaving Darlington workers faced with more unstable working conditions.

Youth unemployment is particularly high in Darlington (11.7% for 20-24 year olds compared to a national average of 7.7%) and the Tees Valley already, raising NIC is likely to exacerbate this problem. On top of this, the average 25-year-old, lucky enough to find work, will be paying an extra £12,600 over their working lives from the NIC increase.

The Joseph Rowntree Foundation estimates that two million families on low incomes who face imminent cuts to benefits will have to pay £100 more in NIC annually.

This extra cost will have a devastating effect on over 10,000 Darlington families who are already facing an historic £1,040 cut to their annual incomes when Universal Credit and Working Tax Credit are reduced on 6th October 2021.

The TUC estimates that 2.3 million workers, many of which are key worker households, will be worse off as a result of government plans to cut Universal Credit. Many of those on Universal Credit (40% of claimants) are already in work. Many thousands of families in Darlington will be affected by these hard-hitting changes to benefits and tax.

This Council resolves that the double blow of increasing National Insurance and reducing the £20 uplift for those on Universal Credit could have a devastating effect on families in Darlington and around the country, already struggling to make ends meet.

This Council agrees to:

- a. Call on government to rethink these plans as a matter of urgency.
- b. Call on MPs Peter Gibson (representing Darlington) and Paul Howell (representing Sedgefield and parts of Darlington) to explain their rationalisation for supporting the NI rise and the cut to the £20 uplift to Universal Credit both of which will have devastating economic consequences for many thousands of working and out of work people in Darlington.
- c. Call on the Economy and Resources Scrutiny Committee to look at the impact of the NI increase and the cut to the £20 uplift on Universal Credit on Darlington's people and economy.

11. Membership Changes - To consider any membership changes to Committees, Subsidiary Bodies and Other Bodies.



Luke Swinhoe
Assistant Director Law and Governance

Wednesday, 22 September 2021

Town Hall
Darlington.

Membership

The Mayor, Councillors Ali, Allen, Baldwin, Bartch, Bell, Boddy, Dr. Chou, Clarke, Cossins, Crudass, Crumbie, Mrs Culley, Curry, Donoghue, Dulston, Durham, Harker, Haszeldine, Heslop, Holroyd, L Hughes, Johnson, B Jones, Mrs D Jones, Keir, Laing, Layton, Lee, Lister, Lucas, Marshall, McCollom, McEwan, Mills, Newall, K Nicholson, M Nicholson, Paley, Preston, Renton, A J Scott, Mrs H Scott, Snedker, Sowerby, Tait, Tostevin, Wallis, Willis and Wright

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections Officer, Operations 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
Email: paul.dalton@darlington.gov.uk or Telephone 01325 405805

COUNCIL

Thursday, 15 July 2021

PRESENT – The Mayor, Councillors Ali, Allen, Bartch, Bell, Dr. Chou, Clarke, Cossins, Crudass, Mrs Culley, Curry, Donoghue, Dulston, Durham, Harker, Haszeldine, Heslop, Holroyd, L Hughes, Johnson, B Jones, Keir, Laing, Lee, Lister, Marshall, McCollom, K Nicholson, M Nicholson, Preston, Renton, A J Scott, Mrs H Scott, Snedker, Sowerby, Tait, Tostevin, Willis and Wright.

APOLOGIES – Councillors Boddy, Crumbie, Mrs D Jones, Layton, Lucas, McEwan, Mills, Newall, Paley and Wallis.

ABSENT – Councillor Baldwin.

11 **MINUTES - TO APPROVE THE MINUTES OF THE MEETINGS OF THIS COUNCIL HELD ON 25 MARCH 2021, 20 MAY 2021 AND 9 JUNE 2021**

Submitted – The Minutes (previously circulated) of the meetings of this Council held on 25 March 2021, 20 May 2021 and 9 June 2021.

RESOLVED – That the Minutes of the meetings of this Council held on 25 March 2021, 20 May 2021 and 9 June 2021, be approved as correct records.

12 **DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at the meeting.

13 **SEALING.**

Presented – The Register showing the documents which had been sealed since the last meeting of Council.

14 **ANNOUNCEMENTS.**

Death in Service – The Mayor reported on the Death in Service of John Haycock, who had sadly passed away on the 26th June 2021. The Mayor advised that John was employed as part of the Town Hall Security Team. As a mark of respect, Members observed a short silence in memory of Mr. Haycock.

Srebrenica - The Mayor informed Members that it was the 26th anniversary of the genocide in Srebrenica, Bosnia-Herzegovina, and that Councils and elected representatives had been encouraged to remember and acknowledge both the victims and survivors of Srebrenica. Members observed a short period of silence and reflection to honour the victims and survivors of this terrible atrocity.

Queen's Birthday Honours - The Mayor reported that Ms. Maura Regan, Chief Executive Officer, Bishop Hogarth Catholic Education Trust, which included five Darlington schools, was awarded the Dames Commander of the Order of the British Empire (D.B.E.) for services to education.

The Mayor informed Members that Ms. Gillian Scott, lately Macmillan Prison Lead for Palliative and End of Life Care for the County Durham and Darlington NHS Foundation Trust was awarded the Member of the Order of the British Empire (M.B.E.), for services to Palliative and End of Life Care.

The Mayor also advised that Katherine Sarah O'Sullivan, Deputy Chair, British Rowing, and a resident of Darlington, became a Medallist of the Order of the British Empire (B.E.M.) for services to Rowing, and that Tarek Fared Moustafa Thoma, owner of The Oven Restaurant, and a resident of Darlington, became a Medallist of the Order of the British Empire (B.E.M.) for services to the community in Middlesbrough and Key Workers during the Covid-19 Pandemic.

15 QUESTIONS - TO ANSWER QUESTIONS (WHERE APPROPRIATE NOTICE HAS BEEN GIVEN FROM):-

(1) THE PUBLIC;

There were three questions, with notice, from Members of the Public, who each received an answer thereon.

(2) MEMBERS TO CABINET/CHAIRS;

There were no questions from Members, where notice had been given, for the Mayor, Members of the Cabinet, or the Chairs of the Scrutiny Committees.

(3) MEMBERS TO THE POLICE, CRIME AND VICTIMS' COMMISSIONER FOR DURHAM AND DARLINGTON.

The Police, Crime and Victims' Commissioner for Durham and Darlington attended the meeting, addressed Members and answered questions thereon.

16 COUNCIL REPORTS.

There were no reports for consideration at the meeting.

17 CABINET REPORTS.

The Cabinet Members each gave a report (previously circulated) on the main areas of work undertaken under their relevant portfolio during the previous cycle of meetings. Cabinet Members answered questions on their portfolios.

18 PARTNERSHIP WORKING IN DARLINGTON

The Chief Executive submitted a report (previously circulated) which updated Members on a new partnership approach to delivering success for Darlington, agreed with partners, and sought agreement to amend the Council's Constitution with regard to its lead strategic documents.

The submitted report outlined a number of changes made to partnership working in Darlington, and it was reported that partners had agreed that the Partnership Board would cease and be replaced by a Public Sector Executive Group and other partnership arrangements to be developed. It was also reported that, as a result of the change in circumstances, the Sustainable Community Strategy (SCS) would cease to be used as the strategic lead for the Borough, and that the lead would now be provided to partners by the Council Plan.

The submitted report advised that this changed approach was considered and approved by Cabinet on the 1 June 2021, subject to approval by Council of the constitutional changes required. Members were informed that the Communities and Local Services Scrutiny Committee had held a Special Meeting on 25 June 2021, after the recommendation of Cabinet was called in. Members were advised that after carefully considering all of the points raised, the majority view of the Communities and Local Services Scrutiny Committee was that it was satisfied with the decision Cabinet took on 1 June 2021.

RESOLVED - (a) That the new approach to partnership working in Darlington be noted.

(b) That the great contribution to Darlington made by current and past Members of the Darlington Partnership be recognised.

(c) That the change of emphasis with the Council Plan standing as the Council's lead strategy and agree that the Council ceases to have a separate Sustainable Community Strategy be approved.

(d) That authority be delegated to the Assistant Director, Law and Governance to make consequential amendments to the Constitution.

REASONS - (a) To refresh partnering in Darlington and continues to thrive and acknowledge the general work done.

(b) For the matter to be considered by Council in accordance with the procedure for making changes to documents that are part of the policy framework.

(c) To enable appropriate amendments to the Constitution to be made.

19 SCRUTINY REPORTS - TO CONSIDER SCRUTINY OVERVIEW REPORTS:-

The Scrutiny Committee Chairs each submitted a report (previously circulated) on the main areas of work undertaken by their relevant Scrutiny Committee during the last cycle of Committee meetings, and responded to any questions thereon.

20 NOTICE OF MOTION

(1) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR MCCOLLOM, AND SECONDED BY COUNCILLOR HASZELDINE

The following Motion was moved by Councillor McCollom, and seconded by Councillor Haszeldine:

This Council notes :-

- (1) The worrying official statistics published on 22nd June 2021 by the Department for Work and Pensions (DWP) that show that hundreds more families in the North East have seen their benefits capped since the start of the Covid-19 pandemic.
- (2) In Darlington, 184 families had their benefits capped during February 2021, which was a rise of 56% on the same period last year. Households impacted lose an average of £62 per week.
- (3) Most families affected by the cap cannot work to escape its effect — as many are looking after young children or cannot find affordable childcare they can combine with work and single parenting. In fact, of the households impacted this year in Darlington, 133 were headed by single parents.
- (4) Many households who have lost jobs to Covid-19 are now subject to the cap, even though in the pandemic it is much harder to find ways to replace their lost earnings and thereby become exempt.
- (5) The cap limits the total amount of benefits low-earning or non-working claimants can receive. Universal Credit claimants are exempt if they earn at least £617 per month (equivalent to working 16 hours per week on minimum wage).
- (6) Many families are earning their poverty as three quarters of children in poverty live in working families.

This Council resolves :-

- (1) That the leaders of all political parties represented on this council write a joint letter to our two MPs seeking their support for a review of the benefit cap policy aimed at people who could work but chose not to being applied to single parents with young children and those, through no fault of their own, have been impacted by the structural economic changes brought on by Covid.
- (2) That data is collected and made available to the Health and Housing Scrutiny Committee on a quarterly basis highlighting the number of applications (both successful and unsuccessful) for discretionary housing benefits from Darlington residents whose benefits have been capped.

The following amendment to the Motion was moved by Councillor Clarke, and seconded by Councillor Willis:

(a) Delete the following from the 'Council resolves' paragraphs:-

- (1) That the leaders of all political parties represented on this council write a joint letter to

our two MPs seeking their support for a review of the benefit cap policy aimed at people who could work but chose not to being applied to single parents with young children and those, through no fault of their own, have been impacted by the structural economic changes brought on by Covid.

And replace with :-

(1) Undertake work to try and identify those households that have been affected by the benefit cap for targeted support, including :- A review of their benefits and wider access to support e.g. Free school meals, The Bread and Butter thing, Discretionary Housing Payments, Darlo millions, CAB and others to determine if they may be eligible for any benefits which exempt households from the cap and / or maximise wider support services to mitigate the impact of the cap.

Amendment Carried.

The Amendment became the Substantive Motion and was put to the meeting and carried.

21 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO COMMITTEES, SUBSIDIARY BODIES AND OTHER BODIES.

Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the remainder of the Municipal Year 2021/22.

RESOLVED – (a) That Councillor Mrs. D. Jones be replaced by an Independent Member (Liz Dargue) on the Tees Valley Combined Authority Independent Remuneration Panel;

(b) That Councillors Sowerby and Willis be appointed to fill the Conservative vacancies for Named Substitutes on the Tees Valley Combined Authority Overview and Scrutiny Committee, for Councillors Mrs. D. Jones and Renton respectively;

(c) That Councillor Lee be appointed to the Combined Fire Authority's Performance Committee (formerly Policy and Performance Committee)

(d) That Councillor B. Jones be appointed to the Combined Fire Authority's newly created Pension Board;

(e) That Councillor Crumbie be appointed to the Combined Fire Authority's Audit and Finance Committee (formerly Audit and Risk Committee), and

(f) That Councillor Crumbie be appointed to the Combined Fire Authority's newly created Human Resources Committee.

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COUNCIL
30 SEPTEMBER 2021

CHIEF EXECUTIVE'S APPRAISAL

Responsible Cabinet Member – Councillor Heather Scott, Leader of the Council

Responsible Assistant Director – Brett Nielsen

SUMMARY REPORT

Purpose of the Report

1. To endorse the recommendation of the Appraisal Sub-Group in respect of the Chief Executive's Performance Appraisal.

Summary

2. The Appraisal Sub-Group met on 7 September 2021 to consider the Chief Executive's Performance Appraisal in accordance with the previously agreed process.
3. This report outlines the recommendation of the Appraisal Sub-Group.

Recommendation

4. It is recommended that the following recommendation of the Appraisal Sub-Group be endorsed by the Council:

That in respect of the Chief Executive's Appraisal, it is recommended that Council note that the Appraisal Sub-Group has met to consider the Chief Executive's Appraisal for 2021/22 and has agreed that the Chief Executive will focus on the following key themes for the year ahead:

- (i) transitioning out from covid as an organisation and as a Borough;
- (ii) execute key regeneration priorities including town centre;
- (iii) delivery and communication of the council plan;
- (iv) promoting the council in a positive light and develop the new leadership with a positive employee culture and service;
- (v) positively seek additional funding for councils schemes;
- (vi) work with partners to better Darlington; and
- (vii) reviewing and delivering the MTFP supporting service delivery

Reason

5. The recommendation is supported by the following reason:- to enable the appraisal to be confirmed.

Brett Nielsen
Assistant Director Resources

Background Papers

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

Shirley Wright Ext 5998

S17 Crime and Disorder	There are no issues in relation to Crime and Disorder.
Health and Well Being	There are no issues in relation to Health and Wellbeing.
Carbon Impact and Climate Change	There is no direct impact
Diversity	There are no issues relating to Diversity which this report needs to address.
Wards Affected	None.
Groups Affected	None.
Budget and Policy Framework	This report does not affect the budget or policy framework.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision.
Council Plan	The report contributes to the Council Plan in a number of ways through Officer involvement in contributing to the delivery of the Plan.
Efficiency	This report does not have any direct impact on efficiency.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children and Care Leavers

MAIN REPORT

Information and Analysis

6. The Appraisal Sub-Group (a subsidiary body of the Human Resources Committee) undertakes an annual appraisal with the Chief Executive and reports its recommendations to the Council.
7. The Sub-Group noted, at the meeting on 7 September, 2021, that this was the first appraisal for the recently appointed Chief Executive, and therefore no targets had been set for review, however, they did consider a report submitted by the Chief Executive on the priorities he had been working on since his appointment.
8. In considering the report, the Group acknowledged the work the Chief Executive has undertaken in the last three months since his appointment in embedding the new Organisational Structure and the new Senior Management Team. It particularly recognised the strong leadership through the Pandemic and the embracement of the new Organisational Structure.

9. The Sub-Group made the following recommendation to Council:

That in respect of the Chief Executive's Appraisal, it is recommended that Council note that the Appraisal Sub-Group has met to consider the Chief Executive's Appraisal for 2021/22 and has agreed that the Chief Executive will focus on the following key themes for the year ahead:

- (i) transitioning out from covid as an organisation and as a Borough;
- (ii) execute key regeneration priorities including town centre;
- (iii) delivery and communication of the council plan;
- (iv) promoting the council in a positive light and develop the new leadership with a positive employee culture and service;
- (v) positively seek additional funding for councils schemes;
- (vi) work with partners to better Darlington; and
- (vii) reviewing and delivering the MTFP supporting service delivery

Conclusion

10. The Chief Executive's appraisal has been undertaken by the Appraisal Sub-Group of the Human Resources Committee. As this is a Committee constituted by Council, Council is required to endorse the recommendation of the Sub-Group.

**COUNCIL
30 SEPTEMBER 2021**

LICENSING ACT POLICY REVIEW

**Responsible Cabinet Member -
Councillor Jonathan Dulston, Stronger Communities Portfolio**

**Responsible Director -
Dave Winstanley, Group Director of Services**

SUMMARY REPORT

Purpose of the Report

1. To invite Members to approve the current Statement of Licensing Policy be carried forward to allow sufficient time to fully consult with the hospitality trade and stakeholders once the impact Covid-19 regulations had on this industry can be sufficiently assessed.

Summary

2. This report seeks Members' approval, following public consultation, on the Council's Statement of Licensing Policy, which had been due to be renewed, however the closure of the hospitality industry during Covid-19 restrictions meant there was no opportunity for meaningful consultation. A new policy will be developed once the hospitality trade has had a chance to recover and the impact of legislative changes made due to Covid-19 can be properly assessed. This approach has been supported by the Licensing Committee following a meeting held on 17 August 2021.

Recommendation

3. It is requested that full Council approve our Statement of Licensing Policy be carried over with immediate effect.

Reason

4. To ensure standards are maintained until such a time meaningful consultation can take place with the hospitality trade following recovery from Covid-19 restrictions.

**Dave Winstanley
Group Director of Services**

Background Papers

- (i) Licensing Act 2003;
- (ii) Section 182 Guidance to the Act 2018;
- (iii) Business and Planning Act 2020;
- (iv) The Equality Act 2010;
- (v) Immigration Act 2016;
- (vi) Human Rights Act 1998.

Colin Dobson: Extension 5988

S17 Crime and Disorder	This policy will continue to address issues specifically relating to criminal offences
Health and Well Being	Covid-19 is an ongoing issue that will need to be considered throughout this policy in line with government guidelines/regulations
Carbon Impact and Climate Change	Reduced emission and promotion of renewable energy will be addressed in this policy
Diversity	The proposals will have no additional impact on equality of opportunity for the disabled public. Equality Act screening assessment has been carried out
Wards Affected	The proposals affect all Wards
Groups Affected	The proposals affects those using the licensed trade
Budget and Policy Framework	This report represents no change to Policy
Key Decision	The proposals do not represent a key decision
Urgent Decision	This is not an urgent decision
Council Plan	The proposals will continue to contribute to the growth of a sustainable economy whilst maintaining stability within the hospitality trade and protecting the general public
Efficiency	This report has no impact on the Council's Efficiency Programme.
Impact on Looked After Children and Care Leavers	This report has no impact on the Council's impact on Looked After Children and Care Leavers

MAIN REPORT

Background

5. Section 5 of the Licensing Act 2003 requires that each Local Authority has a Statement of Licensing Policy (**Appendix 1**), reviewed every five years and Darlington Borough Council's policy was to be renewed on 1 January 2021. Work had commenced on this review early in 2020, however the ongoing Covid-19 regulations had an enormous impact on the hospitality trade, particularly those with premises licences. As an interim measure the Licensing Committee approved a delay to this policy being renewed until April 2021, however when businesses were compelled to close it became clear that this was an unrealistic expectation. The hospitality trade is now in the early stages of recovery, however even as restrictions are fully lifted it is unlikely that this industry will be the same

as before the pandemic. There is always the possibility that restrictions may be re-imposed as we move into the winter months.

6. The Business and Planning Act announced in July 2020 was introduced to assist the hospitality trade with ongoing restrictions by allowing a greater use of outside space until September 2021. This was then extended by secondary legislation until September 2022, providing further support to the hospitality industry. It is unclear at the moment if this legislation will be made permanent. As it has an impact on the Licensing Act it will, as a consequence of that, influence our new Licensing Act Policy.
7. The North East Strategic Licensing Group (NESLG) expressed concerns during 2020 that due to the closure of many licensed premises it was impossible to adequately consult with the hospitality industry that has been seriously damaged, and may never recover to the level it once operated. With these concerns in mind, clarity was sought by the Local Government Association (LGA) from government, whether scheduled Licensing Act Policy Reviews could be delayed to such a time that adequate consultation could take place with the hospitality industry for new policies to be developed.
8. On 1 October 2020 a letter was sent to all Licensing Authorities by Kit Malthouse MP, Minister of State for Crime and Policing, offering further guidance to Local Authorities following legal consultation over the issue of policy (**Appendix 2**). *It should be noted that in this letter the subject of Cumulative Impact Assessments was included. Darlington does not have Cumulative Impact Policy in place and there are no plans for one to be introduced.*
9. Whilst offering a great deal of sympathy, the Minister highlighted that it is unlikely the licensing legislation will be changed, so we still have a legal obligation to review our Statement of Licensing Policy. He did however invite licensing authorities to explore a pragmatic approach to reflect these exceptional circumstances.
10. It is proposed, in line with guidance from the Minister of State for Crime and Policing, to further extend our current policy until such a time there is an opportunity for meaningful consultation with the hospitality industry to take place and when there will be a greater understanding of the impact this pandemic has had on our community. It will also afford us the opportunity of waiting to establish if changes to the Licensing Act by the Business and Planning Act will be made permanent.

The Consultation Process

11. With approval of the Licensing Committee and in line with Section 182 Guidance to the Act, Licensing have consulted with Responsible Authorities and the public. This consultation period was from 1 March until 6 April 2021. It was advertised on Darlington Borough Council Website supported by a series of media releases (social and press) to signpost people to the site. During that time no representations were made. Responsible Authorities were consulted individually and all responses were in support of this pragmatic approach.
12. Licensing also consulted with North East Strategic Licensing Group (NESLG), which Darlington is a member and this is the approach many local authorities have taken throughout the country.

Consultation with the Licensing Committee

13. On 17 August 2021 the Licensing Committee agreed with the proposal to carry forward our current Statement of Licensing Policy and recommended its approval by Full Council.

Equalities Impact Assessment

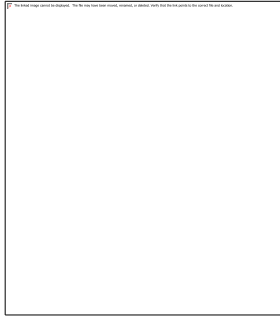
14. The full policy was subject to an Equalities Impact Assessment when last reviewed in 2016 and a recent screening process has been carried out to ensure this assessment is still appropriate. Darlington Association on Disability (DAD) have been involved in the consultation process and there is nothing contained within this report that would adversely impact upon that assessment.

Financial Implications

15. There are no financial implications arising in respect of this report.

Conclusion

16. The proposed carry over of this policy will provide stability for the hospitality trade at a time of great uncertainty, whilst maintaining safety standards already in place.



LICENSING POLICY

in relation to

THE LICENSING ACT 2003

APPROVED BY COUNCIL : 19 November 2015
IMPLEMENTATION DATE : 07 January 2016

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1.0 INTRODUCTION

1.1 Darlington Borough Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment. Conditions can be attached to licences only to ensure the following:

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **The Prevention of Public Nuisance**
- **The Protection of Children from Harm**

These are known as the “Licensing Objectives” are the only matters which can be considered when determining an application. The Council’s decision making ability is constrained either by the provisions of the Act and/or Regulations made under the Act. The Council is also required to have regard to guidance from the Secretary of State but may, if it considers it appropriate, deviate from the guidance where there are good reasons, which can be justified. The Policy must not ignore or be inconsistent with the provisions of the Licensing Act 2003. In determining its Policy the Council will give appropriate weight to the views of those it has consulted.

1.2 The Licensing Act 2003 also supports a number of other key aims and purposes.

These include:

- a) Providing the Police and the Council with powers to effectively manage and police the night-time economy and take action against any premises that are causing problems;
- b) Protecting local residents and visitors to Darlington from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- c) Recognising the important role which pubs and other licensed premises play in the local economy by reducing, where possible the regulatory burden on businesses and supporting responsible premises;
- d) Providing a regulatory framework for alcohol which enables the Council to make and enforce appropriate decisions about the most appropriate licensing strategies for the borough of Darlington; and
- e) Encouraging greater involvement in licensing decisions by local residents the opportunity in respect of licensing decisions which may affect them.

1.3 In addition this Policy also aims to:

- promote more responsible attitudes to alcohol and responsible drinking;
- raise awareness of the level of alcohol related health problems;
- protect children and residents from the negative impact of alcohol;
- reduce the rate of alcohol related crime and disorder and anti-social behaviour;
- promote a responsible licensed trade;

1.4 The Licensing Act requires every Council to prepare and publish a Licensing Policy statement from January 2005, and to review and republish every five years (during this five year period the Council will keep the Policy under review and in the event of any amendment will first consult on and then publish any revision). This Policy will first take effect from 07 January 2016

This Policy relates to licensable activities as defined in the Act, and follows guidance issued by the Secretary of State. It seeks to provide clarity and guidance on the approach adopted by the Licensing Authority, and in those matters that will normally be taken into account, when making decisions on licensing applications.

- 1.5 The Council, when publishing or revising this Policy Statement, will seek to achieve proper integration with policies affecting local crime prevention, community safety, planning, transport, tourism, race equality schemes and cultural strategies and other plans introduced for the management of Town Centre and the night time economy. There will be regular liaison meetings between the Police, Licensing Section and other relevant partners to ensure the need to disperse people from the Town Centre quickly and safely and avoid concentrations which produce disorder and disturbance.
- 1.6 The Licensing Act 2003 requires the Council to consult with:
- The Police
 - The Fire Service
 - Representatives of licence holders
 - Local businesses and their representatives
 - Local residents and their representatives
- 1.7 In developing this Policy the Council has had regard to the provisions of the European Convention on Human Rights in that everyone has the right to respect for their home and private life and that every person is entitled to the peaceful enjoyment of their possessions (including a licence). The Human Rights Act 1998 makes it unlawful for the Council to act in a way that will be incompatible with a convention right. Consequently an aim of this Policy and the decision-making processes of the Council is to ensure that a licensing decision does not cause a breach of a convention right. The Council has also taken into account the provisions of the Crime and Disorder Act 1998 with regard to the likely effect of the exercise of its functions on crime and disorder in the Darlington area and is committed to doing all it can to prevent crime and disorder.
- The Council has also taken into account the Police and Social Responsibility Act 2011 which made significant amendments to the Licensing Act 2003. These included changes to the Responsible Authorities (to include Health and also the Licensing Authority as Responsible Authorities); the provision of both a Late Night Levy and an Early Morning Restriction Order; removal of the “vicinity test” for representations and other changes in respect of fees, prosecutions and Temporary Event Notices. The 2011 Act also repealed the provision for Alcohol Disorder Zones.
- 1.8 The Council recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000. The impact of this Policy on race relations will be monitored through the Local Authority’s Race Equality Scheme.
- 1.9 In preparing this Policy, the Government’s National Alcohol Harm Reduction Strategy has been considered in relation to crime and anti-social behaviour and the effect of binge drinking on the health of the population.
- 1.10 The Council has also taken into account the provisions of the Deregulation Act 2015 which aims to lift the regulatory burden on businesses.
- 1.11 The Council is required to disclose information regarding licence applications in accordance with the Freedom of Information Act. Further information relating to this Act and the rights of individuals can be found at on the Council’s website.
- 1.12 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at ensuring timely, efficient and effective decision-making.

A table setting out how the Licensing Authority intends to deal with the various licensing applications is attached at Appendix C.

The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, to maintain an overview of the general situation.

- 1.13 Separate guidance on the procedures to be followed by applicants and objectors will be available from the Council's Licensing Section

Profile of Darlington

- 1.14 Darlington is a medium sized town with a total population of just over 105,000. The River Tees and North Yorkshire lie to the south, the Teesside conurbation to the east, County Durham to the north and rural Teesside to the west. There are excellent communication links with a principal station on the East Coast rail mainline, the A1 (M) Motorway and Durham Tees Valley International Airport.
- 1.15 52,000 or 73.5% of the working age population are in employment. Most of Darlington's population live in the urban area with Eastbourne, Park Hill and Harrowgate Hill having the highest resident population.
- 1.16 There are around 2,685 businesses, most of which are now in the public, health and education sector or financial and business services. The town centre is of sub-regional importance for shopping and services and the town is also an important employment centre.
- 1.17 Generally Darlington is an economy of small, owner-managed businesses that co-exist with branch factories, offices and shops.
- 1.18 The late night economy of the Borough is principally centred around the town centre where a number of entertainment premises, pubs and takeaway establishments are situated. These activities support the cultural diversity of the Borough and contribute to its economy.

2.0 THE IMPACT OF ALCOHOL ON DARLINGTON

- 2.1 Over the last 5-10 years there has been a distinct change in drinking behaviour nationally as more people purchase alcohol from supermarkets and shops and consume alcohol in the home. Over 42% of people in Darlington consume alcohol either at home or with their friends, rather than drinking in bars, clubs and pubs.

In addition increasingly more alcohol is purchased from off licences such as supermarkets and shops and 37% of Darlington drinkers admit to drinking either home or with their friends before a night out (this is known as 'pre-loading').(source: Balance Alcohol Perceptions Survey – Summary report for Darlington) This change in drinking patterns may partly be because of the low cost of alcohol available from some of the retail outlets.

- 2.2. Whilst crime in general continues to decrease, we are continuing to see a rise in the proportion of total crime that is related to alcohol and alcohol is a causal factor in crime and disorder in Darlington. We know for example that alcohol related crime in the Darlington area has increased year on year and that Darlington accounts for 19% of all alcohol related crimes in the Durham Constabulary area.

The Durham Police (source – Durham Constabulary) crime figures for Darlington show that alcohol related crimes have increased year on year from 2012 as follows:

01/05/2012 to 31/05/2013	642	alcohol related crimes recorded.
01/05/2013 to 31/05/2014	769	alcohol related crimes recorded (19.8% increase)
01/05/2014 to 31/05/2015	918	alcohol related crimes recorded (19.4% increase)

While some reasons for the increase include better statistical recording and concentrated detection it is clear that this is a problem that is not going away.

2.3 As the consumption of alcohol in the home increases then the impact of alcohol is more hidden. We know for example, that in Darlington, 10.5% of domestic violence assaults are related to alcohol.

2.4 Darlington residents also experience significant health problems as a result of alcohol. For example, The Public Health England Local Alcohol Profiles for England 2015 shows Darlington to be ranked 65 out of 326 Local Authority Areas for male alcohol specific mortality (putting us in the top 20%); ranked 113 out of 326 Local authority Areas for male mortality from chronic liver disease (putting us in the top 35%); and ranked 61 out of 326 Local authority Areas for male alcohol specific hospital admissions (putting us in the top 20%).

By comparison, Redcar & Cleveland Local Authority is ranked 179 out of 326 Local Authority Areas, for male alcohol specific mortality. For once the higher ranking is not a positive – it shows that we have many more alcohol related deaths than other areas such as Redcar & Cleveland

2.5 Of further concern is the issue of hospital specific alcohol related admissions for under-18s which although decreasing still shows Darlington to have 84.8 admissions per 100,000 population, compared with the whole of the North East which has 65.8 admissions per 100,000 population and the whole of England which has 40.1 admissions per 100,000 population. This means that Darlington is more than double the country's average. For further reference, additional Health information has been provided at **APPENDIX D** to this Policy

2.6 Under the current Licensing law, health is not a separate licensing objective and is only relevant where it relates to one of the existing licensing objectives. The Council is therefore not allowed to have regard to health issues when carrying out its licensing functions. However the Council wishes to make clear that the Director of Public Health may play an important role in contributing informed comment to any decision to introduce a cumulative impact area.

In addition there is an important role for the Director of Public Health in respect of making representations in reviews of premises licences particularly where there is evidence of underage drinking.

3.0 **SCOPE OF THE POLICY**

3.1 The Licensing Activities specified in the Licensing Act 2003, which are covered by this Policy, include:

- The retail sale of alcohol (including current “On” and “Off” Licences).
 - Supply of hot food or drink from a premise from 23.00 to 05.00 hours.
 - Supply of alcohol or provision of regulated entertainment to club members.
 - Provision of entertainment listed below (known as regulated entertainment) to the public, to club members or with a view to profit.
 - Film exhibitions.
 - Performances of a play.
 - Indoor sporting events.
 - A boxing or wrestling entertainment.
 - Live music performances.
 - Playing of recorded music.
 - Dance performances.
 - Provision of facilities for making music.
 - Provision of dancing facilities.
 - Circuses (for which a Temporary Event Notice would be required).
- (nb incidental music is not deemed to be a licensable activity)

3.2 The Act also covers:

- The licensing of individuals for the retail sale of alcohol (“Personal Licences”).
- The licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (“Premises Licences”).
- The supply of alcohol or the provision of regulated entertainment to certain clubs (“Club Premises Certificates”).
- The permitting of certain licensable activities on a temporary basis “Temporary Event Notices or TENS)

3.3 The Legislative Reform (Entertainment Licensing) Order 2014 has changed the licensing requirements in respect of regulated entertainment so that a licence is no longer required for the following types of entertainment in specific places and before specific sized audiences, provided that the entertainment detailed takes place between the hours of 08.00 and 23.00 hours.

Activity	Audience Limit	Exemption applies to: -
Plays	500	All premises
Films	500	Community premises only
Indoor Sports	1000	All premises
Boxing and Wrestling	1000	Greco-Roman OR freestyle wrestling
Live Music	500 for amplified music No limit for unamplified	Alcohol licensed premises OR Workplaces OR Places of Worship OR Local Authority premises ** OR Schools OR Hospitals All premises
Recorded Music	500	Alcohol licensed premises OR Workplaces OR Places of Worship OR Local authority premises OR Schools OR hospitals
Performance of Dance	500	All Premises

** This exemption may not always apply & the advice of the Licensing Authority should be sought for any event on Council premises.

3.4 The following activities are examples of entertainment which is not licensable (regardless of when it happens or the size of audience): -

- activities which involve participation as acts of worship in a religious context;
- activities in places of public religious worship;
- education - teaching students to perform music or to dance;
- the demonstration of a product - for example, a guitar - in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing or similar (including any live music or playing of recorded music as an integral part of a performance of Morris dancing, or similar activity.)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film - an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;

- Garden fetes – or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand-up comedy;
- Provision of entertainment facilities (e.g. dance floors)

Travelling circuses will be exempt in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 8am to 11pm on the same day, with no audience limit.

3.5 The Policy relates to new applications, renewals where applicable, transfers and variations of licences and certificates, including where applicable, temporary premises licences. It will also include review of licences and certificates. Such a review could lead to the revocation of a licence or certificate (in general a reference in this Policy to a licence will include a club premises certificate). All references to “Licensing Authority” refer to Darlington Borough Council’s Licensing Authority.

3.6 The Council will encourage and promote a broad spectrum of entertainment and, in particular, live music, dancing and theatre. The Council recognises that performances of traditional music and dance are of immense value in developing cultural diversity and the promotion of vibrant communities. The Council will therefore seek to licence public spaces to make provision for a diverse range of entertainment.

4.0 LICENSING OBJECTIVES

4.1 In carrying out its licensing functions the Council is required to promote the licensing objectives set out in the Act. These are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Council attaches equal importance to each of these four objectives.

4.2 To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant stakeholders including the Council’s Planning, Community Safety and Environmental Health Services, Director of Public Health, Child Protection, Trading Standards, Transport Providers, Police, the Fire Authority, local businesses, community representatives and local people.

5.0 PERSONAL LICENCES

5.1 The Licensing Authority recognises it has very little discretion in the granting of Personal Licences. Provided an applicant is over eighteen years of age, has a relevant qualification and does not have relevant criminal convictions the application will be granted. If an applicant has a relevant conviction, that is not spent, only the Police can oppose the application on the grounds that the Crime Prevention objective would be undermined. If the Police make an objection then a hearing must be held (without an objection then the application must be granted).

5.2 **Policy: In the event of an objection the Licensing Authority will only grant a licence if it is satisfied that to do so will be in the interests of the crime prevention objective. When making such a decision, the seriousness and relevance of any conviction(s), the**

period that has elapsed since the offence(s) were committed and any mitigating circumstances will be considered.

Reason: The prevention of crime and disorder is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. A person holding a Personal Licence should be a person who is not only properly qualified but a person who will assist in the prevention of crime. Granting a licence to a known criminal could undermine rather than promote the crime prevention objective.

- 5.3 If a personal licence holder is prosecuted by the Council for, and subsequently convicted of a relevant offence, particularly in relation to underage sales, the Magistrates Court will be invited, by the Council, to consider removing or suspending the personal licence.
- 5.4 The Legislative Reform (Entertainment Licensing) Order 2015 has changed the licensing requirements in respect of Personal Licences and has extended the 10 year original licence to an indefinite licence. Once a licence is granted therefore there is no need to make any application to renew it. Licensees however are still required to notify the Council of any change of address, any convictions etc.

6.0 PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

NB This Policy concentrates on premises that provide multiple licensable activities. Further information is provided at Section 12.7 - 12.8 in respect of premises to which many parts of this Policy do not fully apply.

In many cases it may be helpful to all concerned for applicants and/or their advisers to discuss with Licensing Authority Officers the draft-operating schedule before it is formally submitted. This will help to ensure it properly addresses all issues of concern to the Licensing Authority (see glossary of terms in respect of “grandfather rights” for current licensees).

- 6.1 **Policy: Applicants for Premises Licences will be expected to address the licensing objectives. It may assist to consider Local Crime Prevention Strategies, Planning and Transportation Policies and Tourism and Cultural Strategies when determining their operating schedule.**

The Licensing Authority will expect the operating schedule to have regard to the nature of the area in which the premises are located, the type of premises, the licensable activities to be provided, the hours of operation, impact on the locality and the needs of the local community.

In this respect the Licensing Authority will expect the applicant to demonstrate how the premises will be a “good neighbour” both to residents and other venues and businesses. The applicant will be required to demonstrate that he/she has satisfactorily addressed each of the licensing objectives as part of any application to vary the operation of the premises.

Reason: To comply with the legislative requirements of the Licensing Act 2003.

7.0 THE IMPACT OF LICENSABLE ACTIVITIES

- 7.1 **Policy: When considering whether a licensable activity should be approved the Licensing Authority will, if relevant representations are received, assess the likelihood of it contributing to unacceptable, adverse impact in terms of crime and disorder and public nuisance, in particular to local residents and businesses.**

Applicants should therefore consider the following when making an application:

- a) The proposed hours and days of operation and how often an activity occurs.
- b) The location of the premises, particularly in relation to residential properties and such places as hospitals, hospices and places of worship.
- c) The number and type of current and future customers.
- d) The means of access and egress to the premises which should have public access on principal pedestrian routes.
- e) The availability of public transport for patrons arriving at and leaving the premises compared to the anticipated level of private transport usage.
- f) The likely effect of car parking demand on both principal roads and residential streets and the impact this may have on local residents and emergency access.
- g) The need for provision of portable toilet facilities outside of the premises.
- h) The cumulative impact of licensed premises within the area and the scope for mitigating such impact.
- i) Waste disposal arrangements including bin storage and the collection and containment of litter from the vicinity of the premises.
- j) Public nuisance caused by unauthorised advertising and fly-posting

and, in considering any application from premises which are currently licensed, the Licensing Authority will, if relevant representations are received, take into account any evidence of:

- k) Past demonstrable adverse impact from the activity, particularly on local residents and businesses; or
- l) If adverse impact has been caused, that appropriate measures have been agreed and put into place to address any future adverse impact. If measures are to be put into effect or alternatively if there has been insufficient time to assess their usefulness a licence may be granted for a limited period only.

7.2 **Reason:** To achieve the licensing objective of preventing public nuisance. To promote this objective the Licensing Authority, in considering the likelihood of adverse impact, will take into account, among other matters:

- The precise nature of the activity, particularly in terms of entertainment, as this may impact in terms of the age of patrons and their behaviour.
- Noise levels and type of noise, which may be acceptable during daytime hours but may have greater impact at times when ambient noise levels are much lower.
- The impact of patrons arriving, queuing and exiting which should take place on main pedestrian routes rather than through residential areas.
- The impact of other sources of nuisance from smells, smoke, refuse storage, vermin and other similar causes of nuisance.

NB Where steps can be taken to mitigate adverse impact and such steps are reliable, practical and robust then an activity may be licensed.

7.3 **Additional Information:**

The Licensing Authority will focus on matters within the control of the individual licensee and the steps they can take to achieve the licensing objectives.

In making its decisions the Licensing Authority accepts the difficulties that licence holders face in preventing anti-social behaviour once patrons are beyond the direct control of the licensee. However, the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly behave in an anti-social way which impacts on local residents and/or businesses.

The Licensing Authority recognises a the Council's responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder. The aim of this Policy therefore is to achieve a balanced approach to these difficult issues.

8.0 OTHER LICENSING CONTROLS

8.1 The Government has asked that Policy Statements should include other mechanisms that are available for addressing the issue of patrons behaving badly away from licensed premises such as:

- a) Planning controls.
- b) Positive measures to create a safe and clean Town Centre environment in partnership with local businesses, transport operators and the Council.
- c) Powers of Local Authorities to designate parts of their area as places in which alcohol may not be consumed in public.
- d) Police enforcement of normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices.
- e) The prosecution of any Personal Licence Holder or member of staff who is selling alcohol to children and/or people who are drunk.
- f) The confiscation of alcohol from adults and children in designated areas.
- g) Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- h) The power of the Police, other Responsible Authority or a local resident or business to seek a review (and possible revocation) of the licence or certificate in question.

8.2 For a variety of reasons many of these mechanisms may be of limited effectiveness and value in dealing with anti-social behaviour away from licensed premises. The Licensing Authority will therefore consider the grant of a licence very carefully in the event of receiving relevant representations, particularly when the hours sought extend far into the hours of the following morning. It should be noted however that the Licensing Act 2003 is NOT the primary mechanism for the general control of nuisance and anti-social behaviour once individuals are away from licensed premises and therefore beyond the direct control of the licensee or premise concerned.

9.0 PREVENTION OF NUISANCE

Many parts of this section are directly relevant to the Licensing Objective on the prevention of Crime and Disorder and should be cross-referenced accordingly.

9.1 Location of Premises, Licensing Hours and the Prevention of Nuisance

Policy: The Licensing Authority must strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance, nuisance and loss of amenity to local residents. Consequently, in certain sensitive areas or appropriate cases, the Licensing Authority may, on the receipt of relevant representations, limit the number of licensed premises and/or restrict the hours of operation. Each application will be considered on its merits, having regard to all available evidence including information within the application itself.

Reason: This Policy is aimed at the fulfilment of the licensing objective of preventing public nuisance.

9.2 Additional information:

The Government's view is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. The Government believe that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. The Government wishes that

entertainment providers should be encouraged to provide a range of entertainment during their operating hours, to promote live music, dancing and theatre for the wider cultural benefit the community.

The Licensing Authority acknowledges this view but also considers that it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents sleep being disturbed by patrons leaving licensed premises is obviously greater at 2am than at 11pm.

9.3 Location and Impact Of Activity

Policy: The Licensing Authority will normally, on the receipt of relevant representations, encourage a closing time of 11pm for licensed premises in predominantly residential areas. Hours of 12 am and beyond will normally be more appropriate for premises located:

- a) In predominantly commercial areas, such as the Town Centre.
- b) Where there is a high level of accessibility to public transport services.
- c) Where there is an appropriate amount of car parking, readily accessible to the premises.
- d) The operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.

Later closing times, i.e. beyond 2 am will normally be more appropriate where it can be demonstrated that, in addition to the above:

- e) The licensed activities would not be likely to cause adverse impact especially on local occupiers, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it.
- f) There will not be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area.
- g) The activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets or on roads.

9.4 **Reason:** This part of the Policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas such as parts of the Town Centre and the rest of the Borough.

9.4.1 Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the highway. It may be exacerbated by patrons being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially patrons departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

9.4.2 Parts of this Borough are very sensitive to the impact of licensed activities because they are either residential in character or close to residential areas. Many shopping areas are close to residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of patrons arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents being prevented from parking close to their homes and by increasing the danger from traffic in residential streets.

9.4.3 However, some commercial areas in the Borough, particularly the Town Centre may be more suitable locations for licensed activities, especially those with late opening hours or which attract significant numbers of people. In the Town Centre, more patrons are likely to travel by public transport and licensable activities may help bring vitality to the area after normal shopping hours. The ambient noise levels are also likely to be higher in the evening

particularly when compared with residential areas so that additional noise may be less of a problem.

Nevertheless, late at night, the impact of licensed activities is more likely to be objectionable to residents living within or close to a licensed activity. The ambient noise level is lower so that noise disturbance from activities becomes more probable.

9.4.4 Persons who visit entertainment venues, which open beyond the provision of the main public transport services, are more likely to use taxis or private cars or they seek to park in residential streets close to the activity. This Policy allows for later closing times if it can be shown that there will not be an adverse impact.

9.5 **Additional information:**

This part of the Policy is concerned with whether a proposal is appropriate in a location with particular regard to the impact on any residential areas. In those parts of the Borough, which are predominantly residential, it is anticipated that, in the event of receipt of relevant representations, the normal hours of opening of new licensed activities would be encouraged to be a maximum of 11 pm.

Opening hours of midnight and beyond are more likely to be considered to be acceptable, in principle, for premises in commercial areas with high levels of public transport accessibility. However, in all cases, following the receipt of relevant representations, the granting of a licence will still depend on the impact of an activity, particularly on local residents. It is necessary to consider, amongst other things, the level of impact that could arise from noise and vibration, litter, parking, movement of patrons, crowds and queuing; and whether any impact is particularly unacceptable late at night.

9.6 **Saturation and Cumulative Effect**

9.6.1 The Licensing Authority recognises that the cumulative effect of licensed premises may result in an increase in numbers of people either walking through or congregating in streets or cause adverse effects on amenity and this in turn may have a number of undesirable consequences, for example:

- a) An increase in crime against both property and persons.
- b) An increase in noise causing disturbance to residents.
- c) Traffic congestion and/or parking difficulties.
- d) Littering and fouling.

9.6.2 In considering a Saturation Policy, the Licensing Authority will take into account:

- a) The Character of the surrounding area.
- b) The potential and real impact of the licence on the surrounding area, both individually and cumulatively with existing licences.
- c) Any evidence of crime and disorder in the area, provided by the Police
- d) The nature and character of the proposed operation.
- e) Any other relevant considerations.

9.6.3 Where there is evidence that a particular area of the Borough is suffering adverse effects arising from a concentration of licensed premises, or that residential areas are under stress, this will be taken into account in determining any further applications or variations to existing licences for premises within the area identified.

The onus will be on those making relevant representations to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed. The Licensing Authority may consider a specific Saturation Policy if this proves necessary.

The Licensing Authority in considering whether to adopt a special Saturation Policy will take the following steps:

- a) Consider any serious and chronic concern from a responsible authority or representatives from residents or local businesses concerning nuisance and/or disorder.
- b) Assess the causes.
- c) Where it can be demonstrated that disorder and nuisance is arising as a result of patrons of licensed premises, identify the area from which problems are arising and the boundaries of that area
- d) Consult with all concerned.
- e) Where appropriate adopt and publish a Special Policy about future licence applications from that area.

9.6.4 At the present time the Licensing Authority has not designated any Saturation Areas within the Borough. If in future the Licensing Authority designates any such areas the Licensing Policy will be revised and advertised current licence holders will be informed and new applicants advised on their initial enquiry. Any such Policy would be subject to regular review.

9.7 Staggered Closing Times

9.7.1 **Policy:** In areas containing a number of licensed premises the Policy of the Licensing Authority will be to encourage licensees to stagger their closing times. Where voluntary agreements cannot be obtained, or are unsuccessful and problems of nuisance for local residents or businesses arise, the Licensing Authority will, if representations are made, consider whether it is appropriate to limit the hours of individual licensed premises. This will be particularly the case in areas judged to be noise sensitive areas.

Reason: The aim of this Policy is to minimise disturbance and strain on transport systems and public nuisance. One of the aims of the new licensing regime was to prevent the mass exodus of patrons at 11 pm or 2 am that occurs under the current pre-2003 legislation. Fixed licensing hours were to be abolished in favour of hours tailored to individual premises. However the same cumulative effect referred to in Section 8.6 may arise where the closing time of a number of licensed premises coincide.

Noise Nuisance

9.8 **Policy:** The Licensing Authority will expect the operating schedule to effectively address the assessments made to minimise noise disturbance, both inside the premises and as patrons are leaving the premises. Operating schedules must also outline the measures identified as being required to prevent nuisance to patrons, local residents and local businesses.

Reason: One of the greatest causes of annoyance to residents trying to sleep is the noise including music emanating from licensed premises. Such noise might preclude the grant of a licence or if one has already been granted for it to be reviewed with a view to possible revocation. It might also lead to a Noise Abatement Notice being issued under the Environmental Protection Act 1990 and related environmental legislation subject to evidence and circumstances. Responsible applicants and licensees will wish to avoid the need for such action, as they will wish to comply with the licensing objective of preventing public nuisance.

9.8.1 In addition, residents are frequently disturbed when patrons leave entertainment venues in the early hours of the morning. While licence holders cannot be held solely responsible for the behaviour of their patrons after they have left the premises, they have a duty to put in place such measures that will assist in the quieter exiting and dispersal of such patrons.

This is because people leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Patrons may be less inhibited about their behaviour and may be unaware of the noise they are creating. This is particularly the case when patrons have been exposed to high levels of sound within the premises, causing them to shout to be heard. Upon leaving the premises there may be then a tendency to continue to shout and this may cause more disturbance, in particular, to local residents.

9.8.2 **Additional information:**

The Licensing Authority will expect the applicant to propose practical steps to prevent nuisance or disturbance to local residents. In relation to noise from within the building the Licensing Authority will expect the applicant to have carried out a thorough acoustic assessment to ascertain the impact of any sound escaping from the licensed premises. This noise could relate not only to music but also from fixed plant equipment or from patrons themselves. If there is sound escape the Licensing Authority will expect this to have been addressed in practical ways such as:

- a) Working with the Council's Environmental Protection team to establish a suitable noise management scheme.
- b) Keeping doors and windows closed and providing adequate alternative ventilation.
- c) Reducing sound levels and installing a sound-limiting device to prevent sound exceeding the appropriate level.
- d) Installing and maintaining soundproofing measures to contain sound and vibration.
- e) Providing quieter areas for patrons.
- f) In the event of beer gardens or similar outdoor areas, ensuring that amplified music is not relayed to such areas and that these areas are properly screened.

The Licensing Authority will expect popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This can sometimes be achieved by simply ensuring that the direction of the queue is away from any residential accommodation.

9.8.3 Excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. This action can also help stop drug dealers from passing on drugs during the queuing process but the prime purpose is to prevent noise and disturbance. Door Supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities – where necessary they should be adequately supervised.

9.8.4 In terms of patrons leaving the premises particularly late at night or early in the morning the Licensing Authority will expect the applicant to have considered including in the operating schedule such practical steps as:

- a) Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- b) At appropriate times making loudspeaker announcements to the same effect.
- c) Instructing door staff to ask customers leaving the premises to leave the area quietly.
- d) Reducing the volume of music towards the end of the evening and having in place arrangements for playing quieter, more soothing music as the evening winds down.
- e) Availability of licensed taxis, private hire vehicles or public transport to take patrons from the premises.
- f) In appropriate cases, requiring Door Supervisors or a Manager to patrol nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- g) Banning from the premises people who often leave in a noisy fashion.
- h) Increasing outside lighting levels without causing collateral intrusion.
- i) Installing outside CCTV systems.
- j) Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after a specified time.

NB this list is not exhaustive

9.9 Smoking Areas

9.9.1 The legislation prohibiting smoking in public areas has resulted in an increase in outdoor seating/smoking areas at licensed premises. Smoking shelters may require planning permission and advice should also be sought on the requirement to ensure that any structure is less than 50% enclosed.

9.9.2 When providing a smoking area in the outside area of the premises the premises licence holder should consider the potential impact patrons may have on local residents, particularly in relation to noise nuisance. When identifying suitable areas for smoking the premises licence holder should consider the following steps to reduce such nuisance:

- prohibiting alcohol from being consumed in these areas;
- locating the smoking area away from any noise sensitive premises;
- managing the smoking area to ensure noise is kept to a minimum and discourage patrons from spending long periods of time in the smoking area.
- arranging regular cleaning and emptying of smoking receptacles throughout operational times and also at the end of trading.

9.10 Littering

Policy: Promotional flyers, advertising leaflets etc should be collected at regular intervals by the licensee or his/her representative and deposited in the premises' own waste bins. At the end of each evening staff should patrol the vicinity, collect all discarded flyers within a 20 metre radius of the premises and deposit them in the premises' own waste bins. Where promotional material is distributed away from the premises concerned the same principle applies, however, at the end of the evening staff must return to the distribution site(s), collect all relevant discarded promotional material and return it to their own premises.

Reason: The aim of this Policy is to prevent public nuisance from littering.

10.0 PUBLIC SAFETY

10.1 **Policy:** The Licensing Authority will expect the premises to be constructed and maintained to the highest possible standards of safety. It will expect the applicant to have addressed the requirements of Health and Safety at Work and Fire Safety legislation and, where appropriate, the Technical Standards published by the District Surveyors Association. In particular the Licensing Authority will expect compliance with Fire Safety Legislation in relation to upholstery, curtains and other hanging materials.

Reason: The Licensing Authority expects premises to be constructed with safety in mind and that the operating schedule details how the premises will be properly managed and maintained to ensure public safety at all times. The Licensing Authority will further expect the operating plan to reflect the maximum capacity as determined by the Fire Authority or other relevant legislative body.

10.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:

- a) The occupancy capacity of the premises.
- b) The age, design and layout of the premises, including means of escape in the event of a fire.
- c) The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature.

- d) The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different).
- e) Customer profile (e.g. age, disability).
- f) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

10.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- a) Suitable and sufficient risk assessments.
- b) Effective and responsible management of premises.
- c) Provision of a sufficient number of people employed or engaged to secure the safety of the patrons and the premises.
- d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- e) Adoption of best practice guidance (eg Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA).
- f) Provision of effective digital CCTV in and around premises.
- g) Provision of toughened or plastic drinking vessels.
- h) Implementation of crowd management measures.
- i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

11.0 CRIME AND DISORDER

This section should be read in conjunction with the section on Prevention of Nuisance with which it is directly cross-referenced.

Control Measures

11.1 Late Night Levy

11.1.1 The Police Reform and Social Responsibility Act 2011 allows Councils to introduce a Late Night Levy (LNL) or additional cost on all premises authorised to sell or supply alcohol between the hours of 12 midnight and 6 am.

11.1.2 The 2011 Act states that in deciding whether to introduce a LNL the Licensing Authority must consider two matters:

- The costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am; and
- Having regard to those costs, the desirability of raising revenue to be applied in accordance with the Act.

11.1.2 A LNL applies only to premises licensed for the sale or supply of alcohol and is a way of generating income towards the cost of policing the late night economy. It can only be introduced by the Local Authority and if it is introduced it applies to the entire Local Authority district.

The time that the levy applies can be from any period between 12 midnight and 6 am that is specified by the Council (e.g. if the levy applies from 12 midnight then all premises licensed for alcohol sales or supply after 12 midnight will be required to pay the levy) and will apply to all premises that are licensed to sell or supply alcohol during the levy hours.

This means that small pubs in villages will be required to pay the levy as well as the town centre pubs and clubs even if all policing of the late night economy is targeted on the town centre areas. Even premises that do not utilise their licensing hours will be caught, as will premises which have late hours only for specific periods e.g. Public Holidays.

11.1.3 The Council is entitled to deduct the cost of introducing and administering the LNL from the total amount received. It must then pay at least 70% of the net amount to the Police and/or the Police Crime Commissioner and may retain the remaining net 30% to use it for:

- a) the reduction or prevention of crime and disorder,
- b) the promotion of public safety,
- c) the reduction or prevention of public nuisance,
- d) the cleaning of any highway maintainable at the public expense (other than a trunk road which is a special road) within the Borough or any land within the Borough to which the public are entitled or permitted to have access with or without payment and which is open to the air.

11.1.4 The way that the Licensing Authority may address the issues of alcohol related crime and disorder between midnight and 6am could include initiatives such as:

- Providing Taxi Marshalls
- Improving CCTV provision
- Use of Street Pastors
- Street cleaning
- Enforcement initiatives
- Personal safety initiatives
- Providing temporary public conveniences

11.1.5 At the present time the Licensing Authority has decided there is not sufficient evidence to support the introduction of a Late Night Levy. If in future the Licensing Authority receives representations from the police and does decide to consider the introduction of the LNL it will be subject to full consultation with all interested persons/parties and will be widely advertised.

11.2 Early Morning Restriction Orders (EMROs)

11.2.1 The Police Reform and Social Responsibility Act 2011) has also introduced a power to make early morning alcohol restriction orders (EMROs) if a licensing authority considers it appropriate for the promotion of the licensing objectives. This provision would mean that alcohol could not be sold or supplied during the period specified in the order. This period would begin no earlier than 12 midnight and cease no later than 6 am (except for New Year's Eve) and would apply not only to premises licences/club premises certificates but also to Temporary Event Notices (TENs). It can also apply to specific premises; to specific areas and for specific periods or days.

11.2.2 EMROs were created to address recurring problems in a district such as:

- i) major problems in respect of alcohol-related crime and disorder in a specific area at specific times;
- ii) serious public nuisance; or
- iii) other instances of alcohol-related anti-social behaviour not directly attributable to specific premises

11.2.3 When considering whether or not an EMRO is appropriate the Licensing Authority is required to balance the potential burden on businesses against the benefit of promoting the licensing objectives.

At present the Licensing Act 2003 provides for the **review** of an individual premise when it is appropriate to promote the 4 licensing objectives. Reviews can be called for by any of the Responsible Authorities and also by “other persons”.

11.2.4 In addition there are a range of other measures that could be utilised such as:

- encouraging business-led best practice schemes such as Pub Watch;
- planning controls;
- additional CCTV, taxi marshals, street pastors, etc;
- additional police enforcement of alcohol-related disorder and anti-social behaviour including the issue of fixed penalty notices
- police closure powers conferred under the Licensing Act 2003

11.2.5 Before an EMRO can be introduced the Licensing Authority requires firm evidence of alcohol-related disorder and associated anti-social behaviour. This may come from information such as the number of reviews of premises licences in a specific area and the level of complaints received about crime and disorder in a specific area. The Licensing Authority also has to consider the impact the EMRO would have on the late night economy and whether the problems are so great that targeting of individual premises (i.e. by review of licence etc) would be ineffectual.

11.2.6 At the present time the Licensing Authority has decided there is not sufficient evidence to support the introduction of an Early Morning Restriction Order. If in future the Licensing Authority receives representations from the police and does decide to consider the introduction of the EMRO it will be subject to full consultation with all interested persons/parties and will be widely advertised.

11.3 Steps to be taken by Licensees to Address Crime and Disorder Issues

Policy: The Licensing Authority will expect the applicant to indicate in his operating schedule the steps proposed to prevent crime and disorder on and in the vicinity of their premises and/or events.

Reason: Prevention of crime and disorder is both an objective of the Licensing Act 2003 and a responsibility of the Licensing Authority under the Crime and Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further this objective in the operating schedule. The factors that impact on crime and disorder may include:

- a) Underage drinking.
- b) Drunkenness on premises.
- c) Public drunkenness.
- d) Drugs.
- e) Violent behaviour.
- f) Anti-social behaviour.

11.3 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- a) Effective and responsible management of premises.
- b) Training and supervision of staff.
- c) Adoption of best practice guidance (eg Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other Voluntary Codes of Practice, including those relating to drinks promotions eg The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA).

- d) Acceptance of accredited means of age identification eg DVLA photo driving licence or 'proof of age' cards.
- e) Provision of effective digital CCTV in and around premises.
- f) Employment of Security Industry Authority licensed door-staff.
- g) Provision of plastic or shatter resistant glasses.
- h) Provision of secure, deposit boxes for confiscated items.
- i) Procedures for assessing risk associated with promotions and events such as "happy hours" for the potential to cause crime and disorder, and plans for minimising such risks.
- j) Measures to prevent the use or supply of illegal drugs.
- k) Employment of licensed door supervisors and other appropriately trained staff.
- l) Installation of non-retrievable bottle bins at exits and ensuring that patrons do not leave with bottles or glasses (on licence sales).
- m) Provision of litterbins and other security measures, such as lighting, outside premises.
- n) Membership of Darlington 'PubWatch' scheme.

11.4 The Licensing Authority will expect the operating plan to include a risk assessment into the use of door-staff, in terms of the actual need for such a service and also the ratio of such personnel to patrons based on capacity of the premises.

11.5 **Policy: The Licensing Authority will normally require a Personal Licence holder to be on the premises at all times when alcohol is being sold.**

Reason: It is important that there is an accountable, responsible person present at all times when alcohol is being sold. This is to ensure that alcohol is not sold to persons who have had too much to drink and to ensure that alcohol is only sold to persons over the age of 18 years. In terms of crime and disorder, there is a need for an identified person with whom the Licensing Authority and Police can discuss any problems/issues arising from the licensable activities offered on the premises.

11.6 Minimum Unit Pricing of Alcohol

11.6.1 Policy: The Licensing Authority will expect Applicants to demonstrate in their operating schedule how the pricing of alcohol products on sale in their premises will not negatively impact on the licensing objectives.

Reason: To reduce the level of crime and disorder related to excessive drinking. There are concerns both locally and nationally about the discounting of alcoholic drinks and sales promotions which may encourage the increased consumption of large quantities of alcohol.

The mandatory conditions brought in to force in April 2010, address the issue of irresponsible drinks promotions in on licence premises. However they do not completely address the impact of cheap alcohol being sold at off licence premises.

11.6.2 **Additional information:** At the present moment the Council does not intend to introduce conditions requiring a minimum unit price for alcohol as this is seen to be a nationwide issue and one that is more properly addressed by Central Government.

In addition all conditions have to be appropriate, clear, unambiguous and enforceable and it is currently virtually impossible to enforce a minimum unit price as the Council would be heavily reliant on the trade and the manufacturers for information which may subsequently be used against them. If the national picture changes however the Council will revisit and review this party of its policy.

11.7 Drugs

Policy: The Licensing Authority will normally expect all licensees of venues that offer alcohol and entertainment to provide and implement a written drugs Policy. This must be included as part of the operating schedule.

Reason: To further the crime prevention objective and to ensure public safety.

11.7.1 Additional information:

The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. Many entertainment venues can however be popular with drug users and suppliers. The production of a drugs Policy (advice on writing a Policy is available from the Licensing Authority) combined with the effective professional management of a venue will assist in keeping incidents of drug abuse to a minimum. The Licensing Authority will normally expect that all licensees who provide entertainment along with retail alcohol sales will comply with the Home Office Safer Clubbing Guidelines. These include:

- a) The provision of free drinking quality (potable) water in public areas e.g. the bar area and not in toilets.
- b) The installation of a drugs deposit box in all licensed premises providing entertainment beyond 11pm
- c) A drugs register to record confiscated drugs and drugs deposits
- d) Fully qualified first aiders at all premises which provide entertainment beyond 11pm
- e) The provision of cooler, quieter areas for patrons

11.8 Tables and Chairs outside Premises

Policy: The placing of tables and chairs on the highway requires a Pavement Café Licence issued by the Council. In the case of tables and chairs on private land the Licensing Authority will expect the applicant to advise of arrangements (including hours of operation) to minimise nuisance as part of the operating plan.

Reason: This Policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems. The provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue.

It can have the benefit of encouraging a continental style café culture. However, late at night these tables and chairs can contribute to noise and public order problems. This is because they can encourage patrons and passers-by to loiter rather than disperse. The placing of tables and chairs on the public highway will need the consent of the Licensing Authority in the form of a separate Pavement Café Licence.

12.0 Protection of Children from Harm

12.1 Policy: Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from physical, moral or psychological harm, relevant to the individual style and characteristics of their premises and events.

Reason: To allow flexibility for the licensee, to ensure that where appropriate licensed premises are “user friendly” for children but to ensure they are adequately protected.

12.2 Additional information:

The Protection of Children from Harm is a key licensing objective. Nevertheless, the Licensing Authority will not normally impose conditions requiring or prohibiting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The Licensing Authority has taken account of the view that the use of licensed premises by children should be encouraged. However it will, where necessary, impose conditions designed to protect children.

Control Measures

12.2.1 Examples of premises where the introduction of additional controls are likely to be necessary are:

- a) Where there have been convictions for serving alcohol to minors or with a reputation for under age drinking.
- b) Where there is a known association with drug taking or dealing.
- c) Where there is a strong element of gambling on the premises.
- d) Where entertainment of an adult or sexual nature is provided.
- e) Where the supply of alcohol for consumption on the premises is the exclusive and primary purpose of the premises.
- f) For the protection of children from exposure to tobacco smoke.

12.2.2 In such circumstances it may be necessary to impose a complete prohibition this would be only rarely imposed. The Licensing Authority would normally be more likely to impose requirements such as:

- a) Limitations on the hours when children may be present:
- b) Proof of age arrangements for alcohol sales.
- c) Age limitations below 18 (e.g. considering requiring all persons under 14 years to leave premises before 9pm and persons between 14 years and under 18 years to leave before 11 pm).
- d) Limitations or exclusions when certain activities are taking place.
- e) Requirements for accompanying adults.
- f) Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature, performances of hypnotism etc).
- g) Limitation on the permits of premises to which children might be given access.
- h) Protection of children from exposure to tobacco smoke.

12.2.3 Where there is provision of entertainment specifically for children (e.g. a children's disco) the Licensing Authority will require the presence of sufficient adults to control the access and egress of the children and assure their safety. Applicants who wish to offer such activities will be required to submit an appropriate Child Protection Policy which details, among other things, criminal record checks for relevant staff etc.

12.3 Sex Related Activities

12.3.1. In 2010 the Policing and Crime Act 2009 introduced a new category of sex establishment, namely a "sexual entertainment venue" (SEV). This empowered Local Authorities to properly regulate lap dancing venues and similar establishments. Darlington Council adopted the new legislative powers with effect from 01 January 2011

12.3.2 Premises which offer lap dancing, table dancing, pole dancing, strip tease and similar relevant entertainment are now required to obtain a SEV licence from the Council. This licence is in addition to a premises licence under the 2003 Act which will still be required for sale of alcohol, late night refreshment and other regulated entertainment.

The SEV licence will be subject to a range of conditions that have been drawn up specifically to address issues such as the protection of children from harm.

- 12.3.3 A venue will be exempt from the requirement to obtain a SEV licence if entertainment of a sexual nature is provided on no more than 11 occasions in any 12 month period; if such occasions last less than 24 hours and are at least one month apart.

12.4 Stage Hypnotism

- 12.4.1 **Policy: The Licensing Authority will require notification, in writing, 8 weeks prior to any performance of Stage Hypnotism. Where consent is given for this type of entertainment, the Council will impose conditions designed to ensure the safety of the audience and in particular to ensure that children are not admitted to and cannot participate in such activities.**

Reason: This Policy is designed to protect the public and also ensure that children are not exposed to unsuitable acts or influences.

12.4.2 Additional information:

Stage hypnotism raises concern in relation to the safety of the public and also the protection of children from harm. This form of entertainment has been widely debated with allegations of long-term harm being caused to participants. Conditions, which the Council may attach, may include:

- a) The requirement of the Stage hypnotist to be a Member of the Federation of Stage Hypnotists or the European Guild of Professional Stage Hypnotists of a similar approval body.
- b) The provision of Public Liability Insurance of not less than £5,000,000 by the Stage hypnotist.
- c) The presence, throughout the performance, of persons with appropriate medical training
- d) No person under the age of 18 years to be hypnotised.
- e) No one under the influence of hypnosis to be permitted to leave the room in which hypnotism is taking place.
- f) Mass hypnotism of audience not to be carried out.
- g) All hypnotised subjects to be free of hypnotic influences when leaving premises.
- h) No indecent acts or acts which are offensive or cause concern to the public to be performed. (This would include the consumption of certain substances and acts of levitation/suspension of subjects.)

In relation to performances of stage hypnotism the Licensing Authority would seek to prohibit all children under the age of 18 years.

12.5 Further Information

12.5.1 Film Exhibitions

Where the exhibition of films is permitted, the Licensing Authority will require the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with. Only in exceptional cases will variations of this general rule be granted by the Licensing Authority and then only with appropriate safeguards.

In relation to specialist Film Festivals & other occasions where it is desired to show films not classified by the BBFC the Licensing Authority will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Council will use the guidelines published by the BBFC.

12.5.2 Packaging and Promotion of Alcoholic Drinks

The Licensing Authority supports and promotes the Portman Group Code of Practice relating to the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure, among other things, that alcoholic drinks promotions are responsible and targeted only at persons over the age of 18 years.

12.5.3 General

Conditions requiring the admission of children to any premises cannot be attached to licence or certificates. Where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licensee or club or person who has given a temporary event notice. Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority concerned, these volunteered prohibitions and restrictions will become conditions attached to the licence or certificate and will be enforceable as such. No other conditions concerning the presence of children on premises may be imposed by the Licensing Authority in these circumstances.

Applicants for premises licences and club premises certificates will be required to copy details of their applications to the Body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the Licensing Authority as being competent to advise it on such matters. The Licensing Authority considers that the competent Body will be the Children's Safeguarding Board.

13.0 SUPPLEMENTARY INFORMATION

Applications for Premises Licences

13.1 Planning Consent

13.1.1 Policy: It is anticipated that an applicant will be able to demonstrate that the premises have either an appropriate (in terms of the activity and hours sought) planning consent, or an appropriate certificate of lawful use or development. Where the planning status of the premises has not been finalised the onus will be on the applicant to explain why this is the case.

Reason: To avoid unnecessary duplication and thus comply with the guidance. The Licensing and Planning Committees will keep each other advised of their actions to ensure that a licensing application will not be a re-run of the planning application and will not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee.

13.1.2 Any premises for which a licence is required must also have an authorised use under town planning legislation. Typically, this could be for:

- a) Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises" (Use Class A3).
- b) Assembly and leisure (Use Class D2), which includes concert hall, dance hall and indoor/outdoor sports and recreation.
- c) Retail shop licensed for the sale of liquor e.g. an off-licence (Use Class A1).
- d) A hotel, which has a restaurant or bar included in its authorised use (Use Class C1).

The references to "Use Class" come from the Town and Country Planning (Use Classes) Order 1987. The Order classifies uses and labels them with a letter and a number. Not all uses come within a Use Class.

- 13.1.3 The Local Authority's Planning Policies are set out in its Unitary Development Plan supplemented by guidance on A3 Uses (restaurants, takeaways, public houses etc). Government guidance in the form of Planning Policy Guidance Notes (PPG) and Regional Planning Policy Guidance Notes (RPG) is also relevant.
- 13.1.4 The strength of these policies is that there is an obligation both on the Local Authority, as local planning authority, and the decision -maker on any appeal, to give considerable weight to them. This helps to ensure consistency in the decision making process.
- 13.1.5 In general, planning permissions authorise a type of use, whereas licences relate to a particular premises and operator and may only cover a part of the premises. A planning permission is attached to the premises and is usually permanent. Unlike a licence it cannot normally be reviewed and revoked. Planning is also only concerned with the premises and the use and hours proposed. It takes no account of the suitability or otherwise of the applicant.
- 13.1.6 Within certain limits, the activity may change without a new planning permission. A planning permission for an entertainment use, for instance, may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specific activities proposed by a prospective licence holder needs to be considered when an application is made for a licence.
- 13.1.7 In some cases where an application is made for a licence the town planning use will already be authorised by a previous planning permission or because the premises has long-standing lawful use. Therefore, a new application for planning permission is often not required. However, three points must be made:
- a) The existing planning permission might, and if recently granted is very likely to, have conditions restricting the use of the premises in some way e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would first need to obtain a revised planning consent or a relaxation or removal of the condition.
 - b) The existence of a planning permission (or lawful use) where there is no condition on the usage does not mean that a licence for late hours of operation or a particular entertainment would necessarily be appropriate. Similarly, if an existing planning permission has conditions on the hours of operation, it does not follow that a licence for a particular activity will be granted up to the hours specified in the planning permission.
 - c) Where a long standing planning permission has no condition on hours, or where there is lawful use without planning permission, it is likely there has been no rigorous consideration of late night impact during the planning process. Experience within the borough has revealed the importance of these issues and planning permissions are no longer likely to be granted without such constraints.

13.2 Consultation

Policy: It is the Policy of the Licensing Authority that anyone affected by an application should be made aware of it and of the opportunity to make representations.

Reason: The Licensing Authority will carry out the statutory consultation required or permitted by the Act but will also carry out additional, appropriate consultation where necessary to ensure that the widest opportunities possible will be given to those affected by an application to make representations. Such methods may include the use of the Licensing Authority's web site, letters to residents groups, etc.

13.3 Determination of Applications

Policy: In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits, taking into account the law and Guidance. In the absence of any objection the licence will be granted, subject only to any mandatory conditions and those conditions which form part of the operating schedule

Reason: To comply with the legislative requirements of the Licensing Act and also Human Rights legislation.

13.4 Conditions

Policy: Licence conditions will be tailored to the individual style and characteristics of the premises and events and only be imposed to meet the licensing objectives. Licence conditions will not be imposed where the Licensing Authority considers other regulatory regimes provide sufficient protection to the public e.g. health and safety at work, fire safety legislation etc.

Reason: The Licensing Authority accepts that a “one size fits all” approach is not appropriate to achieving this outcome and that conditions should be tailored to the premises and activities to achieve the licensing objectives. Officers will seek to discuss proposed conditions in advance with the applicant and/or representative with the aim of achieving a mutually agreeable level of protection to the public and fulfilment of the licensing objectives. Club Premises Licences will so far as possible reflect local crime prevention strategies and the input of the Darlington Crime and Disorder Reduction Partnership.

13.5 Community Premises

Community Premises include premises such as church halls, chapels and community and village halls which are made available for community benefit most of the time; are accessible by a broad range of persons and sectors of the local community and used for purposes which benefit the community as a whole.

The Management Committee of a Community premises can now apply to have the standard mandatory conditions relating to alcohol removed. The standard mandatory conditions require that an individual, who must hold a personal licence, is named on the Premises Licence as the designated premises supervisor (DPS).

The DPS has overall responsibility for the sale of alcohol. The mandatory conditions also require all sales of alcohol to be made or authorised by a person who holds a personal licence. Where such an application is granted an alternative condition will be placed on the licence which states that all sales of alcohol to be made on such premises must be authorised by the management committee.

Where a community premises already has a Premises Licence to sell alcohol, but wishes to benefit from the relaxation in the requirements regarding DPS, the management committee should apply by submitting the prescribed form together with the prescribed fee (currently £23).

Where a community premises does not currently have a premises licence a new Premises Licence application that includes sale of alcohol should be submitted. This should be accompanied by the prescribed form to disapply the mandatory condition requiring a DPS.

The Licensing Authority must first be satisfied that the premises are operating as a community premises. They must then be satisfied that the management committee can ensure that alcohol sales can be properly supervised.

This will include considering the committee structure and how they will control sales of alcohol if the premises are hired out for a private event. This may involve the committee having a hiring agreement with the hirer that includes a written summary of the hirers' responsibilities under the 2003 Act in relation to the sale of alcohol.

Only the police can object to the application to disapply the mandatory condition requiring a DPS and this can only be exceptional circumstances where they believe the application will have impact on the crime and disorder objective. In such a case they must issue an objection notice and the licensing authority must then hold a hearing in order to reach a decision on whether to grant the application. The decision can be appealed by either party.

13.5 Enforcement

Policy: In general, action will be in accordance Licensing Authority's published enforcement Policy that follows the principles of the Enforcement Concordat.

Reason: Application of consistency, transparency and proportionality.

The Licensing Authority will support businesses to comply with the law but views offences and breaches of licence conditions seriously. Premises will be monitored and appropriate enforcement action taken to ensure compliance.. The Licensing Authority will work closely with the Police, Environmental Health and Trading Standards and has established protocols to ensure that high-risk premises receive the highest priority.

Enforcement action will be:

- Targeted toward those premises presenting the highest risk
- Proportional, to the nature and seriousness of the risk those premises present
- Consistent, so that similar approaches are taken in similar situations
- Transparent, so those who are subject to enforcement action know what to expect
- Accountable, so that officers take responsibility for any action taken

Licensing officers will investigate all complaints alleging breaches of the Licensing Act 2003 or licence conditions and act on all sources of reliable intelligence (including local residents and businesses) with a view to establishing if offences have been committed. These may include:

- Unauthorised licensable activities or breach of licence conditions
- Permitting disorderly conduct on licensed premises
- Sale of alcohol to children and the consumption of alcohol by children
- Sale of alcohol to a person who is drunk

Where the Licensing Authority has evidence of non-compliance with the legislation and/or licence conditions there are a range of enforcement options including:

- i) Offering advice /guidance (verbal or written)
- ii) Informal written warnings
- iii) Formal cautions
- iv) Prosecutions
- v) The review of premises licences where there are problems associated with any of the 4 licensing objectives
- vi) The closure of premises that are experiencing disorder or causing a nuisance

In the case of offences relating to:-

- i) The deliberate and persistent provision of unlicensed activities especially the sale of alcohol and/or
- ii) The breach of licensing conditions resulting in substantial risk to the promotion of the licensing objectives (crime and disorder, public safety, public nuisance or protection of children from harm)

- iii) Persistent underage sales
- iv) The use of licensed premises in connection with organised criminal activity
- v) Allowing disorderly conduct on licensed premises
- vi) Delivering alcohol to children
- vii) Allowing the sale of alcohol to children

formal action (including, formal cautions, reviews and / or prosecution) will be the most likely approach.

13.6 **Delegated Authority**

Policy: The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, Sub Committee or, by one or more officers acting in accordance with the scheme of Delegated Authority (see Appendix C).

Reason: In the interests of efficiency

Licences Other than for Both Entertainment and Sale of Alcohol

13.7 **OFF SALES**

In accordance with Guidance the Licensing Authority will not normally seek to limit the hours during which alcohol can be sold for consumption off the premises. The Council does, however, expect that a responsible attitude be adopted in relation to the sale of alcohol to and/or for persons under the age of 18 years. Operating schedules should therefore include the following:

- a) Staff training, particularly in relation to refusal of sales.
- b) Proof of age requirements.
- c) Records of refusal of sales.
- d) Consideration of display of posters advertising the illegality of purchasing alcohol on behalf of persons under 18 years of age.

nb this list is not exclusive.

Test purchasing exercises will be undertaken in a partnership arrangement between the Council's Trading Standards Service and South Durham Police. Sales of alcohol to or on behalf of persons under 18 years of age may result in a request to review a licence with a view to revocation.

In addition to the above, the operating schedule should also address issues of anti-social behaviour that may give rise to crime and disorder and public nuisance. This is particularly the case in relation to gangs of youths congregating outside of premises. Measures such as CCTV provision, both inside and outside of the premises and additional lighting outside of the premises should be considered to address this problem.

13.8 **Late Night Refreshment Houses**

All take-aways, including street traders, late night refreshment houses and night cafes which operate beyond 11 pm will be required to apply for a premises licence from the Licensing Authority. In addition, any premises, which also wish to sell alcohol as part of the premises licence, will need to identify a designated premises supervisor and ensure that a personal licence holder is normally present on the premises whenever alcohol is to be sold. The application will be subject to the requirements described for premises licences in Appendix A.

Late night takeaways can be a public order “hot spot” when patrons, who have attended late night entertainment premises, congregate in their vicinity. The operating schedule for such premises should therefore address such issues as:

- a) Provision of CCTV both inside and outside of the premises.
- b) Additional lighting both inside and outside of the premises.
- c) Measures to be taken to reduce littering within the vicinity.
- d) Measures to be taken to reduce noise disturbance at the premises and within its vicinity.

nb this list is not exhaustive.

Holders of night-time street trading consents for the sale of food will also be required to apply for a premises licence in addition to their street trading consents.

13.9 **General**

While every effort will be made by the Licensing Authority to assist Applicants in terms of the new legislation, the Council cannot be held responsible for individual applications or operating schedules. All applicants are therefore advised to seek appropriate advice from their legal representatives and/or Trade bodies.

MAKING AN APPLICATION

When making an application the applicant should initially identify any particular issues (having regard to the particular type of premises and/or activities), which are likely to adversely affect the promotion of the 4 Licensing Objectives. Such steps as are required to deal with these identified issues should be included in the operating schedule.

This document aims to inform and advise. It is NOT however a detailed interpretation of the legislation and should not be relied on as legal advice by applicants.

PREMISES LICENCES

1. Applications may be made by persons aged 18 years or over, who carries out (or proposes to do so) a business, which involves the use of premises for specific licensable activities. An application must be made on the prescribed form, accompanied by the prescribed fee. The application must also include a plan of the premises (in the prescribed form) and an operating schedule*. If alcohol is to be sold details must be provided of the designated premises supervisor*. There is a requirement to advertise the application and this will be covered in the Secretary of State's regulations. Copies of the application will also have to be sent out to other relevant persons, as described in the regulations.
2. If relevant representations* are made the Licensing Authority must, if these cannot be overcome, hold a hearing to determine the application. Relevant representations may come from responsible authorities* or other persons*, either of which will be required to notify the Licensing Authority of their concerns, in writing, within a prescribed period of time. After a hearing the Licensing Authority will decide whether or not to grant the licence. The licence may be granted subject to modified conditions, to ensure the 4 Licensing Objectives are properly promoted. It may be granted with the exclusion of one or more licensable activities. It may be granted subject to the Licensing Authority's refusal to specify a person as a designated premises supervisor or alternatively the application may be rejected. In each case the Licensing Authority will give reasons for its decision to the applicant, anyone who made a relevant representation and the Chief Constable of Police. Appeals against the Licensing Authority's decision can be made to the Magistrates Courts.
3. If no relevant representations are received the Licensing Authority must grant the application subject only to any mandatory required conditions and any conditions that are consistent with the operating schedule (for mandatory conditions please refer to Sections 19, 20 and 21 of the Licensing Act 2003).
4. Generally a Premises Licence will be granted for an indefinite period except when the application is for a specific period unless the licence is suspended or revoked. Applications can be made to vary the licence in much the same way as the original application.

*see glossary of terms for further information

Further guidance will be issued as part of the application pack

PERSONAL LICENCES

1. Personal Licences are needed to enable alcohol to be sold. An application can be made by a person aged 18 years or over, who possesses a licensing qualification as prescribed in the Regulations, who has not been convicted of any relevant offence (which was committed either in England or Wales) or "foreign" offence (committed outside of England or Wales) which is unspent and who has not forfeited a Personal Licence in the preceding 5 years. The application should be made to the Council in the area where the applicant is normally resident.

Only the Police can object to an application for a Personal Licence. The Licensing Authority will grant a licence for an indefinite period if the Police do not make an objection. In the event of an objection being made a Hearing will be arranged and the Licensing Authority, after considering all relevant factors, may decide to either grant the application or reject it. If the Licensing Authority decides to reject the application it will give reasons for its decision to the applicant and the Chief Constable of Police. There is a right of appeal to the Magistrates Courts against a decision of the Licensing Authority.

TEMPORARY EVENTS NOTICES (TENS)

STANDARD TENS

1. A standard Temporary Event Notice (TEN) needs to be submitted when an individual wishes to use a premises, which does not have a Premises Licence for an event lasting not more than 168 hours and to which the maximum number of people attending will be less than 500.

A TEN in the prescribed form must be given to the Licensing Authority along with the prescribed fee at least 10 working days before the event. As this is such a short period of time the Council will expect that far greater notice is always given unless there is good reason not to do so. A copy of the notice must also be sent, by the applicant, to two of the Responsible Authorities, namely the Police and Environmental Health, who must respond within 2 working days of receipt.

The Licensing Authority will acknowledge receipt of the notice and will await any comments from the two Responsible Authorities. Any Representations will need to demonstrate that the measures are 'appropriate' to uphold the licensing objectives. This is a change from the previous requirement that measures be 'necessary' to promote the licensing objectives. If either Responsible Authority objects to the event and a negotiated agreement cannot be reached the Licensing Authority will hold a hearing to consider the matter.

If the Licensing Authority accepts the objections it will issue a counter notice and the event cannot proceed. This notice must be issued at least 24 hours before the event was due to take place and the Applicant may appeal to the Magistrates Courts. Similarly if the Licensing Authority decides not to accept the objections the Police and/or Environmental Health also have the right of appeal to the Magistrates Courts.

A personal licence holder may apply for a maximum of 50 TENS in any calendar year (but see below re Late TENS). Non licence holders may apply for 5 TENS in any calendar year and the same premises must not have more than 15 TENS** (covering no more than 21 days in total) in any calendar year.

** from 01 January 2016

2. LATE TENS

A Late Temporary Event Notice (Late TEN) has been introduced which allows for a TEN to be given with only 5 working days' notice, on a limited number of occasions each year. There is no right of appeal if a counter notice is raised against a 'Late TEN'. A personal licence holder may apply for a maximum of 10 late TENS as part of the overall maximum of 50 TENS in a calendar year. An applicant who does not hold a personal licence may apply for a maximum of 2 late TENS as part of the overall maximum of 5 TENS per calendar year

3. The Licensing Authority has no option other than to issue a counter notice when:
 - a) The applicant is a Personal Licence holder who has already given 50 Temporary Events Notices (TENS) within the same calendar year.
 - b) The applicant is not a personal licence holder but has already given 5 TENS in that year.

- c) 15 TENs (as from 01 January 2016) have been given for the same premises in that year.
- d) TENs are given for events at the same premises, falling on more than 21 days in a year.

COMMUNITY AND ANCILLARY SELLERS NOTICE

1. A Community and Ancillary Sellers Notice (a CAN) will allow a light-touch authorisation process for those who want to sell small amounts of alcohol as part of a wider service. Examples being suggested are providers of bed and breakfast accommodation who may wish to offer overnight guests a drink with an evening meal (ancillary seller) or community groups wishing to sell a glass of wine during the performance of a play (community seller). It is expected that CANs will be specific to a given premises, last for three years duration and be subject to a 'relatively low' one-off fee.
2. It is envisaged that a prospective CANs user will give notice to the Licensing Authority (as prescribed by regulations) that they are going to operate either as (i) an 'ancillary' or (ii) 'community' seller. The notice will specify the relevant premises at which they intend to sell alcohol (in the case of an ancillary seller this can be just one premises whereas community groups could name up to three premises within their local area).
3. It is envisaged that The Licensing Authority may reject or revoke a CAN at any point if it receives an objection from the police or Environmental Health Manager on grounds of the licensing objectives (the prevention of crime and disorder; the prevention of public nuisance, public safety, protection of children from harm). In addition a CAN may be rejected in a cumulative impact area.
4. It is proposed that a CAN user will not need to hold a personal licence but they could be named as 'responsible persons' who could be prosecuted for certain criminal offences under the 2003 Act.
5. It is envisaged that all sales of alcohol will be restricted to the prescribed times of 7am to 11pm
6. At the time of preparing this policy there had not been an implementation date for CANS. Further information may be obtained in due course from the Licensing Authority.

Glossary of terms

In this Policy, the following are included to provide an explanation of certain terms included in the Act. In some cases definitions given below are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Appointed Days’

The dates on when different provisions of the Act come into force. On the first appointed day applications can be made to Licensing Authorities for the new licences. On the second appointed day, the old law will cease to have effect, all the new licences will come into force and the responsibilities of the existing Magistrates’ court licensing committees will end.

‘Appeals’

Appeals against decisions of the licensing authority are to the Magistrates’ court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority’s decision. On appeal a Magistrates’ Court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

‘Authorised Officer’

An Officer of the Licensing Authority who is authorised to carry out duties in relation to the Licensing Act 2003; a Fire inspector; A Health & Safety Inspector; an Environmental Health Officer.

‘Closure Order’

Powers that enable the Police and Courts to close premises. The 2003 Act significantly extends the existing powers of the Police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

‘Club Premises Certificate’

A licence for a qualifying to cover the supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. Club Premises Certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

‘Conditions’

A Premises Licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. The Secretary of State’s Guidance provides “The only conditions which should be imposed on a premises Licence or Club Premises Certificate are those which are necessary for the promotion of the Licensing Objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder”. Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned

‘Designated Premises Supervisor’

A person identified on the premises licence as being in day-to-day control of the premises (can be the holder of the premises licence). Any premises where alcohol is sold must have a designated premises supervisor.

‘Interim Authority Notices’

A notice to reinstate a Premises Licence which has lapsed because of the death, incapacity or insolvency of the holder & for which no transfer application has been made.

‘Other Person’

A person who may or may not live in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity; a member of the relevant licensing authority i.e. elected councillors of the licensing authority for the area in which a premises is situated; all of whom are affected by the licensable activities on offer or to be offered at a premises.

‘International Airports and International Ports’

Premises Licences can be issued to the above in areas where the non-travelling public have access. Areas the non-travelling public are not allowed known as airside or wharf-side are not licensable under the 2003 Act.

‘Late Night Refreshment’

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’

- a) The sale by retail of alcohol.
- b) The supply of alcohol by or on behalf of a club, or to the order of a member of the club.
- c) The provision of Regulated Entertainment.
- d) The provision of Late Night Refreshment.

Licensing Objectives’

The objectives set out in the Act are:

- a) The Prevention of Crime and Disorder.
- b) Public safety.
- c) The Prevention of Public Nuisance.
- d) The Protection of Children from Harm.

The Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives.

‘Mandatory Conditions’

Conditions that the Act requires are imposed on a licence. These include use only of Security Industry Authority approved persons as door supervisors, requirements not to engage in irresponsible drinks promotions & requirements to abide by the requirements of British Film Board Classifications

'Objection Notice'

A procedure whereby the Police can object to the grant of a Personal Licence on the grounds there where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

'Operating Schedule'

A document containing a statement of the following matters (and any others that may be prescribed):

- a) Steps taken by the Licence holder to tackle the four Licensing Objectives.
- b) The Licensable Activities to be conducted on the premises.
- c) The times during which the Licensable Activities are to take place and any other times when premises are open to the public.
- d) Where the licence is required only for a limited period, that period.
- e) Where the Licensable Activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.

'Personal Licence'

A licence granted to an individual which enables that person to supply or authorise the supply of alcohol in accordance with the premises licence.

'Premises Licence'

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities.

'Provisional Statement'

A statement issued by the Licensing Authority in relation to premises that are being or about to be constructed or extended for the purpose of being used for one or more licensable activities.

'Qualifying Club'

Formerly a Registered Members Club. The members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in 'good faith' (this involves consideration of details such as club finances).

'Regulated Entertainment'

- a) A performance of a film.
- b) An exhibition of a film.
- c) An indoor sporting event.
- d) A boxing or wrestling entertainment.
- e) A performance of live music.
- f) Any playing of recorded music.
- g) A performance of dance.

Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

‘Relevant Offences’

Offences, which may be taken into account when considering an application for a Personal Licence. These are listed in Schedule 4 to the Licensing Act 2003.

‘Relevant Representations’

Comments about the effect/likely effect of either a current premise or the grant of a Premises Licence on the promotion of the 4 Licensing Objectives. These can only be made by a Responsible Authority or an Other Person. In the case of an Other Person these must not be frivolous or vexatious.

‘Responsible Authority’

The Chief Police Officer; Fire Authority, Health & Safety Executive/ Enforcing Authority for Health and Safety, Planning Authority, Council Environmental Health, The Local Safeguarding Children’s Board, the Director of Public Health, the Licensing Authority and other specified authorities. Only these groups can make representations about an application for a Premises Licence.

‘Review of Licence’

An application by a Responsible Authority or Other Person for a Premises Licence to be reviewed based on concerns relating to the 4 Licensing Objectives.

‘Supply of Alcohol’

The retail sale of alcohol or the supply of alcohol by or on behalf of a club to members of the club

‘Temporary Event Notice’

A notice to cover the use of premises for one or more licensable activities during a period not exceeding 96 hours and for less than 500 patrons

‘Transfer’

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

Scheme of Delegation for Licensing Act Functions

Matter to be dealt with	Full Licensing Committee	Licensing Sub-committee	Officers
Application for Personal Licence		If a Police objection	If no relevant representation made
Application for Personal Licence with unspent convictions		If relevant representation made.	If no relevant representation made.
Application for Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for Provisional Statement		If a relevant representation made	If no relevant representation made
Application to vary Premises Licence / Club Premises Certificate		If a relevant representation made	If no relevant representation made
Making a representation on behalf of the Licensing authority			Assistant Director Regulatory Services
Application for minor variation			All cases
Application to vary Designated Premises Supervisor		If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for Transfer of Premises Licence		If a Police objection	All other cases
Application for Interim Authorities		If a Police objection	All other cases
Application to review Premises Licence / Club Premises Certificate		All cases	
Initiating a review on behalf of the Licensing Authority			Assistant Director Regulatory Services
Decision on whether a complaint is irrelevant frivolous vexatious etc		If referred by an Officer	All other cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police/Environmental Health objection to a Temporary Event Notice		All cases	
Receiving reports on Licences granted	All cases		
Institution of criminal proceedings			Licensing Manager

PUBLIC HEALTH - ALCOHOL HARM REDUCTION INFORMATION

Alcohol harm reduction remains a high priority in Darlington, there have been two previous local Alcohol Harm Reduction Strategies. 'Safer Drinking: Safer Darlington' ran from 2008-2011, and was based on the National 'Safe, Sensible, Social' strategy. In 2012 Darlington launched 'Safer Drinking: Safer Darlington, The Next Steps', which ran to 2015.

There is tension between the role that alcohol plays for many as an enjoyable and sociable part of their lives and the contribution it makes to early deaths and preventable ill health. Many people are able to keep their alcohol consumption within the recommended limits, so their risk of alcohol-related health problems is low. However, for some, the amount of alcohol they drink could put them at risk of damaging their health.

The Department of Health Recommends that:

- Adult men should not regularly drink more than three to four units of alcohol per day
- Adult women should not regularly drink more than two to three units of alcohol per day
- Men and women should avoid alcohol for 48 hours after a heavy drinking session
- Pregnant women and those trying to conceive are advised not to drink alcohol, or, if they choose to do so, not drink more than one to two units of alcohol twice a week.

The table below is based upon synthetic estimates and compares the proportion and type of drinkers in Darlington to the North east and England proportions. The estimates suggest that the majority of Darlington residents are drinking alcohol at levels that are unlikely to cause harm.

	Darlington	North East	England
Abstainers	14.40%	14.58%	16.53%
Lower-risk drinking	73.64%	73.72%	73.25%
Increasing-risk drinking	19.80%	19.60%	20.00%
Higher-risk drinking	6.56%	6.68%	6.75%

Table detailing LAPE mid 2009 synthetic estimates of the percentage within the drinking population aged 16+ (apart from abstainers the other categories do not include abstainers as part of the drinking population when calculating percentages)¹

The annual Perception Survey reported that 59% of young people (18-34yrs) in Darlington admit to pre-loading (drinking in their or a friend's home before going out) with 12% stating they do this "frequently". The survey also found that on average Darlington residents felt that 17 years was the age at which young people should be allowed to drink in the house with their friends.

THE IMPACT OF INCREASING AND HIGHER RISK DRINKING:

There are short and long term health risks associated with the consumption of alcohol higher than the recommended limits these include:

Short term:

- **Alcohol poisoning, which may include vomiting, seizures (fits) and unconsciousness;**
- **Injuries requiring hospital treatment, such as a head injury;**
- **Unprotected sex that could potentially lead to unplanned pregnancy or sexually transmitted infections (STIs);**
- **Increased risk of being a victim of crime**

¹ Local Alcohol Profiles for England; Local Authority alcohol indicators for crime and consumption (updated 03/09/2014)

Long-term there is an increased risk of developing:

- **Heart disease;**
- **Stroke;**
- **Liver disease;**
- **Liver cancer and bowel cancer;**
- **Mental health problems.**

Recent data for Darlington highlights the following:

Under 18 admissions to hospital for alcohol specific conditions (crude rate per 100,000 population) shows a downward trend since 2006, however the rate in Darlington remains significantly higher than the England average with Darlington ranking 11th out of all Local Authorities in England.

There are also social and economic costs associated with increasing and higher rate drinking. With an increased incidence of violent behaviour and crime being associated with higher levels of alcohol use.

Balance North East estimates that in Darlington the costs to the NHS associated with alcohol consumption are £8.97 million. Workplaces are highlighted as shouldering the largest burden of costs and in Darlington these costs are estimated at £14.57 million. The overall cost to Darlington 2013/14 is estimated at £41.09 million (excluding crime related healthcare costs.) This equates to £390 per head of population which is higher than the cost per head in the North East(£349) and England (£338) .

Alcohol licensing in Darlington:

As of July 2015 there were 321 licensed premises selling alcohol in Darlington. The majority of these are situated in the town centre (Park East and Northgate wards). The number of licensed premises has increased from 308 in 2013, 315 in 2014, to 321 in 2015 (up to July 2015). No alcohol licensing applications were rejected in 2014. The increase in premises is mainly licensed restaurants i.e the new cinema complex development and a couple of petrol stations.

Darlington substance use strategy & services:

Since the reorganisation of health and social care and the transfer of public health responsibilities to Local Authorities National policy around substance use has adopted a different direction, with the publication of the new recovery-based strategy, 'Reducing Demand, Restricting Supply, Building Recovery', which included dependant drinkers for the first time.

Locally, recovery treatment services for adults were integrated in 2012, reflecting changes to both the strategic, and funding, arrangements. In 2015, a further integration took place with the launch of an all age, all substance, Recovery and Wellbeing Service. Local partnership working has also incorporated Smoking Cessation and Tobacco Control and work is now underway to develop a single, Substance Use Strategy for 2015-2020.

The strategy will include the identification of, and consultation on, key local prevention, control and recovery treatment priorities for alcohol, based on comprehensive local needs assessment. The strategy's aims and objectives will inform a dynamic Strategic Delivery Plan that will set out how local activity will be co-ordinated to achieve them. The plan will be monitored by the Substance Use Planning Group, made up of key stakeholders, and will be overseen by the Drug, Alcohol and Tobacco (DAAT) Board.

Alcohol activity will be carried out under the umbrella of the Local Declaration On Alcohol, which has been signed up to by all local strategic partnerships including the Darlington Partnership and the local Health & Wellbeing Board.

How can harm be minimised?

Guidance published by the National Institute for Health & Social Care (NICE)² highlights evidence which shows that making it less easy to buy alcohol, by reducing the number of outlets selling it in a given area and the days and hours when it can be sold, is another effective way of reducing alcohol-related harm. This can be done through cumulative impact policies where appropriate. The guidance also makes recommendations to Local Authorities and other partners to reduce harmful drinking. The actions and commitments set out below reflect these recommendations.

Darlington Borough Council is committed to the North East Local Declaration on alcohol which is a regional statement of intent to tackle alcohol harm and highlight the issue nationally. While this commitment includes supporting the opportunity for local authorities to, 'control the number, density and availability of alcohol according to local requirements' there is not currently an intention to introduce a cumulative impact policy within the borough of Darlington, although this may change if there is evidence to support the need for such a policy. In line with this data and statistics will be provided to relevant licensing boards for them to make informed decisions

Commitment to work with licensed premises and support them to address health issues related to alcohol is embedded in the declaration. Effective management of licensed premises is integral to the alcohol harm reduction agenda and recognition is given that many establishments are keen to support this agenda. Examples of best practice which can be adopted by premises are outlined below:

- Identify the types of drinks promotions on offer & ensure they do not contravene the mandatory condition requiring that irresponsible drinks promotions are not offered – these may include offers such as cheap shots, 'Happy Hours', Buy One Get One Free or buy 2 glasses of wine get whole bottle.
- Ensure that non-alcoholic drinks are kept much cheaper than alcoholic drinks.
- Actively promote designated driver schemes, particularly at celebration times such as Christmas, New year etc where a driver is offered discounted or free non-alcoholic drinks.
- Consider starting the sale of alcohol later in the day rather than aligning it purely with opening hours.
- Ensure that alcohol is not prominently advertised on or around the premises – including alcopops which are often attractive to under-age drinkers.
- In retail premises consider where alcohol is displayed – where possible (e.g. local shops and garages) consider storing it behind the purchase tills
- Consider limiting sales of single bottles or cans of beer/lager/cider
- Consider limiting sales of high ABV beers/lagers and cider (e.g. above 5.5%).

² National Institute for Health & Care Excellence (2010: Alcohol Use Disorders : Preventing Harmful Drinking.

LIST OF RESPONSIBLE AUTHORITIES

The following are the “Responsible Authorities” in relation to licensing applications made to Darlington Council under the new legislation. Copies of application forms **must** be sent to each Responsible Authority at the same time as the application is made.

- | | |
|--|---|
| <p>1. POLICE
Chief Officer of Police
Police HQ
St Cuthbert’s Way
Darlington.
DL15LB</p> | <p>2. FIRE AUTHORITY
Fire Safety Officer
Fire Brigade HQ
Framwellgate Moor
DURHAM.
DH1 5JR</p> |
| <p>3. HEALTH & SAFETY
Environmental Health Manager
Town Hall
DARLINGTON.
DL1 5QT</p> | <p>4. PLANNING
Planning Services Manager
Darlington Borough Council
Town Hall
DARLINGTON.
DL1 5QT</p> |
| <p>5. ENVIRONMENTAL HEALTH (POLLUTION)
Environmental Health Manager
Darlington Borough Council
Town Hall
DARLINGTON
DL1 5QT</p> | <p>6. CHILD PROTECTION
Assistant Director of Social Services
Central House
Gladstone Street
DARLINGTON
DL3 6TW</p> |
| <p>7. TRADING STANDARDS
Trading Standards Manager
Darlington Borough Council
D Block, Town Hall
DARLINGTON.
DL1 5QT</p> | <p>8. HEALTH
Director of Public Health
Darlington Borough Council
Town Hall
DARLINGTON.
DL1 5QT</p> |
| <p>9. THE LICENSING AUTHORITY
Darlington Borough Council
D Block, Town Hall
DARLINGTON.
DL1 5QT</p> | |

If English is not your first language and you would like more information about this document, or if you require information in large print or braille or tape, please contact (01325) 388351.

اگر آپ کو یہ کتابچہ انگریزی کے علاوہ کسی دوسری زبان میں درکار ہو تو برائے مہربانی ٹیلیفون نمبر 01325 388351 پر فون کر کے حوالہ نمبر بتائیں۔

ਜੇ ਇਹ ਪਰਚਾ ਤੁਹਾਨੂੰ ਅਗਰੇਜ਼ੀ ਤੋਂ ਬਿਨਾਂ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਨੰਬਰ 01325 388351 'ਤੇ ਫੋਨ ਕਰੋ ਅਤੇ ਰੈਫਰੈਂਸ (ਹਵਾਲਾ) ਨੰਬਰ ਦੱਸੋ।

यदि आप यह प्रकाशन अंग्रेज़ी के अलावा अन्य भाषा में चाहते हैं तो कृपया संदर्भ नम्बर (रेफरन्स नम्बर) बताकर निम्नलिखित 01325 388351 पर संपर्क करें।

如果你需要其它語言的版本，請與以下電話聯係並報出參考號碼：01325 388351

যদি আপনার ইংরেজী ছাড়া অন্য কোন ভাষায় এই প্রকাশনাটির দরকার থাকে, তাহলে 01325 388351 নম্বরে ফোন করুন এবং সূত্র নম্বর উল্লেখ করুন।

إذا رغبتم الحصول على هذه النشرة بلغة أخرى غير اللغة الإنجليزية نرجو الاتصال بنا على رقم الهاتف التالي : 01325 388351 + مع ذكر رقم الإشارة.



Councillor Rachael Robathan, Leader, Westminster City Council
Councillor Ian Ward, Leader, Birmingham City Council
Councillor Judith Blake, Leader, Leeds City Council
Sir Richard Leese, Leader, Manchester City Council

By email only
via cleader@westminster.gov.uk

01 October 2020

Dear All,

Thank you for your letter of 19 August requesting a two year pause of the statutory requirements to review statements of licensing policy and cumulative impact assessments (CIA).

COVID-19 is causing disruption to all businesses across the country and I appreciate that those in the hospitality sector have been particularly hard hit. I am grateful for the measures that your councils and others across England and Wales are taking to support the recovery of this sector.

I do understand and am sympathetic to your concerns about the difficulties of undertaking a five-yearly review of the statement of licensing policy and the three-yearly review of relevant CIAs during this pandemic. These review requirements are statutory ones set out in the Licensing Act 2003 and, I am afraid they cannot be altered by regulations. Section 5(7) of that Act, which applies only in respect of statements of licensing policy under section 5, would not cover altering the review period. Primary legislation would be necessary in order to pause these reviews and, given other competing demands for legislation, I do not believe there is an imminent prospect of that, but I will of course consider acting should a suitable opportunity arise.

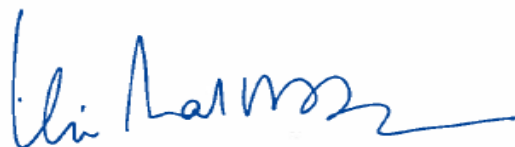
It is, of course, a matter for you as licensing authorities to determine how you exercise these duties and to satisfy yourselves that whatever approach you adopt is compatible with your legal obligations, including under the Licensing Act 2003, taking into account the statutory guidance under section 182 of that Act. However, you may want to explore whether you can adopt a pragmatic approach to reduce the burden on already hard-pressed stakeholders and to reflect the exceptional circumstances in which we currently find ourselves.

In particular, when consulting on your statement of licensing policy, you could consider if it would be appropriate to undertake the statutory consultation on the basis that you propose to roll forward your existing statement of licensing policy in its current form and consider any representations that you receive in response. As you know, statements of licensing policy last for a maximum of five years but you are required to keep your statement under review during that period, and to make revisions if appropriate before that period has expired. You may, therefore, want to consider committing to a further review when it is feasible to do so after the pandemic has passed.

You could also consider if a similar approach would be appropriate in respect of CIAs. CIAs do need to take account of all the evidence and, of course, the evidence from the last six months may paint a rather different picture to the preceding two-and-a-half years. It will be up to the authority how much weight it should ascribe to any particular evidence bearing in mind the disruption to the hospitality sector which has occurred as a result of COVID-19 and the fact that it may only be temporary.

As the statutory guidance (paragraph 14.44) makes clear, CIAs are not absolute. Each application for a licence should be treated on its merits, notwithstanding the existence of a CIA, taking account of the particular circumstances.

I do appreciate that this position is not ideal, but I believe that the legislation, which was clearly enacted without consideration to the kind of events that we are now experiencing, and the guidance allows you to adopt a light touch and pragmatic approach which reflects the current circumstances in which we find ourselves.

A handwritten signature in blue ink, appearing to read 'Kit Malthouse', with a long horizontal flourish extending to the right.

Kit Malthouse MP
Minister of State for Crime and Policing

COUNCIL
30 SEPTEMBER 2021

LEADER OF THE COUNCIL OVERVIEW

Council's Continued Response to COVID19

1. Since my last report to Council the government has lifted nearly all COVID restrictions. Lifting restrictions does not mean the risks from COVID-19 have disappeared and there are actions we can all take to protect ourselves and others around us. The government continues to recommend the wearing of face coverings in crowded and enclosed public spaces, health care settings and care homes to protect the most vulnerable people from the risk of infection. We must all continue to remain vigilant in our approach to this new phase of the pandemic response.
2. The situation in relation to COVID-19 in Darlington has continued to be dynamic and changeable in recent weeks. Since the last report we have experienced an unprecedented peak in cases of Covid-19 in Darlington. These very high rates have reduced considerably but still remain volatile. Similar to my last report these new cases remain concentrated in younger people in the community and particularly those people under 25 years old and in those who have not yet been vaccinated.
3. The vaccination programme has since been extended to include 16-17 year olds. The Authority continues to work with NHS and other partners to actively support the NHS in their efforts to ensure that those younger people are able to easily get vaccinated. The former mobile library vehicle has been refitted to enable the provision of mobile vaccination clinics by the NHS.
4. There have been a number of mobile and pop up vaccination clinics, delivered in partnership with the NHS, in and around Darlington. This has included some high profile events in the Town Centre, including Pride and Darlington Food and Drink Festival. There have been good levels of vaccine uptake in these clinics reported, especially amongst younger people.
5. With the high rates of vaccinations across the country the rules around isolation and contact tracing have also changed with those who are fully vaccinated now no longer required to self-isolate if they are identified as a contact of a positive case. The authority continues to work with NHS Test and Trace as a Local Tracing Partnership to ensure that everyone who has tested positive is properly and fully contact traced to reduce the risk of onward transmission or outbreaks.
6. Although there was this significant rise in the rates of infection there was not a similar rise in the numbers of those who were ill in hospital or reports of deaths from COVID-19. These remain low compared to previous periods of high infection.

Strategic Transport

7. The proposed 2022 Rail timetable changes were consulted upon and I made strong representations on two fronts. I worked with the Tees Valley Mayor to submit a combined Tees Valley response that had the support of all Leaders and I submitted a Darlington specific response to the consultation and Secretary of State for Transport that had the cross-party support of the Leaders of all the Political parties in Darlington. I am pleased to say the outcome has been positive and the proposals are not progressing in May 2022 and I will continue to work to protect rail services for Darlington and the Tees Valley.

Darlington Station Improvement Project

8. Darlington Station Improvement Project continues to be developed at pace in partnership with Network Rail. The project is progressing through the planning system, progress is being made on land acquisitions and the Project team are working closely with the Department for Transport. A planning permission has been submitted for the cattle market site to use this area as parking whilst the new station is constructed. The final use of the cattle market site will be subject to a master planning exercise in the coming year and will involve engagement with stakeholders and the community.

City Region Sustainable Transport Settlement (CRSTS) Bid

9. In mid-July the Government published guidance on a new City Region Sustainable Transport Settlement. This is a £4.2Bn fund open to the eight mayoral city regions. The aim of the fund is to provide a 5-year settlement to the Tees Valley Combined Authority to support delivery of transformational change and the outcomes identified in the Strategic Transport Plan.
10. The process is following an incredibly tight timetable with the development and submission of a prospectus outlining a 5-year programme of schemes and maintenance plans by early September. Leaders and the Mayor have been required to agree this prospectus and submit it to Government. The next stages will involve a dialogue between the Government and TVCA to agree the programmes and level of funding for the Tees Valley from April 2022. The amount of funding secured will be dependent on the strength of the prospectus and the subsequent submissions and dialogue with Government.
11. A consultation has been carried out by TVCA on the future of the Regions Bus Services. The closing date for responses as the 26 September. I will feedback the results as soon as possible.
12. Whilst this is not all new money, this has the potential to bring significant additional investment into Darlington and the Tees Valley to improve our transport network.

National Underground Asset Register

13. I attended a meeting with the Geospatial Commission, hosted by Lord True at the Northumbrian Water offices at Broken Scar on the 7th September, with Ben Houchen and representatives from the major infrastructure organisations, business sectors and council officers.

14. The meeting was to launch the development of a truly collaborative system to map all underground services and utilities on one accessible platform.
15. I'm pleased to see Darlington, the Tees Valley and the North East at the forefront of national innovation and taking this pilot forward.
16. The system will see real benefits for:
 - (a) the safety of operatives working and excavating in the ground
 - (b) improved utility services for residents and business
 - (c) Improved efficiency and improved project planning to reduce time to undertake essential repairs.
17. The services that run under our roads are critical to our daily lives and when they need to be maintained we know it can cause disruption in our streets. We visited the site in Mayfair Road where major work is being carried out to replace a sewer. We heard how the benefits of this system would improve the delivery of projects and reduce the disruption to residents whilst improving the resilience of services that we all rely on to live our daily lives.

Towns Fund

18. The Towns Fund Investment Plan continues to progress. Works to improve the environment of both Buckton's Yard and Clark's Yard are well progressed, with new doors, planters, colourful new benches, lighting and general improvements undertaken and/or planned. The installation of free public Wi-Fi has been completed and new lighting has been installed around the town centre. This will be completed by underlighting of the new benches which have been installed along High Row.
19. The business cases for the nine main Towns Fund interventions are being completed. The first three submissions for the Adult Skills facility, Skinnergate and the Yards and T-Levels (which offer students a mixture of classroom learning and work experience) were summarised and submitted in July. The remaining six will be submitted in the coming months.
20. As part of the Towns Fund, the Council received £575,000 to part fund the acquisition of the Northern Echo building which will host the Adult Skills facility. The funding allocated for 2021/22 for Adult Skills, Skinnergate and the Yards and T-Levels is anticipated at the end of September, subject to final approval by government.

Climate Change

21. The Cross Party Climate Change Working Group continues to meet. The Group has had a presentation on a carbon accounting dashboard and is currently discussing how to proceed; an internal system is available and the cost effectiveness of both systems will be compared.
22. A job advert for a Climate Change Officer to support the Sustainability and Climate Change Lead Officer closed on 6 August, with 31 applicants and 8 strong candidates were invited to interview. An offer of employment has been made and accepted and the Council are

currently going through the standard pre-employment checks. It is expected that the successful applicant, who was educated at Queen Elizabeth Sixth Form College, will start in mid-October.

23. Criteria and an application form have been produced for the Climate Change Fund. Any Council team may apply for funding for projects that support the Council's Climate Emergency Declaration.
24. An All Members briefing was held on the 20 September on the action plan to take forward to Cabinet on 5 October.

Councillor Mrs Heather Scott OBE
Leader of the Council Portfolio

COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF STRONGER COMMUNITIES PORTFOLIO

1. Since the last meeting of Council, the following are the main areas of work undertaken under the Stronger Communities Portfolio.

Community Safety

Darlington Borough Council COVID Pandemic Prevention and Compliance Group

2. The Prevention and Compliance Group involving a range of partners now meets on a fortnightly basis to discuss threat and risk and promote a safe and productive economic recovery. The Community Ambassadors continue to support the recovery process with an extension of service until 31 October 2021.

Home Office Safer Streets 1 Fund – Northgate & North Road, Darlington (target-hardening)

3. Following a successful bid to the Home Office, measures to deter and prevent burglary are being rolled-out in the Northgate and North Road areas of Darlington. Launched in Darlington on 7 September 2020, progress is as follows:
 - (a) A total of 416 homes have been visited by Police Community Support officers (advice, guidance etc.).
 - (b) 110 homes have accepted the offer of safer streets interventions (target-hardening measures).
 - (c) 81 properties have been completed and 29 other properties are awaiting target-hardening measures.
4. In anticipation of surplus funds, a meeting was held with local Councillors, Police and Local Authority Officers to determine additional preventative measures that could be introduced in the targeted area during the short-term. Measures agreed included removal of graffiti, provision of skips, defensive toppings, trellis and defensive planting, CCTV, crime prevention packs (locks, lights, alarms etc.), internal CCTV wi-fi surveillance and replacement gates.

Safer Streets 2

5. Darlington Borough Council and its partners were recently successful in a bid submitted to the Home Office Safer Streets 2 Fund for £330k to support the provision of additional CCTV and Automatic Number Plate Recognition (ANPR) in Darlington. A Working Group of relevant partners was convened on 13 August 2021 with expected delivery by March 2022. The town centre was identified as a priority following data analysis of high crime areas in the police force area for additional CCTV to cover gaps in existing provision 17 cameras in total.

Safer Streets 3

6. The Home Office Safer Streets 3 Fund, which is aimed at preventing violence against women and girls, was launched in June 2021. DBC together with Durham Constabulary and the Police Crime Commissioner have submitted a bid including a range of projects around improved street lighting, the provision of e-bikes for patrol in remote areas, multi-agency response teams in the night-time economy, relationship safety education, citizenship programmes, communication campaigns and project support workers. The outcome of the submission is expected in October 2021.

Purple Flag

7. Darlington Borough Council and its partners are working closely to inform their next renewal submission which is due on 8 October 2021. This will be followed by a virtual assessment in December 2021 and, if successful, reaccreditation in January 2022.

Safety of Women at Night

8. Following Safer Streets 3 a further announcement was made by the Home Office inviting partners to submit bids for other activities designed to increase safety of women at night. Partners once again worked productively, and a bid was submitted on 1 September. The bid includes a number of initiatives including the provision of taxi marshals, enhanced training for taxi drivers, safer walking routes, expansion of Pubwatch, vulnerability awareness training for hotels and takeaways and a night safety hub in the town centre.

Darlington Community Safety Plan 2021 - 2026

9. The draft Darlington Community Safety Plan 2021 – 2026 was made available for public consultation, which concluded on 3 September 2021. A survey was launched in five languages and sought feedback in relation to the four key priorities, namely:
 - (a) Protect and Support Vulnerable People
 - (b) Promote Safer Places
 - (c) Tackle Violent Crime including Domestic Abuse
 - (d) Building Strong and Cohesive Communities

10. Following consultation, the outcome will be reported back to the community safety partnership for consideration before final approval of the plan.

Civic Enforcement Service

Environmental Crime

11. The back lanes initiative continues, with the Environmental Crime Co-ordinator looking at new initiatives and different ways to tackle these issues. Barron Street is a current area of focus for the programme of work. A recent deployment in the Barron Street area of the Borough is proving very successful in deterring environmental crime.

Premises Closure Order

12. The team collated evidence in order to secure a Premises Closure on 16 Cartmell Terrace, where tenants were allegedly drug dealing. The Closure was successfully granted on 27 July 2021 and will remain closed for a three-month period.

ASB Action Week

13. A number of roadshows took place throughout the Borough in parks and problematic areas for anti-social behaviour in the week commencing 19 July. This work was undertaken with partners such as the Fire Service and Police in recognition of ASB Action Week: a Home Office initiative. The week proved to be a success, providing opportunities for direct engagement with the public and opportunities to provide advice and support, including vets on site to give advice on animal health and welfare, and several dogs were microchipped by the Council's Dog Warden.

Trading Standards

14. Trading Standards identified an uptake in the number of complaints from consumers about rogue gardeners and landscapers. On 30 July 2021, a press release was issued with a warning to householders to beware. This included a list of 'red flags' to help people spot the rogues and some top tips they could follow to protect themselves and their money. The press release was picked up by a number of local news media outlets.

Private Sector Housing

Local Authority Delivery Scheme - Phase 2 (LAD2)

15. The scheme, which was awarded £676,996.83, has now commenced with E.ON as delivery partners, aims to deliver energy efficiency upgrades to support 95 low-income households. This delivery is across all wards and tenures, with funding of up to £10,000 for each property. Measures such as solar panels and double glazing will improve low energy efficiency rated homes. The scheme is expected to run until March 2022.

Sustainable Warmth Competition

16. An application was submitted by the Tees Valley Combined Authority to the Department for Business, Energy & Industrial Strategy (BEIS) on behalf of Darlington Borough Council, who will be part of a consortium with other Tees Valley Local Authorities.
17. The Sustainable Warmth Competition is a sustainable application for:
 - (a) Green Homes Grant Local Authority Delivery (LAD) Phase 3: with a scope of providing up to £10,000 to households heated by mains gas,
 - (b) Home Upgrade Grant (HUG) Phase 1: with a scope of providing up to £25,000 to off-gas properties.
18. Both schemes will support low-income households living in energy inefficient properties across Darlington. If successful, LAD Phase 3 is due to commence in January 2022 and will enable the continuation of grant delivery across Darlington for energy efficient measures for a further 15 months.

Private Rental Sector Minimum Energy Efficiency Standard (MEES) Compliance and Enforcement Competition

19. The Private Sector Housing Team were successful in a bid to the Private Rental Sector Minimum Energy Efficiency Standard (MEES) Compliance and Enforcement Competition, run by the Midlands Energy Hub on behalf of BEIS.
20. This competition provides funding of £25,000 and resources to support both engagement with private sector landlords and enforcement, increasing awareness and compliance of the Minimum Energy Efficiency Standard (MEES) Regulations.

Community Resilience

Darlington Open Water Safety Group

21. The multi-agency working group, chaired by the Head of Community Safety, has completed its initial phase of work and has amended the frequency of its meetings to monthly as it starts to deal with longer term and strategic issues.
22. RoSPA conducted a risk assessment of the Broken Scar site on 22 July. A draft report has been delivered to DBC for comment, following which the group will act on the recommendations as necessary.
23. Inland Open Water Risk Assessment training was delivered on 4 August to key DBC staff who are best placed to then complete risk assessments of the main areas of risk within Darlington. A programme of assessments will now be put together and delivered by these staff.

Road Safety Scheme for Schools

24. Most schools have asked that the scheme launch be delayed until September (in the next school year) due to current workload and COVID restrictions preventing effective 'patrols' which are carried out by teachers and pupils.

Arcus LGBTQ+

25. DBC, Arcus and many others delivered a successful 'Pride Weekend' on 7, 8 and 9 August: 'Day Time' pride in the market-place on 7 August, 'Picnic in the Park' pride in South Park on 8 August and 'night time' pride on the evening of the 9 August. The events received great feedback on social media and DBC forums.
26. The Community Resilience Officer chaired a special meeting of the Arcus LGBTQ+ Forum (which takes place every 4 – 6 weeks) on 6 July with special guest Durham Constabulary Chief Constable, Jo Farrell. The Chief Constable answered questions from the LGBTQ+ community and explained the work of the Police in addressing hate crime.
27. The event was well received by all and the recording of the Zoom meeting was posted on the ARCUS / Police websites so others could view it if they couldn't attend the meeting live. It is hoped other 'special guests' will attend future meetings e.g. The Police and Crime Commissioner, Mayor and others.

PREVENT

28. A Project Support Officer for the Community Safety team was appointed 30 July to support the Community Resilience Officer.
29. No Tension Monitoring Reports have been received during the period of this report.
30. The Community Resilience Officer has made an initial contact with a representative from the Darlington Chinese community. They expressed concerns at the longer-term impact of COVID-19 as many members of the community have 'retreated' in the face of abuse about the virus and the perception of its origin/spread. The Community Resilience Officer will circulate a survey to the community to try and gain a better understanding of their needs and concern and is also considering widening this survey to reach out to other groups, with questions tailored to the requirements of each separate group.
31. The Community Resilience Officer continues to work with the Police, Councillor Ali and others to address concerns raised by the communities in North Road and Northgate that the current relationship with the Police and other authorities is not as would be expected. One idea currently being worked on is the setting up of 'Third Party Hate Crime Reporting Centres' to offer an alternative to reporting directly to the Police until relationships and trust can be re-established.

Licensing

Pavement Cafes

32. In line with the requirements of the Emergency Business and Planning Act 2020, allowing the hospitality trade to maximise the use of outside space, Darlington's Licensing Committee approved a streamlined response for pavement café applications to reduce the processing time. This legislation has now been extended until September 2022 and Licensing are developing a 'light touch' approach to renewal applications. It is the intention of Licensing to review the current Pavement Café Policy in the Autumn to reflect changes within the hospitality trade and to incorporate current projects that are ongoing within the town centre.

Taxis

33. COVID-19 has seen a decrease in the number of licensed drivers as demand reduced and many have taken other employment opportunities. This has impacted on taxi operators not being able to meet demand, which has led to complaints by the public to the taxi companies. Licensing is currently working with Operators to speed up the application process for drivers, whilst adhering to our policy and statutory requirements. Demand for taxi services has been increasing as COVID-19 restrictions have been removed, however, it is still too early to predict how the trade will recover from this pandemic.
34. The taxi trade have also asked for a tariff increase, which is currently going through a legally defined process to ensure proprietors and the public receive value for money. This will then be presented to the Licensing Committee for a decision. Darlington currently has the third highest tariff for a two-mile journey within the North East and is the highest within Tees Valley local authorities.

Gambling Policy

35. There will be a requirement to review the Gambling Policy in 2022 and Licensing will soon be seeking approval from the Licensing Committee for a new policy to be consulted on. Licensing have been following guidance documents from the Gambling Commission to revise the policy. There will be few proposed changes, as recent years have seen a move to online gambling, which is under the control of the Gambling Commission. It will however provide an opportunity to raise awareness of gambling addiction through the media releases accompanying the consultation.

Licensing Act Policy

36. Approval was sought from the Licensing Committee to carry forward our current Licensing Act Policy, which was due to be reviewed in April, until such a time where there is a greater understanding of how the pandemic has affected the hospitality trade. This is in line with many other Local Authorities throughout the country who find themselves in the same position. A formal consultation process on this proposal has taken place and no representations have been received. Responsible Authority partners have expressed that this is a pragmatic approach required for the exceptional times we are in. With approval of the Licensing Committee, a report will be submitted to Full Council for a final decision.

Premises Licence Review

37. Darlington Licensing Committee recently revoked the alcohol licence of Akbar Dynasty (on the A66 near Sadberge) following representations made by the Home Office that these premises had been using illegal immigrants to work both in the kitchens and front of house. The premises licence holder has appealed this decision, which the Licensing Department will be defending in a hearing at Peterlee Magistrates Court on 12 October. The premises can continue selling alcohol lawfully until this appeal has been heard. Grounds for the appeal have yet to be submitted by the licence holder.

Dog Breeding

38. Locally, Licensing is working closely with Trading Standards, Environmental Health, Civic Enforcement and Police to provide a co-ordinated response to any suspected unlawful activity involving dogs, which is an extremely emotive issue for communities. Licensing continue to work closely with colleagues in County Durham to develop a cross border action plan to deal with these issues and within that plan will be a joint media strategy.
39. A summons has been issued for an unlicensed dog breeder to attend court on 23 September and a recent joint operation with Police and Trading Standards has resulted in the arrest of two people for unlicensed dog breeding, along with other criminal offences. This is likely to result in a court hearing.

Crime and Disorder

40.

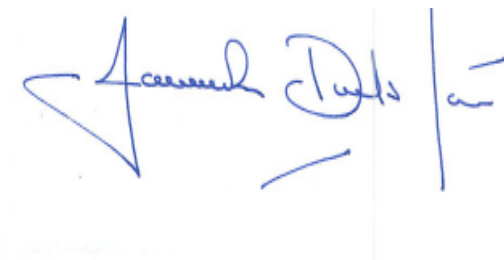
Darlington	Pre-COVID 01.04.2019- 31.07.2019	01.04.2021- 31.07.2021	% Increase/decrease
Crime	4266	3769	-11%
Incidents	11334	10391	-8%
ASB	1302	1219	-6%

41.

Darlington Town Centre	Pre-COVID 01.04.2019- 31.07.2019	01.04.2021- 31.07.2021	% Increase/decrease
Crime	600	406	-32%
Incidents	1164	773	-34%
ASB	157	98	-37%

Climate Change

42. The Private Sector Housing Team are currently involved in several projects aiming to improve properties with low energy efficiency through grant funding and enforcement initiatives.

A handwritten signature in blue ink, appearing to read 'Jonathan Dulston', is written over a vertical line. The signature is stylized and cursive.

Councillor Jonathan Dulston
Stronger Communities Portfolio

COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF ADULTS PORTFOLIO

Purpose of the Report

1. To inform and update Members on progress within Adult Services since the last meeting of Council. The following are the main areas of work under the Portfolio for Adult Services.

Operational Services

2. The new Assistant Director, Joss Harbron, started in post on 9 August 2021 focussing initially on recruitment and retention of staff, continuous improvement of practice and performance.
3. Demand across the services continues to be managed with a focus on a robust preventative approach with effective signposting and guidance through the Adults Contact Team (ACT).
4. We are maximising independence by focussing on strength-based approaches, with the person problem solving their care and support needs through guidance from the Ongoing Assessment of Intervention team (OIAT), the Response Integrated Assessment Care Team (RIACT), Mental Health and Lifestages teams.
5. We are providing care and support and periods of intervention through the Reablement team, with the aim of home first wherever possible after a stay in hospital or period of respite.
6. All teams continue to work in an agile way where possible and follow COVID-secure practices.
7. We are exploring the use of technology with the aim of enabling and supporting residents' independence. Work is ongoing with colleagues leading on the corporate Digital Darlington Framework to ensure the priorities and developments from this programme support the overall aims of the framework and are considered as part of the wider work programme.

COVID Funding

8. On 1 July, the Government extended the Adult Social Care Infection Control and Testing Fund to 1 September 2021. The Adult Social Care Fund was first introduced in May 2020 and its objective was to support adult social care providers in England to reduce the rate of COVID-19 transmission within care settings. The fund's purpose is also to encourage the increase in the uptake of staff vaccination and to conduct regular testing of staff and visitors in care homes thereby facilitating visiting wherever possible. Funding was extended in October 2020 and again in April 2021. This fourth round of funding amounts to £600,000 for care providers within the Borough of Darlington. The Fund will play an important role in supporting care providers as the sector moves forward during the COVID recovery period.

The Commissioning and Contracts team is overseeing the distribution of the funds and liaising with the care sector to ensure that all funds are effectively spent.

Commissioning and Contracts

9. The Commissioning and Contracts team have worked closely with Public Health colleagues to circulate new Government guidance issued on 16th August 2021 on exemption from the legal duty to self-isolate. Individuals will be exempt from the legal duty to self-isolate if they are identified as a close contact of a confirmed positive test by NHS Test and Trace and they meet the exemption criteria. These include fully vaccinated adults - those who received their final, second dose at least 14 days prior to contact with a positive case and those individuals with medical exemptions and cannot be vaccinated for medical reasons. In addition, any Individual who was self-isolating on 16th August and was fully vaccinated at the point of their contact with the positive case will also be free from the legal duty to self-isolate from this date.
10. Regionally and nationally, domiciliary care providers have been experiencing significant staffing capacity issues as a result of the legal duty to self-isolate. However, the providers operating in Darlington have managed this difficult situation extremely well which has prevented hospital admission and has supported timely hospital discharge. Colleagues in the Foundation Trust have noted this support and have asked for their thanks to be passed onto providers.
11. The Commissioning and Contracts Team have completed the re-instated annual quality standards assessment Scheme in the Older Person's Care Home Sector. The scheme was suspended in 2021 during the COVID-19 Emergency pandemic. The quality assessments consist of a review of essential care standards including effective recruitment procedures, social and leisure outcomes, medication management and health and safety. Levels of compliance and resulting grades are linked to the weekly fee levels for the Council's commissioned placements. The Quality Standards Assessment Scheme was revised after consultation with providers to reflect the challenging COVID-19 environment in which they are operating. Care homes will be informed of the outcome of the assessments in September. Any amendments to fee levels will be back dated to April 2020.

Darlington Safeguarding Partnership

12. The Statutory Safeguarding Partners hosted a development session with members of the sub groups to reflect on safeguarding arrangements over the past year, working through COVID-19, to understand what is working well, where we are at, how to improve going forward and are we making a difference. Partners recognised how agencies had flexed and demonstrated professionalism during the Pandemic which enabled the identification of need and dynamic response to multi-agency working.
13. Two operational groups were formed to deal with critical work for both children and adults during COVID-19, which enabled partners to be assured that our most vulnerable were being seen and agencies had a line of sight on those children and adults.
14. Partners agreed there are further opportunities for joined up connectivity relating to issues such as homelessness, new requirements under the Domestic Abuse Bill and issues for

night time economy which includes violence against women and girls which the partnership will take forward.

Climate Change

15. Staff and new-starters continue to complete Academy 10 modules on climate change. The benefits of home-working with regards to saving fuel and improving air quality are also highlighted to staff as well as the impact of a paperless approach.
16. Team meetings feature a Climate Change item - team members are encouraged to make suggestions to aid climate change with one suggestion each month shared as “Idea of the Month” – September’s being for staff to ensure their laptops are fully shut down when finishing work.

**Councillor Lorraine Tostevin
Cabinet Member with Portfolio for Adults**

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COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF CHILDREN AND YOUNG PEOPLE PORTFOLIO

1. Since the last meeting of Council, the following are the main areas of work undertaken under the Children and Young People Portfolio.

Health and Wellbeing Board

2. The Health and Wellbeing Board met on 16 September 2021. The main discussion item included an update from the Tees Valley NHS Clinical Commissioning Group on the Darlington vaccination programme.
3. Members also received a presentation on the Needs Led Neurodevelopmental Pathway from the CCG's Head of Commissioning and Strategy for Children, Young People and Maternity, NHS Tees Valley Clinical Commissioning Group. A specific area of need was highlighted in autism for children and young people and the opportunity to integrate this work with the work the council is undertaking to improve outcomes for children and young people with autism.
4. Following the recommendation from Cabinet in March for the Health and Wellbeing Board to investigate the impact of hot food takeaways on the health of residents, and, in particular, on childhood obesity in Darlington, Members welcomed a presentation detailing the planning options in relation to hot food takeaways.

Early Intervention & Young People's Engagement and Justice

5. The Building Stronger Families Service (formally known as Early Help) are resuming all groups from September, both universal and targeted and to increase awareness there have been a series of activities over the summer holidays using the Head of Steam's field. The groups from September will include the Inspire to Change Programme, for men and women who have been abusive, controlling or violent towards their partner, which staff have been trained to deliver over the summer, we are also focussing on babies born during lockdown to help address any delayed development, particularly speech and language.
6. From 1 August, a new assessment pathway was introduced, which means that more direct work takes place before the Early Help assessment is completed, inclusive of family network meetings, where families devise their own plan, outlining who will support them in effecting change.
7. The draft Youth Justice Plan has been submitted by the Young People's Engagement and Justice Service to the Youth Justice Board and the service is awaiting comments from the National Board. Ordinarily the plan requires approval from the Board before any official allowance is released to the authority however, the service recently received the official allowance figure earlier than usual, showing an 8 per cent uplift on last year.

8. Anti-social behaviour (ASB) group sessions are now complete with a reported reduction in crime and ASB in the town centre (reports from July). Following on from successful sessions with Fire and Rescue the service are now working to develop a rolling programme for young people. The programme will be accessible to all young people, whatever the pathway/offence, in particular, to those out of education, who perhaps would not get the generic safety messages at school.
9. Summer activities come to an end this week. The activities have been very successful in terms of attendance and behaviour of young people and a review meeting in terms of reflection/learning is planned for September when staff are back from annual leave to plan for future events.
10. Prevention and Diversion Programmes delivered by the service have been recognised by the Youth Justice Board, following a presentation at a regional Youth Justice Meeting and this presentation, along with details of our provision (Duke of Edinburgh, Bike Project, School Work) will be uploaded to the Youth Justice Resource Hub.

Safeguarding Assessment and Looked After Through Care

Corporate Parenting Panel

11. The Panel met on 15 June and 14 September 2021, with young people involved, alongside Members and Officers. The Panel received and discussed:
 - (a) Performance data for young people in care and Care Leavers for both Quarter 4 2020/21 with an overview of the year end, and Quarter 1 2021/22 performance data.
 - (b) A briefing report regarding dentistry during the pandemic.
 - (c) The revised Health Passport for care experienced young people.
 - (d) The new initiative to launch an Education Passport for care experienced young people.
 - (e) The Care Leaver Covenant. The Care Leaver Covenant was launched in Care Leavers Week 2018 and is part of the Government's Keep On Caring strategy to support people leaving care to become independent. It allows public, private and voluntary sector organisations to pledge support, including: apprenticeships, work experience and free or discounted goods and services. All support given through the Care Leaver Covenant will help Care Leavers to make a transition to independence. There is no cost attached to signing up to the Care Leaver Covenant. The Panel provided their support to the Care Leavers Covenant. Further discussions are underway regarding next steps.

Child Protection, Looked After and Care Leaver statistics

12. At the end of July 2021 there were:

- (a) 289 children being supported through a child in need plan, which is a reduction from 331 at year end 2020/21.
- (b) 77 children subject to child protection plans, a reduction from 87 at year end 2020/21.
- (c) 260 children in care.
- (d) All 148 Care Leavers between 16 – 25 years have access to a personal advisor for support, advice and guidance.

Care Experienced/Care leavers summer events

13. The looked after through care team have always ensured that Care Experienced/Care leavers have every opportunity to participate in organised activities provided from the team. These organised events that Care Experienced young people have participated with over the summer 2021 have been fully funded and organised by the Looked After Through Care Team and are listed below:

- 16 June – 1st Care Experienced/Care Leavers Picnic in the Park
- 6 July – Care Experienced Forum
- 14 July – 2nd Care Leavers Picnic in the Park
- 22 July – Care Experienced Virtual Quiz
- 12 August – Face to Face Care Experienced Forum and Pizza at Pease House
- 13 August – Mother and baby day trip to Redcare
- 16 August – Care Experienced Football Match - Staff v Young People
- 20 August – Care Leavers walk/Roseberry Topping day trip
- Couch to 5K – Each Thursday lunchtime
- 26 August – Care Leavers Virtual Quiz
- 28 August – Olly Murs concert at Mowden Darlington Arena
- 2 September – Hamsterley Forest Biking Day Trip
- Pscho Education Group – commenced 1 July 2021

Fostering, Residential and Lifestages

14. At the end of July there were 54 mainstream foster carers and 23 fully approved connected foster carers. There was a total of 7 fostering applications in Stage 1 and 5 applications in Stage 2 of the assessment process.

15. The number of initial enquiries in May was the highest recorded at 36, following a positive “Fostering Fortnight” foster carer recruitment campaign. There were 9 initial enquiries in June and 6 in July. Work is ongoing to promote the benefits of becoming a foster carer with Darlington Borough Council and there is a Marketing and Recruitment Plan in place to ensure a sustained focus on this key area.

16. At the end of July there were 5 young people cared for across the three residential children's homes. Harewood Hill Lodge returned to the pre-Covid delivery model, and short breaks are being provided to 27 children and young people.
17. At the end of July 2021, the Disabled Children's Team were supporting 113 children and young people. Social workers liaise closely with Health and Education colleagues and promote a restorative approach to working with children and their families.

Education

18. With the easing of COVID-19 restrictions, in line with Step 4 of the Roadmap, children and young people are now able to enjoy more freedom and socialisation in their education. Schools and colleges have a range of measures in place to manage COVID-19. For example: testing, ventilation and hygiene. All schools and colleges are advised to continue with regular handwashing, cleaning regimes, and to keep spaces well ventilated. These measures will be supported by the Education Service and Public Health team to respond to any spikes in infection in education settings. If a child or young person has been identified as a close contact, they will be advised to take a PCR test. They will not have to self-isolate, unless they have a positive PCR test result.
19. When they returned at the start of the autumn term, secondary school and college students were advised to take two on-site rapid COVID-19 tests (3-5 days apart), followed by twice weekly testing at home. If the test was positive, then the pupil will be expected to take a confirmatory PCR test.

Children's Commissioning and Contracts

20. Significant renovations have been undertaken in the self-contained accommodation available through the commissioned young person's Positive Support Pathway. The renovations have included a full refurbishment and modernisation of all 25 flats at the YMCA foyer. Work has also been undertaken to enhance the exterior of the foyer through a very positive garden renovation project with the Prince's Trust involving residents at the foyer. The garden renovation project has created a refreshed and attractive outdoor space for the young people to undertake group activities.
21. Opportunities to strengthen the Voice of the child/young person in commissioned services have commenced within the young carers support service. The young carers have scheduled a "meet the commissioner" engagement event and it is the intention that a series of further meetings will be held to reflect upon what works well in the service and where there are opportunities for further improvement.
22. A procurement exercise has commenced for the provision of accommodation and outreach support for families in Darlington. The existing contract is in place until 31 March 2022, and the new procurement will establish the service continuity arrangements effective from 1 April 2022. The procurement closes for evaluation on 17 September 2021.

Climate Change

23. Children's Services continually are looking at ways to reduce paper usage and with the implementation of the Liquid Logic case management system have been able to drastically reduce our paper usage and are not routinely keeping paper files across Children's Services; and are looking at national best practice in terms of how best to deliver relational approaches to families without an over reliance on papers and paper files to go .

Councillor Jon Clarke
Children and Young People Portfolio

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COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF ECONOMY PORTFOLIO

1. Since the last meeting of Council, the following are the main areas of work undertaken under the Economy Portfolio.

Planning and Development Management

2. The Planning Enforcement/Compliance Service currently has 93 planning enforcement cases under investigation and 101 cases have been satisfactorily resolved by the Monitoring and Compliance Officer since the beginning of August.
3. Since the beginning of August 2020, 841 applications have been received of which 31 are categorised as major. 646 decisions have been made in this period, including Committee Decisions, Chairs Delegated and Delegated Decisions.
4. Progress is being made with regard to the residential/commercial development in Skinnergate. The matter was presented and approved at the Planning Application Committee on 4 August. The scheme is an exciting transformational project, which will set a clear precedent for future development in the Town Centre.
5. Enforcement notices have been served on two traveler/gypsy sites which have been appealed against to be heard by hearing. The hearing for one site has taken place on 27 July in front of a Government Inspector. The outcome is awaited. In addition, an enforcement notice has been served on unauthorized activity including the stationing of a caravan near Sadberge. Compliance has been secured.
6. Direct action in default has been successfully undertaken on a property in Montrose Street. An appropriate charge on the property will be made to recover the Council's costs.
7. Negotiations are continuing regarding the improvements to Bank Top Station and the associated car park.

Environmental Health

8. The Environmental Health Section has responded to 1857 requests for service in Quarter 1 2021/2022. The main categories of these requests are:

(a) Food	144
(b) Licensing	75
(c) Noise	253
(d) Planning Enquiries	101
(e) Refuse	119
(f) Pest	230

(g) Personal Search	494
(h) Covid	273

9. The 2021 Air Quality Annual Status report has been submitted to Defra and forms part of the Review and Assessment process under the Environment Act 1995. The report details the results of the nitrogen dioxide diffusion tube monitoring carried out at 17 locations across the borough and demonstrates compliance with national air quality objectives. In addition, the report includes information on steps taken to address air quality such as a strategy/projects to expand the electric vehicle charging infrastructure, raising awareness on the impacts of poor air quality and reductions in license fees for taxi vehicles that are electric, hybrid or use other sustainable fuels. The new taxi licensing policy implemented from 1 January 2021 also introduced requirements relating to compliance with euro standards and vehicle age limits linking in with vehicle emissions. Defra included new sections in this year's report on air quality and the impact of the COVID-19 pandemic. A review of results from diffusion tube monitoring carried out in Darlington highlights that annual mean nitrogen dioxide levels are generally lower in 2020 than for previous years (since 2016), which is likely to have been influenced by reductions in traffic numbers as a result of COVID-19.

Climate Change

10. The Climate Change Action Plan is expected to go to Cabinet for approval in October. Milestones will be developed to enable clear reporting against those actions and future reports will demonstrate progress towards our carbon neutral target.
11. The Sustainable Darlington page on the website is being used to promote messages and we are looking at including a section written by and for young people. We also have regular articles in One Darlington magazine and on social media.

Building Control

12. Building Control continues to operate on a working from home basis, with all elements of the service being provided. With inspections following a combination of DBC's and our own safe system of work developed following discussions with the Health and Safety Unit.
13. The flow of applications has been constant and the demand for site inspections remains high.

Local Plan

14. The Examination of the Plan is still on-going with a further hearing day held on 7 September. Details of the Examination can be found on the Examinations web page and the hearing days can be viewed on You Tube.

Business Investment

15. All the covid business support grant schemes are now closed. The number and value of Covid-19 business grants awarded via DBC since the start of the pandemic is as follows:
- | | |
|--|-------------|
| (a) 735 Small Business Grants | £17,350,000 |
| (b) 364 Retail, Hospitality and Leisure Grants | £6,520,000 |
| (c) 105 Discretionary Grants | £1,170,000 |
| (d) 3,206 Local Restriction Support Grants | £10,451,660 |
| (e) 793 Restart Grants | £5,666,064 |
| (f) 1,088 Additional Restriction Grants | £3,073,484 |
16. The total value of Covid-19 financial support grants awarded to Darlington businesses between the start of the pandemic in March 2020 and July 2021 is £44,231,208.
17. Darlington Borough Council's original Additional Restrictions Grant (ARG) budget had all been allocated by end of June 2021, with final payments being made in July 2021. Having successfully defrayed the ARG allocation, the Council has now received additional ARG top-up funding of £631,502 to deliver further discretionary support in the period up to March 2022. Further Covid-support measures for business will now be put in place in line with the Government's guidance for this top-up fund.
18. Plans for Darlington Business Week are now in place. Business Week 2021 will bring a range of events and workshops aimed at local businesses who are at different stages in their business journey. There's a full and varied programme of activities that will appeal to a wide range of businesses, with practical advice, support and business network opportunities available each day.

Darlington Towns Fund

19. The aims and purpose of the Towns Fund is to drive the sustainable economic regeneration of towns to deliver long term economic and productivity growth.
20. Improvement works within the Yards has progressed well and includes enhanced public realm and seating areas, new doors, windows, new lighting and new paintwork and artwork, which will encourage people to visit the ever-growing number of independent shops and allow people to dwell for a time in these attractive historic yards. Planning and listed building application has been made for improvements to three key business premises in the Yards.
21. Progress is underway with Stage 2 of the Towns Fund which involves the completion of business cases and submission of summaries to government. To date, three out of the nine business cases have been completed, locally appraised and summaries submitted to government for review. If successful, funding for 21/22 for these three projects will be released.
22. The remaining business cases are in preparation and will be reviewed for intended submission of summaries to government in 2021.

Darlington Indoor Market

23. Phase 1 of the redevelopment of the market was opened to the public on 27 August 2021. The new food hall includes a bar, new public toilets and 6 street food vendors. Early feedback has been very positive on the quality of the food and the general environment.
24. Phase 2 of the refurbishment will commence over the next few weeks which includes the improvement of the market trading stalls and improved access and general decoration.
25. Phase 3 which is the installation for a Temperate Garden will commence in 2022.

Councillor Alan Marshall
Economy Portfolio

COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF HEALTH AND HOUSING PORTFOLIO

Purpose of the Report

1. Since the last meeting of Council, the main areas of work under my Health and Housing Portfolio were as follows:-

Overview

2. The Government recently announced a review to assess the country's preparedness for autumn and winter.
3. The COVID-19 Response: Autumn and Winter Plan 2021 outlines the Government's plans for autumn and winter in England. It includes the Government's 'Plan A' - a comprehensive approach designed to steer the country through autumn and winter 2021/22. It also outlines a 'Plan B', which would only be enacted if the data suggests further measures are necessary to protect the NHS.
4. The Government decided to move to step 4 of the roadmap on 19 July, a new phase of continued caution whilst managing the risks of COVID-19.
5. Step 4 does not mark the end of the need for caution and restraint. At step 4, while many of the legal restrictions that the Government has imposed through the pandemic will be lifted, cautious guidance will remain, making it clear this is not yet a return to normal. While cases are high and rising, everybody needs to continue to act carefully and remain cautious. We will continue to manage the virus and provide guidance over the coming months.
6. The numbers of those who were ill following a COVID infection and required treatment in hospital have remained relatively low compared to previous peaks in infection.
7. The pressure on the NHS from COVID-19 appears to have largely plateaued, with a similar number of patients diagnosed with COVID-19 occupying inpatient beds and emergency COVID admissions being similar on a week-to-week basis.

COVID-19 Vaccinations

8. Currently, 84.3 per cent of residents over 16 in Darlington have now received one vaccine and 76.8 per cent have now received two doses of vaccine. 56.4 per cent of those aged 16-17 have received their COVID vaccination since the programme was opened to them this summer.
9. Access to vaccinations has been expanded with the provision of a mobile vaccination unit which is operating across the Borough.

10. Our Vaccine Bus, previously the library van has been commissioned by the Council and is operated in partnership with the NHS. The vaccination bus is targeting areas and communities that have been identified as having the lowest uptake, aiming to remove any potential barriers to access by providing vaccinations in their own communities.
11. The bus provided its first clinic at Eastbourne Sports Complex. The pop-up, offering walk-in vaccinations, was mostly attended by young people between the ages of 16 and 21 ahead of returning to college or heading to university in the coming weeks.
12. We hope our community focused approach to COVID vaccinations in Darlington will encourage as many residents as possible to get both doses of the vaccine so we can best protect our communities.

Enhanced Response Area

13. On Monday 26 July, Darlington and the entire North East was listed as Enhanced Response Area (ERA). On Friday 27 August Darlington was removed from the ERA list.
14. The ERA status meant that all Local Authorities across the region were to be provided with additional support by central government, including where necessary and appropriate, support with vaccine rollout, targeted testing, and communications support.
15. Darlington did not receive any additional support as listed above. I put this down to our dynamic walk-in vaccination services, including our new vaccination bus, as well as our successful community testing scheme and our incredible communications plan.

Community Testing & Community Collect

16. As of 14 September 2021, the Council had directly undertaken 32,267 community tests across all our sites in the borough, including 3,113 click and collect kits being collected resulting in 43,436 tests being distributed.
17. Our click and collect community testing service continues to run from five areas across the town's currently, The Dolphin Centre, Head of Steam museum, Firthmoor community, Eastbourne Sports Complex and Darlington Hippodrome.
18. In addition, orders can be made online for home delivered kits via: www.gov.uk/order-coronavirus-rapid-lateral-flow-tests or collected from community pharmacies.

Public Health

19. The tier 2 Adult Weight Management (WMS) grant from government will be used in Darlington to support those with mild/moderate learning disabilities (LD). Obesity levels are rising both locally and nationally. This will have profound long-term consequences for the health and wellbeing of our communities in Darlington. In 2019 64.1 per cent of adults aged 18 years and above were classified as living with overweight or obesity in Darlington.
20. Public Health are working with the Dolphin Centre exercise referral team, who will support the recruitment and referral process from GPs and local LD partners. Public Health have

commissioned two NHS approved healthy eating/dietary support services. Second Nature, a digital provider with 1-1 dietitian advice to support those with mild LD, and Slimming World to provide face to face support in local groups.

Health and Wellbeing Board

21. The Health and Wellbeing Board met on 16 September 2021. The main discussion item included an update from the Tees Valley NHS Clinical Commissioning Group on the Darlington vaccination programme.

Funding for Ex-Offenders

22. Housing Services has recently been awarded £52,000 to assist ex-offenders to secure rented accommodation in Darlington, following a successful bid for funding. Darlington was one of only 15 Local Authorities in the country eligible for funding, based on our accurate recording of performance information to support ex-offenders in the community.
23. The funding will provide rent guarantees to allow up to 22 clients to access private sector tenancies, provide monetary compensation for any damages and monetary costs for house clearances where clients may be recalled to prison. The Housing Options team will work with landlords and tenants to help them to sustain their tenancies. =

Afghan Relocations and Assistance Policy (ARAP)

24. I am pleased to confirm that a comprehensive support package has been agreed that will see four families from Afghanistan move to Darlington.
25. The council has worked closely with central government and the North East Migration Partnership over the last few weeks to ensure that what we put in place is suitable and in line with regional our partners. We have always been very clear that Darlington will play its part in supporting the resettlement of people affected by the situation in Afghanistan, and I'm proud that we're are able to deliver on that pledge.

Homefinder

26. The new Homefinder housing allocations system has now gone live, replacing the previous Compass system. The new system will make it easier for customers to apply for housing, speeding up the registration process, providing customers with better information about available properties and enabling customers to track their bids for properties.
27. Housing Services has been working with other Tees Valley authorities and social housing providers to ensure the smooth transition between the two systems. All of the existing customers on the housing waiting list have been contacted advised of the changes and what actions they need to take. Anyone in bands 1, 2 and 3 have been automatically migrated to Homefinder, whilst customers in band 4 have been supported to reapply and register in the new system. To keep customers informed, the Council website and Housing Facebook page has been continuously updated with the latest news.
28. Data from the new Homefinder system will enable Housing Services to get a much better picture of housing needs within Darlington. A new strategic housing needs assessment will

be developed over the next few months and will help us to plan the next phases of our new build Council housing programme to ensure it meets the needs of local people.

Lifeline Services

29. Sheltered and extra care housing schemes are starting to re-open as a result of the relaxation of Covid restrictions. Scheme Managers are working closely with tenants and their families to try to rebuild confidence in accessing the communal areas and attend activities. Move More are facilitating small group exercises and larger activities have been organised in the communal garden areas (weather permitting).
30. Extra care schemes are now serving meals in the restaurants in arranged sittings and tenants are being encouraged to have their lunch together again. A tenant questionnaire is being developed to allow tenants to make some choices about their activities programme going forward.
31. Lifeline Services has been working with Adult Social Care to launch a 6 week falls pilot that will involve analysis of weekly falls data and will use a falls screening tool that has been specially developed for those that are experiencing more than 2 falls each week. This will enable services to be tailored to a person's needs to try to offer both planned and reactive support. The project started on 16 August and will be evaluated in late September.
32. Work has begun with voluntary sector organisations such as Age UK, The Alzheimer's Society and the Carer Support Service with the aim of creating a range of outreach services from each provider that would be hosted at the sheltered and extra care schemes. This project is in the very early planning stages and will likely involve a small pilot at an extra care scheme.

Dolphin Centre

33. In line with the government's announcement to ease restrictions from Monday 19 July 2021, operational changes were made at the Dolphin Centre to the safe systems of work but continued with a cautious approach over the summer. The key changes were around casual access to family swimming, soft play and the gym rather than having to pre book these activities, which was a welcomed change by customers. Capacities have remained slightly lower than usual levels to avoid overcrowding and all good practice in relation to sanitising and hygiene have remained in place.
34. The start of the holidays did provide some operational challenges with the volume of staff isolating, which at one point was around 24. However, the Dolphin Centre has continued to operate during these challenges and the holiday programme focused on casual access and the new facilities, including bowling and extended soft play.
35. The Dolphin Centre team has been delivering Key Stage 2 school swimming intensives as part of Public Health's Water Safety and KS2 Swimming School Package released to primary schools in May. This continued during the summer holidays with the new Year 6 children being targeted during September and October to help get children caught up on their water education journey.

Holiday Activity Fund

36. The Council has been awarded £488,130 to deliver the Holidays Activities and Food Programme. The purpose of the grant is for local authorities to make free places at holiday clubs available in the Easter, Summer and Christmas holidays 2021/2022 to children in their local authority who receive benefits-related free school meals.
37. This summer the Darlington Move More Team planned 20 weekly camps delivered at 9 venues across the 6 weeks of the holidays. All free school meals children received an invitation to attend the camps. The venues were Dolphin Centre, Eastbourne Sports Complex, St Anne's Church, Red Hall Community Centre, Firthmoor Community Centre, Skerne Park Academy, Hummersknott School, West Park Academy and Longfield Academy.
38. Activities included Dance, Youth Theatre, Fun Fitness, Games, Tai Chi, First Aid Courses, Reading, Sport Activities, Circus Skills, trips to Bowling and the Hippodrome, and Fun Nutrition Activities. All of the children were fed a hot meal at lunchtime that meets the government school meals nutritional standards. Over 800 children booked onto the activity camps.

Firthmoor Community Centre Multi Use Games Area

39. The Darlington Move More Team have been working alongside the Football Foundation and Firthmoor Community Centre to upgrade the current Multi Use Games Area on site. The Football Foundation had identified the Multi Use Games Area for potential investment to develop a plan to deliver football and other activities on site. Consultation work took place with the Firthmoor Nursery, Firthmoor Primary School, Darlington School Sports Partnership and Chairman of the Trustees on a potential design, and we are in the process of working alongside the Football Foundation recommended contractors to develop the project.

Eastbourne Sports Complex Multi Activity Room

40. The Multi Activity Room has now opened at Eastbourne Sports Complex. The room is hosting numerous new activities including HIT Classes, Bat and Chat Table Tennis sessions, Exercise After Stroke, Tai Chi, Chair Based Exercise Classes, Breathe Easy Sessions and Holiday Activity sessions. We are hoping to extend the offer for further physical activity sessions over the coming months.

Climate Change

41. I'm pleased to let Councillors know that all newly installed lighting systems in the Dolphin Centre are LED type systems. This will result in energy savings of at least 50 per cent against the systems that they have replaced. LED also has the added benefit of reducing routine maintenance costs as a result of future lamp failures. We have also replaced the air handling plant, including central extract fan units, have been selected with low SFPs (specific fan powers) in mind, which will result in lower electricity usage.
42. As part of the development of the new bowling ally and refurbished soft play the mechanical and electrical installations were upgraded which includes new systems and fittings that reduce energy consumption whilst at the same time improving environmental

conations in those areas. This work is Phase 2 of the programme to replace the mechanical and electrical installations in the Dolphin which are now 40 years old. The final phase will be delivered in coming years which will further improve the energy efficiency of the Dolphin centre.

43. Housing Services has now started to undertake the work to improve the Energy Performance Certificate (EPC) rating of Council homes, as part of the first phase of the Local Authority Delivery (LAD) programme.
44. Work commenced in June 2021 to upgrade loft insulation and double glazing to 765 Council homes. The second phase of the LAD programme will commence in the Autumn and will include the installation of solar panels and air source heat pumps.



Councillor Kevin Nicholson
Cabinet Member with Portfolio for Health and Housing

COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF LOCAL SERVICES PORTFOLIO

1. Since the last meeting of Council, the following are the main areas of work undertaken under the Local Services Portfolio. Throughout the summer there have been challenges in delivering services as staff have been taking annual leave which was compounded by other staff having to self-isolate as close contacts. However overall by prioritising services and moving staff around to meet demand on the whole, services were maintained throughout the period.

Highway Maintenance Schemes

2. The majority of the highway maintenance programme is undertaken through the summer when conditions are most conducive. This year over £2m has been invested in numerous schemes to improve the condition of our roads. The programme always involves a variety of solutions, whether it be full reconstruction of roads or overlaying roads to pro-long their life the Council will look at the most appropriate solution for the problem. This year a further 52 residential street have been treated covering over 11km to improve the condition of residents' streets to prevent potholes forming. Over recent years we have seen the number of potholes needing repair reduced by one third and we will continue to work to reduce this further. As part of our improvement plans, we have introduced a map based Report It system to help members of the public report problems simply and be kept up date with progress. This year we have also undertaken a number of schemes involving the recycling of material. We have managed to recycle 3600tons of material this year which would normally have been sent to landfill at a cost to the authority of over £160k.
3. Highway Maintenance schemes ongoing:
 - (a) A68 West Auckland Road: Carriageway Reconstruction (2.330km)
 - (b) A67 Merrybent -Phase 2: Carriageway Reconstruction (0.561km)
 - (c) Carriageway Micro-Asphalt Contract (52 locations, 11.124km)
4. Highway Maintenance schemes due to start:
 - (a) C38 Sadberge Road / Middleton Road: Carriageway Recycling (1.927km)
 - (b) Hewitson Road: Carriageway Recycling (0.3km)
5. Highway Maintenance Schemes completed:
 - (a) Carriageway Patching Contract (22 locations)
 - (b) Victoria Embankment: Kerbing/Drainage Works (0.500km)
 - (c) Pendleton Road/Arkendale Street Back Street: Carriageway Reconstruction (0.128km)
 - (d) A6072 Heighington Bypass: Carriageway Reconstruction (1.393km)
 - (e) B6279 Tornado Way: Carriageway Resurfacing (0.280km)

Head of Steam

6. On Track for Change, a new exhibition at Head of Steam was on display until 30 August 2021. Funded by Arts Council National Lottery Project Fund, artist Sophie de Oliveira Barata from the Alternative Limb Project, created a new installation inspired by the history of the railways. The unique piece brought together both art and technology and was accompanied by an exhibition exploring the history of artificial limb making by the railways.

Creative Darlington

7. Exhibitions in the gallery at Darlington Library were available to the public from 21 June with Jonny Lancaster's paintings and prints on display until 29 July 2021. Thanks to Darlington Cultural Volunteers for stewarding this exhibition. Dawn Broughton's 'A Dialogue with Age' exhibition was also on display until Thursday 23 September 2021.
8. Creative Darlington has supported filmmaker Mike Tweddle to commission fundraising services to develop a budget to produce one or more original films. These works are expected to explore aspects of Darlington's heritage, particularly the approaching 50th anniversary of Guru Boutique being open in the Borough, and Arthur Wharton's engagement with Darlington and legacy.

Climate Change

9. The Council has just received delivery of a further eight electric vans taking the total number of electric vehicles in the fleet to 17. All of the Council's van fleet will be changed to electric as they become due for renewal subject to suitable electric vehicle being available.
10. The C38 road between A67 and Sadberge has been maintained using recycling techniques. Whilst not suitable for all schemes in the borough this approach has saved 2781 tonnes of material being removed from site to a licensed tip. This is the equivalent of 146 wagons making the journey to the tip. The works are also carried out much quicker than conventional methods reducing the time that the diversion is in place reducing the additional miles generated following long diversions.

Libraries

Summer Reading Challenge

11. The Libraries offered children aged 0–16 an incentive to read over the summer. Children were able to borrow books to be entered into a draw to win one of a range of prizes including a Nintendo Switch, Harry Potter Lego Sets, a Fit Bit Watch and soft toys.

100 Book Challenge

12. The Libraries engaged with three primary schools. Collectively, Year 5 pupils in each school read "100 Books to Read before you're 11" as selected by Darlington Library Service. Feedback was immensely positive with teachers reporting a considerable increase in enthusiasm for reading. This scheme is now being offered to further primary schools to

contribute to positive literacy outcomes for Key Stage 2 pupils in Darlington.

Darlington Hippodrome

13. Darlington Operatic Society officially re-started live theatre events for a run of 6 performances with a socially distanced audience. Ticket sales were successful across the run and the theatre has since presented Horrible Histories (socially distanced). Following the ease of restrictions on 19 July, The Illegal Eagles and In the Night Garden were presented with a full capacity seating plan. Ticket sales continue to grow week on week and audience feedback on the COVID safety within the theatre has been positive.
14. The Autumn brochure has now been launched with a host of new shows announced for the Autumn and Spring seasons. Highlights include, We Will Rock You, The Legend of Sleepy Hollow and the return of Pantomime with Faye Tozer of Steps starring in Cinderella.

Town Centre Partnership and Events

15. An 'Enjoy Darlington' TV advert was created and aired on television from 7 August 2021. In addition, £94,000 was approved from the Welcome Back Fund 2021-22 and allocation of spending confirmed to support further large-scale advertising across the region to attract new visitors.
16. The Darlington 10K took place on 1 August with over 1,000 participants running in the event. The weekend of 7-9 August saw the return of PRIDE and was followed by MISH MASH, Food Festival and R'n'B Festivals throughout the month.
17. In the Market Square, the Roller Rink was very successful and well-received with large numbers of children and families taking part. Team Extreme with a 9m skate ramp, Landmark Minigolf, cycling and climbing walls also took place over the summer holidays.

Environmental Services

Northumbria in Bloom

18. The Council welcomed the Northumbria in Bloom judges in July who visited the town to judge the town centre's public realm. Results are due at the end of September.

Garden Waste Service

19. The Garden Waste Service is now in its third year of operation. Since implementation in 2019, the service has increased subscriptions from 4,700 to 8,800 plus. The service has been very well received with no significant issues arising.

Winter Maintenance

20. The winter maintenance season for 2021/2022 commences the first week in October. Salt stocks have been renewed and vehicles prepared in readiness for the forthcoming season.

Councillor Andy Keir
Local Services Portfolio

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COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF RESOURCES PORTFOLIO

1. Since the last meeting of Council, the following are the main areas of work undertaken under the Resources Portfolio.

Council Tax and Business Rates Collection

2. For the first quarter of 2021-22, 26.7 per cent of Council Tax due has been collected, compared to 26.8 per cent for the same period in 2020-21. However, in cash terms, £18.38 million has been collected (including arrears of Council Tax) compared to £16.64 million for the same period in 2020-21; an increase of £1.74 million (or 10.5 per cent). In addition, £8.96 million of Council Tax Support has been awarded to residents on low incomes.
3. For the first quarter of 2021-22, 27.04 per cent of Business Rates due has been collected, compared to 30.52 per cent for the same period in 2020-21. The main reason for this difference is due to the way Business Rates reliefs have been awarded in 2021-22 as most retail businesses have been exempt from making any payments during the first quarter. However, in cash terms, £9.06 million has been collected (including arrears of Business Rates) compared to £5.43 million for the same period in 2020-21; an increase of £3.63 million (or 66.9 per cent). In addition, £7.88 million of Business Rates relief has been awarded to businesses in the retail, leisure and hospitality sectors.

Capital Projects and Design Services Management

4. The Council's capital programme has a wide range of exciting projects being developed and delivered.
 - (a) Planning applications for both Darlington Station scheme and the Railway Heritage Quarter scheme are currently being determined, and approvals are anticipated by end of September.
 - (b) The Hybrid Innovation Centre on Central Park has now commenced on site.
 - (c) The new build Crematorium scheme progresses on site.
 - (d) The site requirements for the Treasury North Campus are being reviewed with the TVCA and meetings progress.
 - (e) A programme of demolition works continues across a number of locations to facilitate future regeneration opportunities. Pre-demolition information is currently being pulled together for properties on King Street.

- (f) Business cases continue to be developed to secure additional projects from funding opportunities, including to support the Railway Heritage Quarter Scheme, Learning Skills Centre within the Northern Echo building and Central Park.
- (g) The construction sector nationally continues to see significant resource pressures, material price and supply issues. The impact on projects and programmes is being monitored.

Annual Canvass (Electoral Registration) 2021

- 5. This year's Annual Canvass commenced on 8 July 2021, the second Annual Canvass under the new reformed process. As reported at the previous meeting, an initial data match with national and local data sets was undertaken prior to the Canvass commencing, and this suggested that a significant number of properties had no changes in terms of the household composition. As such, the residents within these properties were only required to respond to the Annual Canvass Form where there was a change.
- 6. This allowed Officers to streamline their approach and target those non-responding properties where the data match suggests that there could be a potential change to the composition of the household. Annual Canvass Reminder Forms for those properties from which a response was required, but had yet to be received, were issued in August, and further action, including household visits, will continue throughout September and October to encourage the completion of outstanding forms.

Investment Fund

- 7. Cabinet received an update on the use of the £50m Investment Fund; it is pleasing to see the fund being utilised as envisaged for investment opportunities and economic regeneration initiatives which are benefitting our Medium Term Financial Plan. The Joint Venture house building initiatives are working well with two of the schemes having fully repaid the investment. This repayment is then recirculated and available for future initiatives.

Workforce

- 8. The Council has 600 Flu vaccinations on order for staff with clinic's scheduled to take place in October following receipt of the vaccines. An appointment system will be in place to allow staff to book a place at one of the clinics, with front line staff being encouraged to take up the vaccination.
- 9. The Workforce Strategy and Workforce Plan with new values was approved by Joint Consultative Committee in July. Roll out and promotion to the workforce will commence shortly to ensure the new strategy is embedded into working practices.
- 10. The employee survey was completed over the summer and closed on 27th August. 869 employees completed the survey, a return rate of 46.13 per cent, which was a welcomed increase of just over ten per cent on the last employee survey (which received a 35.29 per cent response). Analysis of the results will now take place to identify key action areas.

Climate Change – Staff Training

11. Climate Change is an essential module which all staff are required to complete on Academy 10, which is the Council's online training portal.
12. Staff who cannot access the online system will be given a tool box talk with their manager where the presentation will be reviewed and questions undertaken as a group. At the time of writing, there was a 76 per cent completion on Academy 10, and a 10 per cent hard copy completion with an overall total of 58 per cent. It is recognised that tool box talks have been more difficult during the pandemic with the emphasis being on service delivery, however, as we begin to recover the tool box talks will begin in earnest.

Councillor Scott Durham
Cabinet Member with Resources Portfolio

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COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF ADULTS SCRUTINY COMMITTEE

1. Since the last meeting of the Council, the following are the main areas of work the Adults Scrutiny Committee has undertaken.

Covid-19 Response

2. The Assistant Director, Commissioning, Performance and Transformation provided a verbal update on the ongoing response to the Covid-19 pandemic, specifically in relation to care providers.
3. We were informed that there were outbreaks at two care homes at the time of the meeting – one Covid-related, and the other in relation to diarrhoea and vomiting – and that these outbreaks were being managed. The Assistant Director, Commissioning, Performance and Transformation advised that Care Home providers now had a mandate to ensure that all staff and contractors visiting a home had received two Covid vaccinations, and that all homes, apart from the two with outbreaks, were open in terms of visiting from friends and relatives.
4. The Committee were pleased to learn that staffing in Care Homes remained manageable, however we were advised that Home Care providers had undergone a more difficult period, but had managed well. It was disheartening to learn that staff recruitment remained challenging, however we were informed that this was a national issue, and that Officers were looking into the possibility of future support with this issue from the Darlington Care Collective.
5. Members were keen to establish whether Day Services had now returned to pre-Covid provision, and we were advised that services were being offered with safe working practices in place, however that it was noticeable that some service users had made alternative arrangements during the pandemic, and that the People Group would be subsequently reviewing the offer.

Adult Social Care Transformation Programme

6. We received a report to update Members on the progress of the Adults Social Care Transformation Programme. The report stated that the Care Act provided the context to review and implement a new operating model for Adult Social Care services to support the delivery of good quality services at a sustainable cost, and that the Transformation Programme was enabling the delivery of modern services which are Care Act compliant, and work in partnership with people to maximise their individual strengths and assets.
7. We were informed that the majority of projects were now complete, with all outstanding deliverables on track to be delivered by the end of 2021, although we were advised that the only exceptions to this were the Liberty Protection Safeguards Implementation which

will run to 2022, due to a delay in national legislation, and the Intermediate Care Provision Review, which had been delayed due to a reconfiguration of the Tees Valley Clinical Commissioning Groups.

8. Members were keen to explore the reasons for the delays to projects and preparations for the White Paper, and we received confirmation that a draft project plan was in place. Members were interested to learn about the impact that the Covid 19 pandemic had on the work of the Mental Health Services Team and were advised as to the slight delays in the project, however we were reassured to discover that plans were in place to be on track again by the end of the year.
9. We noted the good service user feedback, but were interested as to the response rate, and we were heartened to be informed that the response rate was 100% as the survey was conducted as part of the closure procedure. It was suggested that future projects should seek to have an impact in terms of reducing carbon emissions, through shared transport, housing and renewal energy schemes.
10. We also received further information on the progress of the RIACT Project within the Transformation Programme, and further discussion took place on the use of surveys, cross-referencing this with the work of the Adult Social Care during Covid Task and Finish Group, and the input of, and feedback received by, staff.

Home Care and Support Briefing

11. The Committee were pleased to receive an update on the current Framework Agreement for the Provision of Home Care and Support, which will end on 1 October 2023, and it was pleasing to hear that since its implementation in 2017, the model has worked extremely well, and that this was particularly evident during the challenging times of the Covid-19 pandemic.
12. We were informed that a Service Review was currently underway to inform the future tendering of the contract, which would include feedback from providers, service users (via Healthwatch engagement sessions) and operational colleagues.
13. Discussion took place on whether there was any specialist support available for ex-Forces personnel, staff vacancies and in particular the competition from other sectors in terms of recruitment, the differing experiences received by service users from the primary providers, service user awareness in terms of the composition of their care package and how this might be improved, the pay arrangements for the primary providers including terms and conditions of employment, and the number of care packages within each category.

Work Programme

14. Members gave consideration to the Work Programme items scheduled to be considered by this Scrutiny Committee for the Municipal Year 2021/22 and to any additional areas that Members would like to be included.

Councillor Bob Donoghue, Vice Chair of Adults Scrutiny Committee

COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

1. Since the last meeting of the Council, the following are the main areas of work the Children and Young People Scrutiny Committee has undertaken.

Designated Officer Annual Report 2020/21

2. Members Annually receive a report on the progress and performance of the Designated Officer for the period April 2020 to March 2021 and the action plan for the period April 2021 to March 2022.
3. The role of the Designated Officer, based with the Darlington Safeguarding Partnership Business Unit, is to ensure that advice and guidance is provided to partner agencies and staff where an allegation is made against a period who works with children in a paid or voluntary capacity and to facilitate and oversee this process.
4. It is a requirement of all organisations working with children in Darlington to have policies and procedures in place on what their organisation should do when an allegation is made against an employee/volunteer who has contact with children.
5. In 2020/21 the Designated Officer service received a total of 191 contacts in respect of allegations representing an 18 per cent decrease in the number of contacts received in 2019/20 which demonstrated that despite the restrictions of the Covid-19 pandemic, the response of the Designated Officer and the partner agencies in terms of holding Initial Evaluation Meetings and conducting enquiries in respect of reported allegations remained consistent.
6. Members noted that of the contacts made in 2020/21 the main category for referral was allegations of physical abuse, however this was a decrease of 24 per cent on last year's figures. Other categories of allegation were emotional, sexual, conduct, neglect and suitability.
7. Although there is no requirement in legislation for enquiries to meet timescales, local targets are set in Darlington and we were pleased to note that 80 per cent of allegations were resolved within one month and 90 per cent within three months, consistent with previous year's performance.

Children and Young People Public Health Overview

8. Members received an annual update of the Children and Young People Public Health interventions and programs below.
9. The Healthy Lifestyles Survey was delivered to 8500 pupils across 33 schools completing the survey annually; between April and June 2020, the Public Health team delivered virtual focus groups and online surveys with pupils from year 5 to year 10, parents and carers and

school staff; and responses were received from 167 pupils, 32 parents and carers and 41 school representatives.

10. The Childhood Healthy Weight Plan aims to increase a healthy weight in children and young people and the objectives are focused to increase fibre and fruit and vegetable uptake, reduce sugar by increasing healthy food and drink swaps and aim to achieve 60 minutes of physical activity for every child and young person in the borough; and partnership work has resulted in the coproduction of a looked after young people and families toolkit, a children's home food policy and a nutrition education staff training programme.
11. With regard to mental health in schools the Children and Young Peoples (CYP) Mental Health Network continues to meet and provide an overview of CYP Mental Health and has highlighted that children and young people are still being affected by COVID-19 in terms of mental health and the Child and Adolescent Mental Health Services (CAMHS) and other services are noticing increased referrals. We were pleased to note that a Suicide Prevention Grant programme for training to support staff in schools in relation to suicide prevention and self-harm was launched in June and the two applications submitted by Queen Elizabeth Sixth Form College and St. Aidan's Academy were successful in receiving £2000 each.
12. The 0-19 Service has introduced an enhanced digital offer to children and families during the Covid-19 pandemic and as restrictions were lifted the Service introduced more face to face appointments, while continuing to build on the success of the virtual offer.

Self-Assessment Overview

13. Members received the Annual Self- Assessment for Children's Services to enable challenge to and drive improvement in public services.
14. Children's Services update each quarter an assessment of social work practice, inclusive of Early Help, based on changes in performance data. To bring the information into a stand-alone easy read document an annual self-assessment overview document is completed.
15. The aim of the self-evaluation is to answer three questions: What do we know about the quality and impact of social work practice in our local authority; How do we know it; and What are our plans for the next 12 months to maintain or improve practice. The self-assessment is used as part of Ofsted's ILACS Annual Engagement Meeting and plays an important role in their understanding of local authorities and how they work.
16. We will examine the Self-Assessment Overview on an annual basis and will also continue to monitor performance throughout the year in the quarterly performance reports to Scrutiny.

Trauma and Horizon Scanning

17. At the request of Members we received an overview of 'Trauma Informed Practice' and how Children's Services are starting to embed and respond to Trauma and progress towards becoming a Trauma Informed Service.

18. Trauma is conceptualised in a broad spectrum, from the impact of poverty to the significant events that can be thought of in terms of Post-Traumatic Stress Disorder (having a clear clinical start point). Trauma for children, young people and families can also occur via interaction with professionals and organisations, particularly when the approach does not follow a relational and strength-based methodology.
19. Trauma Informed Practice is relational and strengths-based, grounded in an understanding of and responsiveness to the impact of trauma and the overarching practice methodology is based on the embedded approach to working with families within the Strengthening Families and Relational Practice.
20. The Virtual Head advised us of the expanding role of the Virtual School to embed the Trauma Informed approach and the training which is being carried out with the majority of schools in Darlington and Governing Bodies.

Children's Social Care – Off Framework Placements

21. Following a request by Members we received an overview of children in care who are placed in provision that is 'off – framework', the rationales behind off-framework provision and the annual costings and comparisons with placements made 'on-framework'.
22. The average residential placement cost for off framework in Darlington in 2020/21 was £3,791 per week compared with £3,069 per week on Framework and the number of off framework residential placements is 66 per cent based of all residential placements made in 2020/21, however it was noted that this was reflective of regional and national trends and Darlington had a comparatively low number of off framework placements within Independent Fostering.
23. Members discussed with the Assistant Director of Children's Services the cost of off framework placements and the rationale for placing off framework and noted that placement demands significantly outstrip placement availability. It was also highlighted that placements were not necessarily more costly because they were off framework and the Assistant Director of Children's Services emphasised that off framework placements can be the most suitable for some young people and can include education on site.
24. Members were assured that work is ongoing to continue to review placements and placement costs and to analyse the cohort of Looked after Children.
25. Members also questioned if there was any help the authority could offer to small local providers who find the bureaucracy associated with large framework contracts and procurement prohibitive and we were advised that Children's Services were working with providers and commissioners to provide encouragement and assistance.

Work Programme

26. Members gave consideration to the Work Programme items scheduled to be considered by this Scrutiny Committee during 2019/20, and to any additional areas that Members would like to be included.

27. We also considered a request from Economy and Resources Scrutiny Committee to undertake a joint piece of work on Youth Unemployment and have agreed that this Scrutiny lead on this work.

Councillor Paul Crudass
Chair of Children and Young People Scrutiny Committee

COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF COMMUNITIES AND LOCAL SERVICES SCRUTINY COMMITTEE

1. Since the last meeting of the Council, the following are the main areas of work the Communities and Local Services Scrutiny Committee has undertaken.

Transport Update

2. Scrutiny welcomed a PowerPoint presentation from the Head of Transport, Tees Valley Combined Authority, updating Members on the progress against the actions in the Strategic Transport Plan (STP).
3. Members were provided with details of the STP vision, objectives and themes, and progress updates were provided for the STP themes of National Rail, Major Roads, Connecting Centres, Unlocking Key Sites, Local Journeys and Social Equality and Environment.
4. Members were disappointed in the progress of the Darlington Northern Link Road scheme, but were given assurances that various funding opportunities were being considered to progress the scheme.
5. Particular discussion ensued on the bus service in Darlington. Members felt that the buses were unreliable, that the information for customers at bus stops was inadequate and outdated and that the online app was not user friendly. We acknowledged that the local transport authority would be pursuing an enhanced partnership with bus operators to deliver bus service improvement via five key areas; decarbonisation, service delivery, infrastructure, fares and improving customer experience. Members welcomed the proposal that Arriva be invited to a future meeting of this Scrutiny to discuss operational issues in Darlington.
6. We also raised concern in respect of the transport options for the night time economy. We were pleased to note that the Police and Crime Commissioner for Durham was aware of the issues raised and has identified a number of proposals to address these, including night time buses and taxi marshals. We look forward to receiving further updates.

Playing Pitch and Facilities Strategy

7. Scrutiny Committee received a report seeking Members' view and feedback on the Playing Pitch and Facilities Strategy prior to its consideration by Cabinet at its meeting on 7 September 2021.
8. The Sports Facilities Strategy which was previously published in 2014 had been updated to give consideration to the indoor and outdoor sports facilities and sets out the strategic direction and site-specific priorities for the future delivery of sports facilities across the Borough until 2031.

9. Scrutiny raised concern regarding the condition of a number of pitches across the town and we were informed that the strategy would focus on a hierarchy of facilities, prioritising strategic hub sites and that £70K of equipment had been received from the FA to maintain the pitches at two hub sites. We acknowledged that the Council would continue to maintain single pitches across the town.
10. Members requested that Cabinet give consideration to the introduction of a Street Sports and Play Strategy; consideration to the utilisation of the Covid Funding towards the provision and improvement of sports facilities in Darlington; and that a paragraph be included in the Strategy, providing clear, explicit information in respect of the disabled sports provision in Darlington.

Library Services

11. Scrutiny welcomed an update from the Head of Culture and Heritage on the refurbishment of Crown Street Library, noting the challenges faced in relation to the roof works, due to the location of the building.
12. We were advised of the timescales for the works to the library and were pleased to note that the costs remain within the agreed budget.

Northgate Initiative

13. Scrutiny received a report outlining the current position and developments of the Northgate Initiative, a multi-agency programme established in 2019 which seeks to pilot a range of interventions in order to improve outcomes for local residents.
14. Scrutiny were informed that there have been some measurable improvements over the past 18 months and details were provided of the workstream achievements to date in respect of environment, crime and security, housing, economy, childhood and education, health and shaping places for healthier lives.
15. Members noted the intention to implement the methodology and learning from this initiative in other wards and welcomed the possibility that further empty properties in the ward could be purchased and refurbished as part of the initiative.

Performance Indicators – Quarter 4 2020/2021

16. Scrutiny Committee received an update on Quarter 4 performance against key performance indicators for 2020/2021 which are within the remit of our Scrutiny.
17. We gave consideration to the performance position in relation to the 27 indicators, noting that seven were showing performance better than the same period last year or from when last reported, four indicators were showing performance the same, whilst ten indicators were showing performance not as good as the same period last year or from when last reported; and that six indicators had not been reported due to the coronavirus restrictions.

18. Members were pleased to receive the additional performance indicators in relation to the Hippodrome digital engagement, education and outreach.

Work Programme 2021/22

19. We have given consideration to the Work Programme for this Committee for the Municipal Year 2021/22 and to any additional areas that Members would like to be included.

Councillor Steven Tait
Chair of Communities and Local Services Scrutiny Committee

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COUNCIL

30 September 2021

OVERVIEW OF ECONOMY AND RESOURCES SCRUTINY COMMITTEE

1. Since the last meeting of the Council, the following are the main areas of work the Economy and Resources Scrutiny Committee has undertaken.

Project Position Statement and Capital Programme Monitoring Quarter 1 2021/22

2. We received the quarter 1 information in relation to the capital resource and commitment position of the Council's capital programme. The Council Project Position Statement currently has 45 live projects being managed with an overall projected outturn value of £134.570 million.
3. The majority of the Council's projects are running to time, cost and quality expectations and, following questions by Members, we were reassured that regular monitoring was being undertaken given the current pressures on resources and materials in the construction sector nationally.
4. We have also received a presentation on the Council's new electronic capital project reporting system Project in a Box, which is currently being rolled out and which will provide improved monitoring information in the future, including information showing any financial adjustments throughout the project against the original approved budget.

Complaints, Compliments and Comments Annual Reports 2020/21

5. We considered the Annual report which was also considered by Cabinet in relation to the number of complaints, compliments and comments which had been received by the Authority during 2020/21.
6. The Council constantly strives to ensure an organisational structure in which complaints and accepted, owned and resolved as quickly as possible and one in which learning from complaints is used to improve services. There is also a statutory requirement for the Council to produce annual reports in respect of representations received under the Adult Social Care, the Children's Social Care and the Public Health Complaints, Compliments and Comments Procedures.
7. We were advised that, during 2020/21, 628 complaints had been received, a decrease from the previous year, 309 compliments had been received, again an increase from the previous year and that there had been an increase in the number of comments which had been received from 168 to 178.
8. It is important for the Authority to analyse the complaints to determine whether there are any concerns in any particular areas and we were given some examples of where organisational learning resulting from complaints had been implemented.

9. We were advised that at the beginning of the pandemic, a decision had been taken not to prioritise complaints to enable staff focus to be targeted on protecting the most vulnerable and work is now being undertaken to clear the backlog of complaints that have arisen as a result of that, with the focus being on those complaints which had gone beyond the six month timescale.

Review of Outcome of Complaints Made to Ombudsman

10. We have also considered a report which was considered by Cabinet outlining the outcome of cases which have been determined by the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) during 2020/21, together with the LGSCO's Annual Review Letter 2021, which contains information on the Council's performance in relation to complaints.
11. During the period 1 April 2020 and 31 March 2021, eleven cases were the subject of decision by the LGSCO, one case was the subject of decision by the HO.
12. We have asked that future reports include the historic position in relation to the number of maladministration injustice decisions over the previous five years for comparative purposes.

Investment Fund Update

13. Scrutiny considered a report again which was considered by Cabinet in relation to the progress against the agreed investments being funded through the Investment Fund.
14. The Investment Fund was established by the Council in November 2016 for the Council to use for innovative investment opportunities beyond the traditional Treasury Management Strategy in order to achieve greater returns given the returns on investments. The original investment was increased to £50 million in November 2018.
15. We were advised that the £50 million was being used as envisaged to include Joint Venture (JV) vehicles and economic regeneration initiatives, with returns on the JV's anticipated to be over £6 million. Two of the JV schemes (Eastbourne and Heighington) have now been completed and the investment fund fully repaid to the Council.
16. Once the life of an investment comes to an end and is repaid the funds are recycled back into the fund for further utilisation, subject to a full detailed business case and approval by Cabinet.
17. We particularly discussed the funding given to Markets Asset Management (MAM) and the current position in relation to the return on that investment and the continuous and regular monitoring which was taking place to ensure that the funding was being utilised for the three separate refurbishment phases to undertake improvements to the indoor market.
18. The agreed investment fund has a commitment against it of £37.64 million, leaving a balance of £12.36 million uncommitted and Officers are actively looking at schemes which could be agreed, subject to approval, to utilise the fund to for wider economic benefits.

Work Programme

19. We have considered the annual work programme report and will be looking at establishing a task and finish review to look at the spend across the Strengthening Families Programme and will be involved with a joint piece of work being undertaken by the Children and Young People Scrutiny Committee to look at what services and funding were allocated to children's services by the Tees Valley.

20. We have also requested that information on the footfall figures in the Town Centre be provided to us and whether this information could be obtained for the Indoor market. Officers are going to respond to us on this

Councillor Mike Renton
Chair Economy and Resources Scrutiny Committee

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COUNCIL
30 SEPTEMBER 2021

OVERVIEW OF HEALTH AND HOUSING SCRUTINY COMMITTEE

1. Since the last meeting of the Council, the following are the main areas of work the Health and Housing Scrutiny Committee has undertaken.

Update on Stroke Rehabilitation Service

2. Scrutiny welcomed a PowerPoint presentation from the Head of Commissioning and Strategy, NHS Tees Valley Clinical Commissioning Group, updating Members on the Stroke Rehabilitation Service.
3. Members were reminded of the background to the proposed changes to the stroke rehabilitation service and were informed that there will be no change to the delivery of the inpatient rehabilitation at Bishop Auckland Hospital and University Hospital North Durham.
4. We were also provided with details of work undertaken across GP Practices to identify people with Atrial Fibrillation to ensure people were clinically optimized and that work continued to support early discharge. We noted the additional investment into the RIACT community model and that the stroke association continues to work in tandem with the stroke service, with 178 referrals received in 2019-2020.
5. Members did question the input from psychology and mental health services in stroke rehabilitation and were informed that psychologists are involved in the pathway as part of the assessment process and that the County Durham and Darlington Improving Access to Psychological Therapies (IAPT) is available for those individuals presenting to primary care.
6. We also held a discussion in respect of the future of stroke services, noting the requirement to strengthen the community offer. We were made aware of the potential to invest in community services as part of the Ageing Well funding.

COVID-19 Vaccination Programme Update

7. We also received a PowerPoint presentation from the Head of Commissioning and Strategy, NHS Tees Valley Clinical Commissioning Group, updating Members on the Covid-19 vaccination programme.
8. It was reported that the data up to and including 22 August showed that Darlington achieved 85.19 per cent for first doses, which was above the North East and North Cumbria rate and we achieved 74.28 per cent for second doses, with numbers still increasing.
9. We also noted the vaccination uptake for the JCVI cohorts and ethnic groups and acknowledged that further work is required to encourage the younger population and white British population to receive the vaccine.

10. Reference was made to the success of the pop-up vaccination clinic at Darlington Pride and we queried if there are further plans for pop-up clinic at upcoming events in Darlington.

COVID-19 in Darlington

11. A further PowerPoint presentation was received from the Director of Public Health updating us on the COVID-19 situation in Darlington (please see [link](#) to presentation).
12. We noted that whilst infection rates were rising, the hospital admissions were not rising to the same extent and this is a clear indication that vaccines are effective in reducing hospitalisations.
13. We were informed that there had been a slight increase in bed occupancy in July but that this was now reducing and we noted the changes to the government guidelines introduced from 16 August.

Care Quality Commission Inspection Update

14. We received a PowerPoint presentation from the Chief Executive, Tees, Esk and Wear Valley NHS Trust, updating Scrutiny on the recent Care Quality Commission (CQC) inspections of the Adult Mental Health (AMH) and Psychiatric Intensive Care Units (PICU). We noted that the Elm Ward (female AMH) was inspected on 20 - 22 January, and again on 25 – 27 May alongside the Cedar (PICU) Ward.
15. The key message from the January inspection was that the inspectors were not assured that there were systems and processes in place, across the Trust, to safely assess and mitigate patient risk.
16. Scrutiny were provided with details of the immediate actions undertaken by the Trust, with particular reference made to the quality assurance schedule that has been designed to replace previous audit activity and which includes a range of activities to allow for early escalation of key issues.
17. We also noted the further actions undertaken with particular discussion on the programme of improvements in environmental safety including £3.8M of capital investment. Members were provided with details of the anti-ligature sensors installed in West Park Hospital.
18. We were advised that initial feedback from the inspection on 25- 27 May indicated that the CQC felt the systems and processes in relation to risk management have been improved.
19. We extended our thanks to the Trust for accommodating a tour of West Park Hospital for Members of this Scrutiny Committee.

TEWV's New Strategic Framework and Business Plan

20. We also received a PowerPoint presentation from the Chief Executive and Director of Operations, Tees, Esk and Wear Valley NHS Trust, updating Members on TEWV's new Strategic Framework and Business Plan.
21. We were provided with details of the work undertaken to date as part of the Trusts Journey to Change, noting that a new strategic framework had been approved in January 2021 and that five strategic journeys were being established, with Year 1 priorities and actions agreed.
22. The presentation also outlined the vision and values for the new strategic direction and details were provided of the work being undertaken to deliver the actions and milestones detailed in the Business Plan 21-22 to 23-24.
23. We held a discussion in respect of continuity and choice in a patient's journey. We were informed that there is an element of choice regarding a patient's interventions, however the allocation of a care co-ordinator is geographically based but that accommodations can be made where necessary. We noted that improved patient choice will be considered as part of the service redesign.
24. Scrutiny were informed that the Trust has GP aligned professionals in most GP practices in the town and that there is an intention to deliver services in different locations across the town to improve integration with voluntary sector services. Members proposed the use of community hubs in each ward.

Performance Indicators – Quarter 4 2020/2021

25. 16. We received an update on performance against key performance indicators for 2020/21 at Quarter 4.
26. We noted that of the twelve Housing and Culture indicators reported to this Scrutiny Committee, nine had data available. We were advised that three indicators were showing performance better than the same period last year, whilst six, which included the three Culture indicators, were showing performance worse than the same period last year.
27. Of the 24 Public Health indicators reported to this Scrutiny Committee, fourteen had new data available. It was reported that of the fourteen indicators, five were showing an improved performance when compared to the same period last year, whilst eight indicators were showing performance not as good as the previous year and one indicator was showing a performance the same as the previous year.

Work Programme 2021/22

28. We have given consideration to the Work Programme for this Committee for the Municipal Year 2020/21 and possible review topics. The work programme is a rolling programme and items can be added as necessary.
29. We have requested that an update in respect of the Integrated Care System be brought forward to an earlier meeting of this Scrutiny Committee.

Councillor Ian Bell
Chair of the Health and Housing Scrutiny Committee