



**DARLINGTON**

Borough Council

# Council Agenda

6.00 pm, Thursday, 25 November 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 30 September 2021 (Pages 5 - 8)
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) The Code of Conduct for Members –  
Report of the Monitoring Officer  
(Pages 9 - 58)

- (b) Gambling Act Policy –  
Report of the Group Director of Services  
(Pages 59 - 116)
- (c) Council Tax Support Scheme 2022-23 –  
Report of the Group Director of Operations  
(Pages 117 - 166)
- (d) Eastbourne Sports Complex - Release of Capital –  
Report of the Group Director of Services  
(Pages 167 - 178)

8. Cabinet Reports.

- (a) Overview Report of the Leader of the Council; (Pages 179 - 182)
- (b) Overview Report of the Stronger Communities Portfolio; (Pages 183 - 188)
- (c) Overview Report of the Adults Portfolio; (Pages 189 - 192)
- (d) Overview Report of the Children and Young People Portfolio; (Pages 193 - 198)
- (e) Overview Report of the Economy Portfolio; (Pages 199 - 204)
- (f) Overview Report of the Health and Housing Portfolio; (Pages 205 - 210)
- (g) Overview Report of the Local Services Portfolio; and (Pages 211 - 214)
- (h) Overview Report of the Resources Portfolio. (Pages 215 - 218)
- (i) Treasury Management Annual Report and Outturn Prudential Indicators 2020/21 –  
Report of the Group Director of Operations  
(Pages 219 - 240)

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

- (a) Adults Scrutiny Committee; (Pages 241 - 242)
- (b) Children and Young People Scrutiny Committee; (Pages 243 - 248)
- (c) Communities and Local Services Scrutiny Committee; (Pages 249 - 252)
- (d) Economy and Resources Scrutiny Committee; (Pages 253 - 254)
- (e) Health and Housing Scrutiny Committee. (Pages 255 - 258)

10. Notice of Motion

- (a) To consider a Motion submitted by Councillor Snedker, and seconded by Councillor McCollom –

### **Climate Emergency**

In light of the increased need for comprehensive and urgent action to avert the worst consequences of the global heating, I propose that this council updates the terms of its Climate Emergency Declaration, agreed by Council at its meeting held on 18 July 2019, by renaming paragraphs g) and h) to h) and i) and inserting the following additional paragraph g) as follows :-

g) Acknowledge the impact of decisions made by Darlington Borough Council on the emissions across the whole Borough of Darlington, measure the carbon impact of decisions taken by the Council on the emissions across the whole Borough, monitor and declare the carbon emissions of the whole Borough of Darlington.

### **For clarity, if carried, the Council Motion will therefore read**

- a) Declare a 'Climate Emergency';
- b) Sign up to a science-based carbon reduction target that is consistent with achieving the Paris Agreement of no more than 1.5°C global temperature increase;
- c) Work with nurseries, schools and colleges to include age appropriate learning about climate change while calling for the national curriculum to be reformed to include "the ecological crisis as an educational priority";
- d) Work to make Darlington Borough Council carbon neutral by 2050 and call on central government to provide funding and powers to make this possible;
- e) Work with other organisations and governments within the UK and internationally to determine and implement best practice methods to limit Global Warming to less than 1.5°C;
- f) Work with partners to run a conversation with residents, Trade Unions, public sector organisations, businesses and the third sector on developing a plan with the actions and milestones required to reach this target;
- g) Acknowledge the impact of decisions made by Darlington Borough Council on the emissions across the whole Borough of Darlington, measure the carbon impact of decisions taken by the Council on the emissions across the whole Borough, monitor and declare the carbon emissions of the whole Borough;
- h) Set up a cross-party working group to develop an action plan and milestones to achieve carbon neutral status;
- i) Report the progress to Full Council every 6 months.

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

Holroyd –

### **Climate Emergency**

This Council recalls the Climate Emergency resolution that was agreed by Council at its meeting held on 18 July 2019.

This Council resolves to make the following change to that resolution:

delete paragraph d) and replace it with the following :-

d) Work to make Darlington Borough Council carbon neutral by 2030 and call on central government to provide funding and powers to make this possible.

**Note** – *Should the 2019 Motion be amended by Agenda Item 10 (a) above, the above Motion will refer to the 2019 Motion, as subsequently amended.*

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



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

**Wednesday, 17 November 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, 30 September 2021

**PRESENT** – The Mayor, Councillors Ali, Bartch, Bell, Boddy, Dr. Chou, Crudass, Mrs Culley, Curry, Dulston, Durham, Harker, Haszeldine, Heslop, Holroyd, L Hughes, Johnson, B Jones, Mrs D Jones, Laing, Layton, Lee, Marshall, McEwan, K Nicholson, M Nicholson, Paley, Preston, A J Scott, Mrs H Scott, Snedker, Sowerby, Tait, Tostevin and Willis

**APOLOGIES** – Councillors Allen, Baldwin, Clarke, Cossins, Crumbie, Donoghue, Keir, Lucas, McCollom, Mills, Newall, Renton, Wallis and Wright

**ABSENT** – Councillors Lister

### 22 MOTION (WITHOUT NOTICE) TO ADJOURN THE MEETING

Pursuant to Paragraph 28 (k) of the Council Procedure Rules, Councillor Harker moved a Motion that, in light of a Member returning a positive Covid-19 test following attendance at a recent meeting, this meeting be adjourned, and reconvened at a later date, which was seconded by Councillor Haszeldine.

The Motion was Lost.

### 23 MINUTES - TO APPROVE THE MINUTES OF THE MEETING OF THIS COUNCIL HELD ON 15 JULY 2021

**Submitted** – The Minutes (previously circulated) of the meeting of this Council held on 15 July 2021.

**RESOLVED** – That the Minutes of the meeting of this Council held on 15 July 2021, be approved as a correct record.

### 24 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

### 25 SEALING.

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

### 26 ANNOUNCEMENTS.

**Queen's Birthday Honours** - The Mayor reported that British Army Warrant Officer Daniel Jones, of the Yorkshire Regiment, had received a Commander Field Army Commendation in the Queen's Birthday Honour's List.

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

**(1) THE PUBLIC;**

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

**(2) MEMBERS TO CABINET/CHAIRS;**

There was one question, where notice had been given, from Councillor Harker, to Councillor Durham, Cabinet Member with Portfolio for Resources, who provided an answer thereon.

**(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.

**28 COUNCIL REPORTS.**

**(1) CHIEF EXECUTIVE'S APPRAISAL**

The Assistant Director Resources submitted a report (previously circulated) requesting that the recommendation of the Appraisal Sub-Group in respect of the Chief Executive's Performance Appraisal, be endorsed.

The submitted report stated that the Appraisal Sub-Group met on 7 September 2021 to consider the Chief Executive's Performance Appraisal in accordance with the previously agreed process, and outlined the recommendation of the Appraisal Sub-Group.

**RESOLVED** – That, in respect of the Chief Executive's Appraisal, it be noted that the Appraisal Sub-Group had met and considered the Chief Executive's Appraisal for 2021/22, and 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** - To enable the appraisal to be confirmed.

**(2) LICENSING ACT POLICY REVIEW**

The Group Director of Services submitted a report (previously circulated) requesting that 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 that Covid-19 regulations had on the industry could be sufficiently assessed.

The submitted report stated that, due to Covid-19 restrictions, there had been no opportunity for a meaningful consultation with the hospitality trade and stakeholders on the Council's Statement of Licensing Policy, which was due for renewal, and that a new policy would be developed once the hospitality trade has had a chance to recover from the pandemic, and once the impact of legislative changes made due to Covid-19 could be properly assessed. It was reported that this approach had been supported by the Licensing Committee at its meeting held on 17 August 2021.

**RESOLVED** – That the Statement of Licensing Policy be carried over with immediate effect.

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

**29 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.

**30 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.

**31 NOTICE OF MOTION**

**(1) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR LAYTON, AND SECONDED BY COUNCILLOR HARKER**

The following Motion was moved 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 Sedgfield 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.

The Motion was Lost.

## **32 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 Johnson be appointed to the vacancy on the Adults Scrutiny Committee;

(b) That Councillor Keir replace Councillor Dulston as the Named Substitute for Councillor Mrs. Scott on the Tees Valley Combined Authority Cabinet; and

(c) That Councillor Dulston replace Councillor Mrs. Jones on the Tees Valley Combined Authority Overview and Scrutiny Committee.

**COUNCIL**  
**25 NOVEMBER 2021**

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## **THE CODE OF CONDUCT FOR MEMBERS**

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**Responsible Cabinet Member -**  
**Councillor Scott Durham, Resources Portfolio**

**Responsible Officer -**  
**Luke Swinhoe**  
Assistant Director, Law and Governance  
**Monitoring Officer**

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### **SUMMARY REPORT**

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

1. To invite members to consider the adoption of a revised Code of Conduct based on the Local Government Association Model Councillor Code of Conduct in place of the current Members Code of Conduct, and if considered appropriate approve the recommendations set out in the report.

#### **Summary**

2. This report sets out details of the Local Government Association (LGA) Model Councillor Code of Conduct and provides some analysis against the current Code of Conduct of this Council.
3. A revised Code of Conduct for Members has been produced based on the LGA Model Councillor Code of Conduct, including some minor local modifications and this is attached at **Appendix 1**. The version at **Appendix 2** includes track changes to assist in the understanding of the changes that have been made. Further analysis of the current and proposed Code is set out in the table in paragraph 18.
4. The LGA Model Councillor Code of Conduct was considered by the Audit Committee on 29 September 2021 and Member briefing sessions were held on 1 and 3 November 2021. A session for parish council members was held on 2 November 2021. There has been broad support for the adoption of the LGA Code of Conduct (in the form as set out in Appendix 1).

#### **Recommendation**

5. Members are asked to:
  - (a) Note the information presented on the LGA Model Councillor Code of Conduct;

- (b) Approve the adoption of the revised Code of Conduct for Members as set out at Appendix 1 of the report, to take effect on **1 January 2022**.
- (c) To authorise the Monitoring Officer to update the Constitution to replace the current Code of Conduct for Members with the Code adopted as referenced in paragraph (b), above;
- (d) Note that all Members will need to review their register of interests and consider whether any amendments are needed to their register of interests as a result of the revised Code of Conduct for Members coming into force.
- (e) Note that following adoption by the Borough Council, Parish Councils in the Darlington area will also be invited to adopt the revised Code of Conduct for Members.

### Reasons

6. The reasons for the recommendations are:
- (a) The adoption of an updated and revised Code of Conduct for Members, with modernised language and explanatory text, will assist the public and members to better understand the provisions of the Code of Conduct.
  - (b) To align the Council's Code of Conduct for Members to the LGA Model Councillor Code of Conduct.
  - (c) To help in promoting the good conduct of Members in the Council and the Parish Councils.
  - (d) To ensure that the Constitution is up to date.

**Luke Swinhoe**  
Assistant Director, Law and Governance  
**Monitoring Officer**

### Background Papers

- (i) Committee on Standards in Public Life – Report on Local Government Ethical Standards, January 2019. [Local Government Ethical Standards January 2019 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401111/standards-report-2019.pdf)
- (ii) Local Government Association Model Councillor Code of Conduct 2020 [Local Government Association Model Councillor Code of Conduct 2020](https://www.local.gov.uk/media/1031226/Local-Government-Association-Model-Councillor-Code-of-Conduct-2020.pdf)

Luke Swinhoe: Extension 5490

S17 Crime and Disorder	There are no specific issues which relate to crime and disorder
Health and Wellbeing	There is no specific health and wellbeing impact
Carbon Impact and Climate Change	There is no specific carbon impact
Diversity	There is no specific diversity impact
Wards Affected	All wards are affected equally
Groups Affected	All groups are affected equally
Budget and Policy Framework	Changes to the Member Code of Conduct need to be agreed by Council and the Constitution amended.
Key Decision	This is not an executive decision
Urgent Decision	This is not an urgent decision
Council Plan	There is no specific relevance to the strategy beyond a reflection on the Council's ethical governance arrangements
Efficiency	There is no specific efficiency impact
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Background

7. In January 2019 the Committee on Standards in Public Life (CSPL) published a report following a review of [Local Government Ethical Standards](#) including a number of best practice recommendations. One of the recommendations was that the Local Government Association (LGA) should produce an updated member code of conduct. After a period of work and consultation the LGA published the Model Councillor Code of Conduct on 23 December 2020.
8. The LGA Model Councillor Code of Conduct was the product of a significant independent piece of work that was commissioned by the LGA. The LGA hopes that the Model Code will be helpful to local authorities in the area of ethical standards and enhance a more consistent approach nationally.
9. It is helpful to see how other Councils have reacted. The move to adopt is developing and it is important for this Council to have a considered view about the LGA Model Code of Conduct.
10. There are some variations of approach and not all Councils are looking to adopt the LGA Model Code of Conduct. So far approximately a third of councils have adopted the LGA Code of Conduct nationally. In our region, the other Tees Valley Councils either have or are moving to adopt the LGA Model Code of Conduct (Stockton, Middlesbrough and Hartlepool have now adopted it and Redcar is in the process of doing so).
11. It is also relevant that the National Association of Local Councils (which represents the interests of parish and town councils) is recommending to its members that they adopt the LGA Model Councillor Code of Conduct.

## **LGA Model Councillor Code of Conduct**

12. The LGA Model Councillor Code is available from the LGA website [Local Government Association Model Councillor Code of Conduct 2020](#)
13. The Model Code covers:
  - (a) Joint statement;
  - (b) Introduction;
  - (c) Definitions;
  - (d) Purpose of the Code of Conduct;
  - (e) General principles of councillor conduct;
  - (f) Application of the Code of Conduct;
  - (g) Standards of councillor conduct;
  - (h) General Conduct: Respect; Bullying, harassment and discrimination; Impartiality of officers of the council; Confidentiality and access to information; Disrepute; Use of position; Use of local authority resources and facilities; Complying with the Code of Conduct; Protecting your reputation and the reputation of the local authority; Interests; Gifts and hospitality;
  - (i) Appendix A: The Seven Principles of Public Life;
  - (j) Appendix B: Registering Interests;
  - (k) Appendix C: The Committee on Standards in Public Life.
14. The Model Code is written in the first person, e.g. 'I treat other councillors and members of the public with respect' and has explanatory text, which is written as if addressed to the councillor, e.g 'You should not...'

## **Current Darlington Code of Conduct**

15. The last major revision concerning member standards was a result of the Localism Act 2011. Amongst other things this legislation scrapped the Standards Board for England (which provided guidance and strategic oversight to local authorities on member standards) and the requirement for councils to have standards committees. The approach to the codes of conduct also changed, while the National Code of Conduct ceased to apply, councils were required to adopt their own code of conduct which had to include, as a minimum, provisions about member interests, the other content being a matter of local choice. Like many other Councils we chose to keep the general provisions of the National Code of Conduct and add to them the changes required to member interests by the Localism Act.



16. Our Code of Conduct remained largely based on the 2007 National Code of Conduct with the amendments about member interests required by the Localism Act 2011. Since 2012 only very limited updates have been made to our Code of Conduct. The recent work undertaken by the LGA is a helpful way of giving an opportunity to review and update our Code of Conduct.
17. The Council's current Code of Conduct is available from the website [DARLINGTON BOROUGH COUNCIL'S](#)

### Comparative analysis of the LGA Model Councillor Code of Conduct

18. Using the LGA Model Code of Conduct as template, a comparative analysis about the provisions of the LGA Model Code of Conduct with the Council's own Code of Conduct is set out below:

Provision	LGA Model Code	Darlington Borough Council Code	Comments
<b>PRELIMINARY PROVISIONS</b>			
Joint statement	Information about the role of elected members and expectations of behaviour		Suggest delete as DBC introduction is sufficient
Introduction (DBC)		Provides background information about the Code of Conduct, its adoption, member undertakings to comply, Nolan principles, complaints, members' personal responsibility, gender applicability and subsequent legal changes having precedence.	Suggest retain this version with following amendments: Delete para 2 - as this is picked up in the LGA Application of the Code para. Replace para 2 with a reference to the 2020 LGA Model Code Delete reference to 'the Appendix' as this is picked up in the General Principles section.
Introduction (LGA)	About the LGA model Code		Suggest delete (reference made in DBC Introduction)
Definitions	Defines councillor and co-opted member and local authority.		Suggest delete (not add anything).
Purpose of the Code of Conduct	General statement.		Include (omitting reference to the LGA)
General Principles	References the Nolan Principles and nine general principles specifically for the role of Councillor that	The Nolan principles are referenced in para 3 of the DBC Introduction	Suggest include Reference Appx A (the full Nolan principles)

	supplement the Nolan Principles.		Include para re status of principles (ie to aid understanding and interpretation – but not directly enforceable).
Application of the Code	Reference to misuse of your position  The Model Code indicates that it applies to all forms of communication and interaction.  Examples included.	Dealt with by Para 2 of the Code  Includes reference to acting or claiming to act as a representative of the Council  [no examples included]	Suggest include.
Support and Advice <i>(new heading)</i>	Set out in the above para (Application of the Code)  Note – no reference is made to Chief Finance Officer or other statutory officers	Referenced in Para 7 of the Code	Suggest include but move this from the Application section and create a new heading – as per this section. Parish Cllrs wording deleted – but to be used instead by parish councils
<b>STANDARDS OF CONDUCT</b>			
1. Respect	Same concept as the DBC Code but with more clarity about to whom the duty applies.  Explanatory text clarifies the right to express differing views and the limits in a democracy. Reference to social media and the conduct of others.	Dealt with para 3(1) (and in more specific areas in 3(2).)  Unlike the LGA version the text is unamplified.	Suggest include.
2. Bullying, harassment and discrimination	The Model Code includes harassment.  Explanatory sets out the definition of bullying. Clarification about what is meant by harassment and discrimination.	Bullying is in para 3 (2) (b).  Para 3 (2) (a) deals with the anti-discrimination (this needs updating as the legislative reference has been superseded).  No provision about harassment.  There is no explanatory text.	Suggest include.

<p>3. Impartiality of officers</p>	<p>The Model Code includes explanatory text.</p>	<p>This is covered para 3(2)(d) of the Code - similar wording.</p> <p>No explanatory text.</p>	<p>Suggest include.</p>
<p>4. Confidentiality and Access to Information</p>	<p>The Model Code includes similar provisions concerning the improper disclosure of confidential information and the improper denial of access to information that people are entitled to.</p> <p>A new provision deals with improperly using knowledge gained as a result of being a councillor for the self - advancement or of their friends, family members, employer or their business interests.</p> <p>Explanatory text is included</p>	<p>This is covered in the Code at sections 4 and 6(a)</p> <p>Although the provision dealing with the improper use of knowledge is not in the information sections of the Code, it would be covered by para(6)(a) which deals with a member improperly using their position to confer or secure an advantage (or disadvantage) for themselves or any person</p> <p>No explanatory text.</p>	<p>Suggest include.</p>
<p>5. Disrepute</p>	<p>The Model Code is similar to the DBC Code</p> <p>Explanatory text is included</p>	<p>This is covered in the Code at section 5.</p> <p>No explanatory text.</p>	<p>Suggest include.</p>
<p>6. Use of position</p>	<p>The Model Code is similar to the DBC Code</p> <p>Explanatory text is included</p>	<p>This is in para 6(a) of the Code</p> <p>No explanatory text.</p>	<p>Suggest include.</p>
<p>7. Use of local authority resources and facilities</p>	<p>The Model Code is similar to the DBC Code</p> <p>Explanatory text is included</p>	<p>This is covered in paragraphs 6 (b) and (c).</p> <p>No explanatory text.</p>	<p>Suggest include.</p>
<p>8. Complying with the Code of Conduct</p>	<p>The Model Code includes a para aimed at preventing the intimidation of those involved in the administration of complaint investigations or proceedings.</p> <p>The requirement to undertake Code of Conduct training provided by the local authority is new.</p>	<p>The wording of the DBC para on non- intimidation re complaint investigations is wider.</p> <p>The provisions concerning training and co-operation with any investigation and finding are not in the Code, but they would be helpful to include.</p> <p>No explanatory text</p>	<p>Suggest include.</p> <p>Expand the non-intimidation provision to include complainants and witnesses.</p>

	<p>The requirements to cooperate with an investigation and/or determination finding are new.</p> <p>Explanatory text included</p>		
<b>MEMBER INTERESTS</b>			
9. Protecting your reputation and the reputation of the local authority	<p>The layout of the Model Code differs from the DBC Code making direct comparative analysis more difficult.</p>		<p>There are some differences and omissions in the LGA Code which it is suggested we include (see below)</p>
9.1	<p>Paragraph is a general introduction about registration and disclosure of interests and some explanatory text.</p> <p>[The detail about interests set out in Appendix B]</p>	<p>The Code does not have a general paragraph about interests</p> <p>No explanatory text</p>	<p>Suggest include and that we follow the general Model Code approach.</p>
Appendix B Registering Interests	<p>Deals with registration and also the definition of disclosable pecuniary interest and partner (set out in Table 1) and other registerable interests (set out in table 2)</p> <p>Deals with updating the register</p> <p>Deals with sensitive interests</p>	<p>Registration and updating of the register are in para 12 of the Code.</p> <p>The definition of pecuniary interests is in para 9 and non-pecuniary interests are in para 8 of the Code.</p> <p>The definition of partner is set out in para 9(2) of the Code</p> <p>Sensitive interests are in para 13 of the Code.</p>	<p>Suggest include</p>
Appendix B Non-Participation in the case of Disclosable pecuniary interests Paras 4 & 5.	<p>The LGA requires a member to declare, not participate and leave the room unless they have been granted a dispensation.</p>	<p>Under the Code [ para 11(3)] a member with such an interest can remain to speak (if the public are entitled to do this) but must then leave the meeting and not participate further.</p> <p>Note -S.31(4) of the Localism Act requires a</p>	<p>Suggest include.</p>

		member with a disclosable pecuniary interest to leave and not participate unless granted a dispensation.	
Appendix B Disclosure of Other Registerable Interests Para 6.	The Model Code requires a member with other registerable interest (directly affecting wellbeing or financial interest) then they must declare, not participate and leave the room unless granted a dispensation. Where the public can speak then members can also do so before leaving.	The provisions in the Code are similar	Suggest include.
Appendix B Disclosure of non- registerable interests Para 7.	This concerns interests that directly relates to the wellbeing or financial interest of the member, relative or close associate. In such circumstances they must declare, not participate and leave the room unless granted a dispensation. Where the public can speak then members can also do so before leaving.	The provisions in the Code are similar 8(1)(b) and 9(1)(b), with a 'relevant person' extension in 8(2)(b) and 9(2)(b).	Suggest include.
Appendix B Disclosure of non- registerable interests Paras 8 - 10.	This concerns interests that directly affect the wellbeing or financial interest of the member, relative or close associate or bodies included in other registerable interests.  Under Para 9 test for determining how the interest should treated includes whether a reasonable member of the public with knowledge of the relevant facts would believe your view of the wider public interest would be affected	Under the Code the test for whether well-being or the financial position is affected is whether it could be 'reasonably regarded' as doing so	Suggest include

	In such circumstances participation is dealt with as under para 7.		
Interests that do not prevent participation	Not in the Model Code	Para 11(6) includes some exceptions which permit participation even though potentially they may affect a member's well-being or financial position	Suggest include.
Members in Council Tax arrears	Not in the Model Code	The Notes after para 13 deals with Members with arrears of Council tax must make an arrears declaration and cannot vote on setting council tax	Suggest include.
Appendix B Table 1	Sets out the list of disclosable pecuniary interests  This list is statutory deriving from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.	This is set out in para 9(1) of the Code.	Suggest include.
Appendix B Table 2	Sets out the list of other registerable interests.  Non statutory	This is set out in para 8(1) of the Code.  The exception is unpaid directorships which is not included in the DBC list. It is sensible to do so.	Suggest include.
10. Gifts and hospitality	The general threshold for registration of gifts or hospitality with a value of at least £50.  The Model Code includes provision about not accepting gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence.  The Model Code requires the Registration of any	Gifts and hospitality are covered in para 8(3) of the Code.  The DBC financial threshold for registering a gift/hospitality is £25 which mirrors the threshold in the Officer Code of Conduct.  There is no provision dealing with gifts and hospitality of any value (ie including below threshold) where there is a reasonable suspicion of personal gain of influence.	Suggest include.

	significant gift or hospitality offered but refused.	There is no requirement in the Code to register refused gifts/hospitality	
Appendix C Committee on Standards in Public Life – Best Practice Recommendations	The CSPL report on Local Government contained a number of recommended best practice actions for local authorities (as set out in Appendix C of the Model Code).	Note – In September 2020, the Audit Committee reviewed the best practice recommendations and noted the position of the Council, (most of the recommendations being complied with or being worked towards).	Suggest this is omitted

### **Suggested changes to the LGA Model Code of Conduct**

19. While we can make amendments to the Model Code of Conduct, the more extensively it is changed the more that we will depart from the model LGA template and it will be more beneficial (i.e. national consistency/using LGA guidance) if departures from it are limited.
20. The suggested changes, which are limited, are those identified in the comments column of the table set out in paragraph 18 (above). The recommendation is that the Code that we adopt is the version set out in Appendix 1. Set out at Appendix 2 is the LGA Model Code but with track changes to highlight to modifications.

### **Consideration about whether to adopt or not**

21. The first thing to mention is that there is no compulsion to adopt the Model Code of Conduct either in its entirety or at all.

### Reasons in favour of adoption

22. Set out below are a number of reasons in favour of adoption:
  - (a) The Model Code of Conduct is the product of an extensive independent review informed by experienced external consultants and is helpful in presenting an up to date version of the code of conduct.
  - (b) The format of the Model Code of Conduct is largely consistent with the model that has been used by this Council, with both general provisions relating to conduct and specific provisions relating to member interests.
  - (c) While many of the provisions and concepts are similar to those in the Councils current Code of Conduct and will be familiar, the wording has been updated and may be easier to follow.
  - (d) The LGA will be reviewing the Code of Conduct on a periodic basis. This may be helpful to the Council in aligning any future review that we do of our Code of Conduct to changes being recommended by the LGA.

- (e) The LGA will also produce periodic guidance to assist local authorities with the interpretation of the Model Code of Conduct. The guidance is likely to be more directly relevant if we have adopted the wording of the LGA Model Code of Conduct.
- (f) As it is not mandatory to adopt the LGA Model Code of Conduct, if we do adopt the Model Code we still retain the ability to make changes to the text that are considered appropriate.
- (g) The other Tees Valley Councils are moving to adopt the LGA Model Code of Conduct and it is likely to be beneficial for members and officers to work against the backdrop of aligned codes of conduct when dealing with regional and cross boundary issues.

#### Reasons not to adopt

23. Set out below are the reasons not to adopt:

- (a) Nationally, not all Councils are adopting the LGA Model Code of Conduct and there is no requirement to do so.
- (b) The current Code of Conduct is operational and deals with all of the areas that are addressed by the LGA Model Code of Conduct.
- (c) Aside of the work undertaken by the LGA, there is no pressing need to make changes to the Code of Conduct.
- (d) Additional work will be required to change to and roll out a revised code of conduct.

#### **Additional things required prior to and following from adoption**

- 24. Members will need to review their register of interests to see if any changes are needed as a result of adopting the revised code of conduct. The main issue that could arise is the new requirement arising from the LGA Model Code of Conduct for members to disclose details of directorships to which they have been appointed on their register of interests.
- 25. Training will also be provided for all members on the new Code of Conduct in December and early in the new year. Separate sessions will also be run for Parish Councils (who are being invited to adopt the revised Code of Conduct).

#### **Concluding comments**

- 26. The LGA Model Code of Conduct is well set out and reasonably straightforward to follow. It benefits from being the product of an up to date comprehensive independent review of this area. It is not perfect, no work of this nature is ever likely to be and there will always be scope for debating precise wording.
- 27. All things considered, with the local modifications, it is considered beneficial to adopt the LGA Model Code of Conduct.
- 28. It will give this Council a more up to date code of conduct in language that is hopefully easier to follow than the current version.



29. It is helpful to have the support of the LGA in this area generally and following adoption we will benefit from having aligned our Code of Conduct. As the LGA produces further guidance or recommended changes we will be better placed to consider and take this on board locally. Doing this is likely to be helpful in strengthening the place of ethical standards.
30. It will also mean that there is consistency of approach across the Tees Valley Councils.

### **Consultation and consideration**

31. A report on the LGA Model Code of Conduct was considered by the Audit Committee on 29 September 2021. The members of the Audit Committee were supportive in principle of the adoption of the LGA Councillor Code of Conduct (with the local modifications) and agreed that all member briefing session should be held to give all members the opportunity to consider the LGA Model Code and for views and comments to be received. Briefing sessions were held on 1 and 3 November 2021.
32. The 29 September Audit Committee report was also circulated Parish Councils and a briefing session was held on 3 November 2021 for Members of Parish Councils. [The Borough Council is the responsible body for dealing with complaints about breaches of the Code of Conduct including those that arise from parish councils in the Darlington area. While parish councils adopt their own Code of Conduct, they have predominantly adopted the Code of Conduct used by the Borough Council. Should the Borough Council agree to adopt the LGA Code it will be suggested to parish councils that they also consider adopting the Code of Conduct that is used by the Borough Council.]
33. The LGA Model Code of Conduct (with the local modifications) was well received and there was broad consensus that to adopt this in place of the current Code of Conduct.

### **Legal Implications**

34. It is a legal requirement under section 27(2) of the Localism Act 2011 for the Council to adopt a Code of Conduct dealing with the conduct expected of Members of the Council.
35. Any changes to the Code of Conduct must be approved by a meeting of Council and as it comprises part of the Council's Constitution, the Constitution will need to be updated to reflect any changes made.
36. When a Code of Conduct is revised or replaced sufficient publicity must be undertaken to bring the changes to the attention to persons living in the area (Section 28(12) Localism Act 2011).

### **Financial Implications**

37. No direct additional costs are likely to be occasioned by a decision to adopt the LGA Model Code of Conduct.

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## **Code of Conduct for Members and Co-opted Members**

### **Introduction**

1. This Code has been adopted by Darlington Borough Council in compliance with the requirements set out in Chapter 7 of the Localism Act 2011. This Code defines the standards of conduct which will be required of all Members and co-opted Members of the Council.
2. This Code of Conduct is based on the Local Government Association Model Councillor Code of Conduct, which was developed in 2020.
3. In addition to the Code of Conduct, the Council has adopted the seven Principles of Public Life (the Nolan Principles) and 9 principles of conduct developed by the LGA for members. Members will be expected to act in a manner that is consistent with the principles and the principles will be used to help in interpreting the Code. It is however only the Code of Conduct that is enforceable, rather than the Principles of Conduct. More information is set out below under the heading of General Principles.
4. Any person may make a written complaint to the Monitoring Officer that a Member or Co-opted Member has broken the Code. Details about how to complain and the way that complaints are dealt can be found on the Council's website [www.darlington.gov.uk/Democracy/Democracy/democraticinvolvement/standards/Complaints+Against+Members.htm](http://www.darlington.gov.uk/Democracy/Democracy/democraticinvolvement/standards/Complaints+Against+Members.htm).
5. It is the personal responsibility of each Member and Co-opted Member to make sure that she/he complies with the requirements of this Code. Advice on the requirements may be sought from the Authority's Monitoring Officer, or a personal legal adviser, however, ultimately it is a decision for the Member or Co-opted Member.
6. In this Code, words denoting any gender shall include all genders.
7. This Code shall be subject to any subsequent changes of law after adoption

### **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The use of support, training and mediation prior to action being taken using the Code is encouraged. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles (Appendix A).

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- (a) I act with integrity and honesty;
- (b) I act lawfully;
- (c) I treat all persons fairly and with respect; and
- (d) I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- (a) I impartially exercise my responsibilities in the interests of the local community;
- (b) I do not improperly seek to confer an advantage, or disadvantage, on any person;
- (c) I avoid conflicts of interest;
- (d) I exercise reasonable care and diligence; and
- (e) I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

These principles will be used to help in better understanding and interpreting the Code. However only the specific provisions of conduct set out below are enforceable and not the principles themselves.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- (a) You misuse your position as a councillor;
- (b) Your actions would give the impression to a reasonable member of the public with

knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- (a) At face-to-face meetings;
- (b) At online or telephone meetings;
- (c) In written communication;
- (d) In verbal communication;
- (e) In non-verbal communication;
- (f) In electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

### **Support and advice**

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

**As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however,

subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

## **2. Bullying, harassment and discrimination**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

#### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or

held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

### **As a councillor:**

#### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a councillor:**

#### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a councillor:**

#### **7.1 I do not misuse council resources.**

#### **7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.



Examples include:

- (a) Office support;
- (b) Stationery;
- (c) Equipment such as phones, and computers;
- (d) Transport;
- (e) Access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be a complainant, witness or involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests**

**As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible

for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

**As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
  
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
  
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix B Registering interests**

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of disclosable pecuniary interests**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

## Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which ***affects*** –
  - (a) Your own financial interest or well-being;
  - (b) A financial interest or well-being of a relative or close associate; or
  - (c) A financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**;you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.
  - (a) Your own financial interest or well-being;
  - (b) A financial interest or well-being of a relative or close associate; or
  - (c) A financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) ***affects*** the financial interest or well-being:
  - (a) To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

- (b) A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

- 10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### **Interests which do not prevent participation**

- 11. You can participate in a decision that relates to the functions of the Council in respect of:-
  - (a) Housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
  - (b) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (c) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (d) An allowance, payment or indemnity given to members;
  - (e) Any ceremonial honour given to members; and
  - (f) Setting council tax or a precept under the Local Government Finance Act 1992 (*subject to the paragraph below*).

### **Local Government Finance Act 1992**

- 12. You should note that under Section 106 the Local Government Finance Act 1992, that at any meeting considering the setting of council tax, if you are in arrears of Council Tax (2 months or more) you must make a declaration that you are in Council Tax arrears and you cannot vote on the setting of Council tax. You may commit a criminal offence if you fail comply.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

<p><b>Corporate tenancies</b></p>	<p>Any tenancy where (to the councillor's knowledge)—                  (a) the landlord is the council; and                  (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<p><b>Securities</b></p>	<p><i>Any beneficial interest in securities* of a body where—</i>                  (a) <i>that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</i>                  (b) <i>either—</i>                  (i) <i>the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</i>                  (ii) <i>if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i></p>

\* director' includes a member of the committee of management of an industrial and provident society.

\*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



## Table 2: Other Registrable Interests

You must register as an Other Registrable Interest:

- (a) Any unpaid directorships;
- (b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
- (c) Any body:
  - (i) Exercising functions of a public nature;
  - (ii) Directed to charitable purposes, or;
  - (iii) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

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## Code of Conduct for Members and Co-opted Members

### Introduction

1. This Code has been adopted by Darlington Borough Council in compliance with the requirements set out in Chapter 7 of the Localism Act 2011. This Code defines the standards of conduct which will be required of all Members and co-opted Members of the Council.
2. This Code of Conduct is based on the Local Government Association Model Councillor Code of Conduct, which was developed in 2020.
3. In addition to the Code of Conduct, the Council has adopted the seven Principles of Public Life (the Nolan Principles) and 9 principles of conduct developed by the LGA for members. Members will be expected to act in a manner that is consistent with the principles and the principles will be used to help in interpreting the Code. It is however only the Code of Conduct that is enforceable, rather than the Principles of Conduct. More information is set out below under the heading of General Principles.
4. Any person may make a written complaint to the Monitoring Officer that a Member or Co-opted Member has broken the Code. Details about how to complain and the way that complaints are dealt can be found on the Council's website [www.darlington.gov.uk/Democracy/Democracy/democraticinvolvement/standards/Complaints+Against+Members.htm](http://www.darlington.gov.uk/Democracy/Democracy/democraticinvolvement/standards/Complaints+Against+Members.htm)
5. It is the personal responsibility of each Member and Co-opted Member to make sure that she/he complies with the requirements of this Code. Advice on the requirements may be sought from the Authority's Monitoring Officer, or a personal legal adviser, however, ultimately it is a decision for the Member or Co-opted Member.
6. In this Code, words denoting any gender shall include all genders.
7. This Code shall be subject to any subsequent changes of law after

Local Government Association

Model Councillor Code of Conduct 2020

adoption



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#### Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

### **Introduction**

~~The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.~~

~~All councils are required to have a local Councillor Code of Conduct.~~

~~The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.~~

### **Definitions**

~~For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who~~

- ~~a) is a member of any committee or sub-committee of the authority, or;~~
- ~~b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;~~

~~and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.~~

~~For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.~~

### **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code is encouraged. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

### General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles ([Appendix A](#)).

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

These principles will be used to help in better understanding and interpreting the Code. However only the specific provisions of conduct set out below are enforceable and not the principles themselves.

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### Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

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The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times

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when acting as a councillor.

### Support and advice

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. ~~Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.~~

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### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

#### **General Conduct**

##### **1. Respect**

**As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

##### **2. Bullying, harassment and discrimination**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power

through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications or contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

**3. Impartiality of officers of the council**

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**4. Confidentiality and access to information**

**As a councillor:**

**4.1 I do not disclose information:**

- a. given to me in confidence by anyone**



- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
- i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

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Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities As**

**a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be a complainant, witness or involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local

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authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests As**

**a councillor:**

#### **9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

### **10. Gifts and hospitality**

**As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must

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ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

### Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

#### Non participation in case of disclosable pecuniary interests

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. ~~f~~Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it~~;~~

#### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any

discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

#### Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

#### Interests which do not prevent participation

11. You can participate in a decision that relates to the functions of the Council in respect of :-

- (a) housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- (b) school meals or school transport and travelling expenses, where you are a parent

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or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;  
(c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;  
(d) an allowance, payment or indemnity given to members; (e) any ceremonial honour given to members; and  
(f) setting council tax or a precept under the Local Government Finance Act 1992. (subject to the paragraph below).

#### **Local Government Finance Act 1992**

11. You should note that under Section 106 the Local Government Finance Act 1992, that at any meeting considering the setting of council tax, if you are in arrears of Council Tax (2 months or more) you must make a declaration that you are in Council Tax arrears and you cannot vote on the setting of Council tax. You may commit a criminal offence if you fail comply.

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**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were
	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* director' includes a member of the committee of management of an industrial and provident society.

\*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You must register as an Other Registerable Interest :

- a) any unpaid directorships
- b ) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

**Appendix C — the Committee on Standards in Public Life**

~~The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.~~

~~The recommendations cover:~~

- ~~• Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies~~
- ~~• The introduction of sanctions~~
- ~~• An appeals process through the Local Government Ombudsman~~
- ~~• Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012~~
- ~~• Updates to the Local Government Transparency Code~~
- ~~• Changes to the role and responsibilities of the Independent Person~~
- ~~• That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished~~

~~The Local Government Ethical Standards report also includes Best Practice recommendations. These are:~~

~~Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.~~

~~Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.~~

~~Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.~~

~~Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.~~

~~Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.~~

~~Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.~~

~~Best practice 7: Local authorities should have access to at least two Independent Persons.~~

~~Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.~~

~~Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.~~

~~Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling~~

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~~complaints, and estimated timescales for investigations and outcomes.~~

~~Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.~~

~~Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.~~

~~Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.~~

~~Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.~~

~~Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.~~

~~The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.~~

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**COUNCIL  
25 NOVEMBER 2021**

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## **GAMBLING ACT POLICY**

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

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

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## **SUMMARY REPORT**

### **Purpose of the Report**

1. To seek Members approval of the final draft of the Council's Statement of Principles to the Gambling Act 2005 (Gambling Policy) which is due to take effect from 1 January 2022.

### **Summary**

2. The Gambling Act requires the Council Gambling Policy to be updated on a three-year cycle. A revised draft of the Gambling Policy has been produced taking into account legislation changes introduced since the last policy was adopted. The final draft was the consulted upon with key stakeholders and also made publicly available for comment. The final draft is attached at **Appendix 1** which takes into account comments received. A summary of changes included in the new policy are outlined at **Appendix 2**.
3. The final draft has received endorsement from the Licensing Committee at its meeting of 2 November 2021 and this report seeks Members' approval of the updated Gambling policy.

### **Recommendation**

4. It is recommended that Council approves the revised Gambling Policy and that it will become effective from 1 January 2022.

### **Reasons**

5. The recommendation is supported by the following reasons:-
  - (a) To ensure standards are maintained to protect the public, in particular children and vulnerable adults;
  - (b) To provide an enforcement framework that takes into account guidance issued by the Gambling Commission.

**Dave Winstanley**  
**Group Director of Services**

**Background Papers**

- (i) Gambling Act 2005
- (ii) Gambling Commission Guidance to Local Authorities 2021
- (iii) The Equality Act 2010
- (iv) Crime and Disorder Act 1998
- (v) 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 affect those using gambling establishments
Budget and Policy Framework	This report represents no major 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 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 Looked After Children or Care Leavers

**MAIN REPORT**

**Background**

6. The Gambling Act 2005 requires licensing authorities to publish a 'Statement of Principles' that they propose to apply in exercising their functions under the Act every three years (Gambling Policy). Darlington's current Statement of Licensing Principles was published in January 2019 and, as such, a new policy is due to be published in January 2022.



7. The Gambling Commission provides guidance to Licensing Authorities and this was last updated by them on 13 May 2021. The role of the Gambling Commission and Local Authorities differ and these are highlighted in **Appendix 3**.
8. Since publication of the previous principles there have been few changes to the guidance given to Local Authorities by the Gambling Commission.
9. It is recognised that gambling-related harm creates challenges for Local Authorities, however the area of growth in recent years has been towards on-line gambling, which falls within the Gambling Commission's area of responsibility. Covid-19 has also had an impact on gambling behaviours, as for many months betting shops were not allowed to open. It is still uncertain what the long-term impact Covid-19 will have on gambling premises.
10. The earlier proliferation of 'Fixed Odds Betting Terminals' (FOBT's), which saw a maximum permitted stake of £100 reduced to £2, resulted in a number of betting shops with these terminals close across the country (including some in Darlington) as bookmakers adapted their business models.

### **The Consultation Process**

11. With approval of the Licensing Committee a draft of the revised policy was released for public consultation between 17 August 2021 and 19 September 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. The Gambling Act also requires key stakeholders such as police and trade representatives be consulted and a list of these consultees can be found at Appendix C to the revised policy. Licensing also consulted with the North East Strategic Licensing Group (NESLG), of which Darlington is a member.
12. Darlington Borough Council departments were subject to direct consultation and responded with no representations to the revised policy. Only two responses were received by key stakeholders outside this organisation and a copy of those responses can be found at **Appendix 4** and **Appendix 5**. A table with how they have been incorporated into this revised policy has already been produced at Appendix 2.

### **Consultation with the Licensing Committee**

13. On 2 November 2021 the Licensing Committee agreed with the changes suggested following consultation. They also asked that it is a requirement for premises licence applicants to participate in training to recognise vulnerable children and 'County Lines' issues, which has been included in this policy. The Licensing Committee recommend that this Gambling Policy be approved by Council.

### **Equalities Impact Assessment**

14. The full policy was subject to an Equalities Impact Assessment when last reviewed in 2018 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 policy will maintain safety standards already in place and fully complies with the latest guidance issued by the Gambling Commission.



# Statement of Principles

## Gambling Act 2005

APPROVED BY COUNCIL: 25<sup>th</sup> November 2021  
IMPLEMENTATION: 1<sup>st</sup> January 2022 – 1<sup>st</sup> January 2025

DRAFT

## Foreword

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## Forword by Chair of the Licensing Committee

To be prepared prior to publication

DRAFT

## INTRODUCTION AND DECLARATION

The Gambling Act 2005 (“The 2005 Act”) has provided for a new regime of regulating gambling and betting which was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in the provision of gambling and betting.

Darlington Borough Council (“The Council”) along with other Local Licensing Authorities, is required, under the 2005 Act, to licence premises where gambling is to take place. The Council is also required to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

Licensing Authorities are required by Section 349 of the 2005 Act to publish a Statement of Principles which they propose to apply when exercising their functions in accordance with the legislation. This statement must be published at least every three years. It is a “living” document that must be regularly reviewed. If any part of the document is amended, further consultation and re-publication is required.

Darlington Borough Council consulted widely in relation to this statement before finalising its content. Full details of that consultation are detailed at **Appendix C** to this document.

**DECLARATION: In producing the Final Statement, Darlington Borough Council’s Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission and any responses from those consulted on this statement.**

This Statement of Principles was approved at a meeting of the Council on **25<sup>th</sup> November 2021**. It was then published via Darlington Borough Council’s Website on **XXXXXXX**. Copies have been placed in public libraries in the Borough as well as being available in the Town Hall. The Statement of Principles became effective from **1<sup>st</sup> January 2022**

It should be noted that this Policy Statement does not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

All references to the Gambling Commission Guidance in this document refer to guidance published on 1<sup>st</sup> April 2021 and last updated on the 13<sup>th</sup> May 2021.

## **PART A**

### **1. THE LICENSING OBJECTIVES**

In exercising most of its functions under the Gambling Act 2005, the Council's Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the 2005 Act. These are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

NB The Gambling Commission, in its Guidance has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

In accordance with Section 153 of the 2005 Act, this Licensing Authority will aim to permit the use of premises for gambling as long as such use is considered to be:

- In accordance with any relevant Codes of Practice issued by the Gambling Commission.
- In accordance with any Guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with this Statement of Principles.

This Licensing Authority particularly notes the Gambling Commission's Guidance to local authorities that:

Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

### **2. GAMBLING PARTICIPATION SURVEY 2020 FINDINGS**

Local data is not currently available on the prevalence of gambling in Darlington, however national data does exist. The Gambling Commission's research found that overall, the Gross Gambling Yield (amount retained by gambling operators after the payment of winnings) in Great Britain between April 2019 and March 2020 was £14.2bn. This was a 0.6% decrease from the previous year. Online Gross Gambling Yield was £5.7bn during the same period, an increase of 8.1% from the previous year. During this time the National Lottery has contributed £1.7bn to good causes.

Interest in remote and online gambling has risen in recent years, as reflected in the sector's Gross Gambling Yield, from £751m to approximately £5.7bn. Within four years, the number of new players registering online has quadrupled and now comprises 39.9% of the market.

Gambling participation in Great Britain is slightly higher among males and the prevalence of problem gamblers tends to be younger than 34.

Online gambling advertisements have been very common, with 42 percent of children aged 11 to 16 stating they notice these at least a few times within a month.



## 2.1 Problem Gambling Estimates

There are around 2 million adults who may be experiencing some level of harm from their gambling, including 340,000 people who are classified as problem gamblers in Great Britain, as found in the Gambling Behaviour in Great Britain report (2018). It is acknowledged that the most recent data suggests rates of problem gambling are static, at around 0.5% of the population.

## 2.2 Online Gambling Behaviour

The last few years have seen a dramatic shift in the ways in which people gamble. Industry statistics for April 2019 - March 2020 show that remote (or online) gambling is now the largest industry sector, generating a Gross Gambling Yield of £5.7bn and comprising c.40% of the overall market. In 2020, almost one in four adults (24%) had gambled online in the previous four weeks, compared to around one in six (17%) five years ago.

Covid-19 has had an enormous effect on the gambling industry, with wave upon wave of restrictions imposed on daily lives and land-based gambling opportunities have been significantly reduced. While we can't know for certain what the trends in online gambling behaviour would have been without Covid-19, research in the coming months will hopefully paint a clearer picture.

The most popular way to access online gambling in 2020 remained via mobile phone, particularly for younger people. While half of all online gamblers have done so on their smartphone, there is a clear age skew, with three-quarters of 18–34-year-old online gamblers using their smartphones to gamble compared to only 14% of those aged 65 and over. Data also shows that online gamblers aged 18-34 tend to use a wider range of different devices for gambling.

While mobile phones remain the dominant device for online gambling, laptops, PCs and tablets halted recent declines in 2020. Laptops are the second most common way of accessing online gambling, used by four in ten online gamblers. Their use for online gambling has been declining in recent years but stabilised in 2020, and they are the preferred route to online gambling for those aged 55 and over.

Smart TVs remain a 'niche' way to access online gambling (for now at least). Used to access gambling by just 3% of online gamblers, smart TV usage did show significant growth among younger people, with usage doubling between 2019 and 2020 among those aged 18-24 (from 5% to 10%) and 25-34 (from 4% to 8%).

Most online gambling is still done within the home, but one in five online gamblers have done so outside the home.

This statement of principles is to enable a good understanding of all the harms and benefits of gambling to society. The legislative framework for gambling recognises it as a legitimate

leisure activity that many people enjoy. It generates income, employment and tax revenue for the local economy.

However, gambling also generates significant harms such as working days lost through disordered gambling and the cost of treatment for ill-health caused by stress related to gambling debt. There are also less easily measured significant impacts such as the negative effects of some gambling on family relationships, and the psychological and social development of children. Recognising and addressing the risks of harmful gambling to vulnerable groups in particular, as well as to wider families and communities, is a public health priority. This statement of principles takes the public health issue into account and means that recognising a successful strategy not only focuses on individual gamblers but also needs to include products, environments and marketing within the wider context in which gambling happens. Equal importance needs to be given to prevention and treatment of harm.

The statement of principles is underpinned by a profile of Darlington to ensure an awareness of local risks and to facilitate constructive engagement with licensees with a coordinated response to local risks. The profile will help to inform specific risks that operators will need to address in their risk assessment.

### 3. THE BOROUGH OF DARLINGTON

**The local profile will be updated prior to publication, when it is hoped data from the 2021 census will be available**

Darlington is a medium sized town with a total population of just over 105,000 (Census 2011). 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.

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 and Harrowgate Hill having the highest resident population.

There are over 2,600 businesses, most of which are now in the public, health and education sector or financial and business services. Despite economic uncertainty, the number of businesses in Darlington continues to grow. The town centre is of sub-regional importance for shopping and services and the town is also an important employment centre.

Generally Darlington is an economy of small, owner-managed businesses that co-exist with branch factories, offices and shops.

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.

### 4. AUTHORISED ACTIVITIES

'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery:

- 'Gaming' means playing a game of chance for a prize.
- 'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.
- A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process that relies wholly on chance.

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating, only equal chance gaming takes place and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

#### **4. LICENCES UNDER THE 2005 ACT**

The 2005 Act provides for three categories of licence as follows:

- Operating licences
- Personal licences
- Premises licences

The Council is responsible for the issue of Premises licences. The Gambling Commission is responsible for the issue of Operating and Personal licences.

#### **5. THE GAMBLING COMMISSION**

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted in a fair and open way and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission draws on the intelligence and insights of its regulatory partners, in particular licensing authorities, who may well be better positioned to identify emerging risks to the licensing objectives, or instances of illegality which can start at a local level. By working closely together it will help prevent such risks growing into a more widespread problem and to ensure that both Commission and licensing authority resources are used efficiently.

The Commission has issued guidance in accordance with the Act about the manner in which Licensing Authorities exercise their licensing functions under the Act and in particular, the principles to be applied.

The Commission also issues Codes of Practice about the way in which facilities for gambling are provided, and may include provisions about the advertising of gambling facilities. The Gambling Commission can be contacted at:

**Gambling Commission**  
**4<sup>th</sup> Floor**  
**Victoria Square House**  
**Victoria Square**  
**BIRMINGHAM**  
**B2 4BP**

**Website:** [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
**Email:** [info@gamblingcommision.gov.uk](mailto:info@gamblingcommision.gov.uk)

## **6. THE COUNCIL'S FUNCTIONS**

The Council, in its capacity as a Licensing Authority, is responsible for:

- The issue of Premises Licences in respect of premises where gambling activities are to take place.
- The issue of Provisional Statements.
- The issue of Club Gaming Permits and/or Club Machine Permits to members' clubs and miners' welfare institutes.
- The issue of Club Machine Permits to commercial clubs.
- The issue of Permits to Unlicensed Family Entertainment Centres for the use of certain lower stake gaming machines.
- The issue and regulation of gaming and gaming machines in alcohol licensed premises.
- The registration of Small Society Lotteries.
- The issue of Prize Gaming Permits.
- The receipt and endorsement of Temporary Use Notices.
- The receipt of Occasional Use Notices.
- The provision of information to the Gambling Commission about licenses issued (see section 13 on information exchange).
- The keeping of registers of the permits and licences issued under these functions.
- The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.

NB The National Lottery is regulated by the National Lottery Commission. Remote Gambling (Online) is dealt with by the Gambling Commission and Spread Betting is regulated by the Financial Services Authority.

## **7. GENERAL STATEMENT OF PRINCIPLES**

The Council recognises that a wide variety of premises will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission.

The Council will not seek to use the 2005 Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met, the Council has established a close working relationship with the Police, the Gambling Commission and where appropriate, other Responsible Authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or introduce measures to prevent underage gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where the licensing authority receive representations to that effect.

Applicants seeking Premises Licenses are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle, however, is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits. When applying these principles this licensing authority will, in the light of relevant representations, consider whether exceptions should be made in any particular case.

## **8. PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER**

The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Council for a Premises Licence will have to hold an Operating Licence from the Commission before a Premises Licence can be issued. The Council, therefore, will not generally be involved in determining the suitability of an applicant but where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime.

Powers already exist in relation to anti-social behaviour legislation and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not, therefore, intend to use the 2005 Act to deal with general nuisance issues e.g. parking problems, which can easily be dealt with using other powers.

Issues of disorder can only be dealt with under the 2005 Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance **and it can be shown that gambling is the source of that disorder**. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it and whether those people live sufficiently close to be affected or has business interests that might be affected.

NB When making decisions in this regard this Licensing Authority will give due weight to any comments made by the Police.

## **9. ENSURING GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY**

The Gambling Commission does not expect Local Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime. The Independent Betting Arbitration Service (IBAS) is an organisation that can assist businesses in relation to this matter.

As betting track operators do not need an Operating Licence from the Commission the Council may, in certain circumstances, require conditions relating to the suitability of the environment in which betting takes place.

## **10. PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING**

Apart from one or two limited exceptions, the intention of the 2005 Act is that children and young people should not be allowed to gamble and should, therefore, be prevented from entering gambling premises which are 'adult-only' environments.

In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In relation to Casinos only, the Gambling Commission has issued a Code of Practice about access to Casino premises for children and young people.

When considering whether to grant a Premises Licence or Permit the Council will consider whether any measures are necessary to protect children, including the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

In seeking to protect vulnerable people the Council will include those who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs. Applicants may find organisations such as GamCare a useful source of information and advisory material such as leaflets, etc.

Children (defined in the 2005 Act as under 16s) and young people (16-17s) may take part in private and non-commercial betting and gaming but the 2005 Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 years of age and over. In summary:

- Betting shops cannot admit anyone under 18 years of age.
- Bingo clubs may admit those under 18 years of age but must have policies to ensure they do not gamble, except on category D machines.
- Adult Entertainment Centres cannot admit those under 18 years of age.
- Family Entertainment Centres and premises with an alcohol premises licence (such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over 18 years of age.
- Clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under 18 years of age do not play machines other than category D machines.
- Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance those considerations against its function of permitting premises to be used for gambling.

This Council will consider very carefully applications for gambling premises located very close to a school or a centre for gambling addicts. The local risk assessment submitted as part of the application should therefore specifically address how the applicant intends to minimise the risk to these children and vulnerable adults. This is likely to reduce or remove the need for representations from Responsible Authorities or Interested Parties. Each application will be considered on its own merits and will depend to a large extent on the type of gambling to be offered, whether the applicant can properly address the licensing objectives and how they can mitigate potential risks.

## **11. RESPONSIBLE AUTHORITIES**

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

Section 157 of the 2005 Act defines those authorities as:

- The Gambling Commission
- The Police
- The Fire Service
- The Local Planning Authority
- Environmental Health
- Darlington Safeguarding Partnership\*\*\*
- HM Revenue and Customs
- A Licensing Authority in whose area the premises are situated (that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two).

\*\*\* The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the 2005 Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

In accordance with the Gambling Commission's Guidance for Local Authorities this Council has designated Darlington Safeguarding Partnership for this purpose.

Any concerns expressed by any Responsible Authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations from either Responsible Authorities or Interested Parties that are deemed to be irrelevant, such as:

- There are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account).
- The premises are likely to be a fire risk (because public safety is not a licensing objective and can be dealt with under existing legislation).
- The location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives).
- The premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues). It should be noted that, unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws.
- Whether or not the premises comply with planning or building legislation (because the licensing authority is prohibited in law from considering such matters)
- Where representations are based solely on moral grounds (because this is not relevant to the licensing objectives)

This is not an exhaustive list and each representation will always be considered on its own individual merits.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are reproduced at **Appendix B** and are also available via the Council's website at <http://www.darlington.gov.uk/resident/legalservices/licensing>

## **12. INTERESTED PARTIES**

Interested Parties can make representations about licence applications, or apply for a review of an existing licence. An Interested Party is someone who:

- Lives sufficiently close to the premises likely to be affected by the authorised activities.
- Has business interests that might be affected by the authorised activities.
- Represents persons in either category of the above two groups.

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

In accordance with the Gambling Commission's Guidance to Licensing Authorities when considering if someone lives sufficiently close to the premises, the Licensing Authority will take into account, among other things:

- The size and nature of the premises.
- The distance of the premises from the person making the representation.
- The potential impact of the premises such as number of customers and likely routes used
- The circumstances of the person(s) making the representation.

In determining whether a person has a business interest which could be affected, the Licensing Authority will take into account, among other things:

- The size of the premises.
- The “catchment” area of the premises.
- Whether the person making the representation has business interests in the catchment area that may be affected.

Each case will be decided upon its merits so this Authority will not apply a rigid rule to its decision-making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.

Interested Parties can include trade associations and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an Interested Party in their own right. Councillors and MPs may also be Interested Parties. Elected councillors may represent Interested Parties, providing they do not also sit on the Licensing Sub-Committee determining the application in question.

If an existing gaming business makes a representation that it is going to be affected by another gaming business wishing to start up in the area, the Licensing Authority would not consider this to be a relevant representation (unless there is other evidence) as it does not relate to any of the 3 licensing objectives and instead relates to demand or competition. Trade representations which are specific to the 3 licensing objectives, this Licensing Authority's Statement of Principles and/or the Gambling Commission's Guidance and/or Local Conditions and Codes of Practice (LCCP) document will however be considered.

The Council may receive representations which it considers to be frivolous or vexatious. A vexatious representation is generally one that is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally one that is lacking in seriousness, or is unrelated to either the licensing objectives, the Guidance issued by the Gambling Commission or this Statement of Principles. Decisions on whether representations are frivolous or vexatious will generally be a matter of fact, given the circumstances of the representation. In deciding whether or not a representation is frivolous or vexatious the Licensing Authority will normally consider:

- Who is making the representation and whether there is a history of making representations that are not relevant.
- Whether the representation raises a relevant issue or not.
- Whether the representation is specific to the premises that are the subject of the application.

Any such decision will be made objectively and not on the basis of any political judgment. Where a representation is rejected the person making the representation will be given a written reason and a report will be made to the licensing sub-committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

Representations should be made:

- In writing (preferably in duplicate, unless submitted electronically).
- In black ink on single sides of A4 paper.
- Indicate the name and address of the person or organisation making the representation.
- Indicate the premises to which the representation relates.
- Indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this.
- Clearly set out the reasons for making the representation.

Where relevant representations have been received and are not withdrawn the Licensing Authority will hold a hearing to determine an application.



### **13. EXCHANGE OF INFORMATION**

Licensing Authorities are required to include in this statement the principles to be applied by the authority in exercising its functions in accordance with:

- Sections 29 and 30 of the 2005 Act in respect of the exchange of information between it and the Gambling Commission.
- Section 350 of the 2005 Act in respect to the exchange of information between it and the other persons listed in Schedule 6 to the 2005 Act.

The principle that this Licensing Authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision of General Data Protection Regulation's (GDPR) tailored by the Data Protection Act 2018. This Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

In accordance with the Gambling Commission's guidance we shall share information with:

- A Constable or Police force
- An Enforcement Officer
- A Licensing Authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State

Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be detailed in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication where we are asked to do so on the grounds of personal safety.

### **14 PUBLIC REGISTER**

Section 156 of the 2005 Act requires licensing authorities to maintain a register of the premises licences that it has issued. This register must be made available, at any reasonable time, to the public who may request copies of the entries. Details of how to access the register can be found on the Council's website at: <http://www.darlington.gov.uk/licensing>

### **15 FEES**

Information regarding the fees to be charged, including the level of fees, for applications for premises licences and other permissions under the Act is available to the public at the Council's website as detailed above.

### **16. ENFORCEMENT**

Licensing authorities are required to include in this Statement the principles to be applied by the authority in exercising the functions under Part 15 of the 2005 Act in respect of:

- The inspection of premises.
- The powers under Section 346 of the 2005 Act to institute criminal proceedings in respect of the offences specified.

The principles that we will apply are that we will be guided by the Regulator's Code and the Gambling Commission's Guidance for local authorities and we will endeavour to be:

- Proportionate - we will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised.
- Accountable - our decisions will be justifiable, and be subject to public scrutiny.
- Consistent - rules and standards will be joined up and implemented fairly.
- Transparent and Open - licence conditions will be kept simple and user friendly.
- Targeted - our regulation will be focused on the problem, and minimise side effects.

We will avoid duplication with other regulatory regimes so far as is possible.

We will also adopt a risk-based inspection programme to premises and will consider any risk models produced in conjunction with the Gambling Commission. This Licensing Authority's enforcement protocol is available from the Licensing Team or on the Council's website at: <http://www.darlington.gov.uk/licensing>

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the requirements of the Premises Licences and other permissions that we authorise. We will also keep ourselves informed of developments within the Better Regulation Executive (BRE) in its consideration of the regulatory functions of local authorities. We will continue to work closely with our colleagues in Durham Constabulary.

The Gambling Commission will be the enforcement body for the Operator and Personal Licences.

Please note that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

## **17 HUMAN RIGHTS**

The Secretary of State has certified that the 2005 Act is compatible with the European Convention on Human Rights. When we consider an application or take any enforcement action under the 2005 Act we are aware that we are subject to the Human Rights Act and in particular:

- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life
- Article 10 – right to freedom of expression.

## PREMISES LICENCES

### 1. INTRODUCTION

Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as any specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where they believe it to be appropriate. The grant of a premises licence must be reasonably consistent with the licensing objectives.

This Licensing Authority is aware that we should aim to permit the use of premises for gambling in so far as we think it:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with the authority's statement of licensing policy.

#### 1.1. DEFINITION OF "PREMISES"

Premises are defined in the 2005 Act as "any place". Different premises licenses cannot apply in respect of a single premises at different times. It is possible, however, for a single building to be subject to more than one premises licence provided they are for different parts of a building and those different parts can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact.

In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

#### 1.2 GAMBLING ACTIVITY

By distinguishing between the different types of premises the 2005 Act makes it clear that the gambling activity of the premises should be that described. This principle also applies to existing casino licences and betting premises licences.

#### 1.3 DIVISION OF PREMISES AND ACCESS BETWEEN PREMISES

This Licensing Authority takes particular note of the Gambling Commission's Guidance to local authorities as follows:

Paragraph 7.19

"An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. The precise nature of this public area will depend on the location and nature of the premises. Licensing authorities will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks

of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available.”

When considering subdivision of premises this Licensing Authority will generally require full floor to ceiling, solid subdivision. Moveable barriers and barriers less than 2.2 metres high will generally not be acceptable.

#### Paragraph 7.20

"The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 and with further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

#### Paragraph 7.32

"Licensing authorities should pay particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence."

#### Paragraph 7.33

"In determining whether two or more proposed premises are truly separate, the licensing authority should consider factors which could assist them in making their decision, including

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?"

#### Paragraph 7.36

"Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machine. Details of the gambling permissible under each type of licence are set out in the Act and in the premises specific parts of the Guidance"

#### Paragraph 7.37

"The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject to more than one premises licence, provided each licence relates to a specified area of the track".

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

## 1.4 LOCATION

This Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that any application being made will be decided on its merits, with the onus upon the **applicant** showing how potential concerns can be overcome.

This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including Planning. It will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. The Licensing Authority will, however, listen to, and consider carefully, any concerns about conditions that are not able to be met by licensees due to planning restrictions, should such a situation arise.

Under Section 210 of the 2005 Act a Licensing Authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. This Licensing Authority will, however, consider relevant representations from the Local Planning Authority about the effect of the grant of a Premises Licence on an existing planning permission where this relates to the licensing objectives, a Commission Code of Practice, or this Statement of Principles.

## 1.5 CONDITIONS

Premises used for gambling are subject to the mandatory and default conditions specified in the 2005 Act. These conditions will generally be sufficient, however additional conditions may be imposed where there is clear evidence of a risk to the licensing objectives. Any conditions attached to a licence by the Licensing Authority must be proportionate, necessary and, in accordance with section 9.31 of the Gambling Commission's Guidance, be:

- Relevant to the need to make the proposed building suitable as a gambling facility.
- Directly related to the premises and the type of licence applied for.
- Fairly and reasonably related to the scale and type of premises.
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures this Licensing Authority will consider using should there be a perceived need, such as use of door supervisors, appropriate signage for adult-only areas etc. There are specific comments made in this regard under some of the licence types below.

We will consider specific measures that may be required for buildings that are subject to multiple Premises Licences. Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

We will also require that where Category C machines or above are on offer in premises to which children are admitted that:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where these machines are located.
- Access to the area where the machines are located is supervised.
- The area where these machines are located is arranged so that the staff or the licence holder can observe it.

- At the entrance to and inside any such areas, there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18 years.

These considerations will apply to premises including buildings where multiple Premises Licences are applicable.

This Licensing Authority is aware that tracks may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's Guidance, we will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are certain conditions that we cannot attach to Premises Licences as follows:

- Any condition on the Premises Licence that makes it impossible to comply with an operating licence condition.
- Conditions relating to gaming machine categories, numbers, or method of operation.
- Conditions which provide that membership of a club or body be required (the 2005 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated).
- Conditions in relation to stakes, fees, winning or prizes.

## **1.6 DOOR SUPERVISORS**

The Gambling Commission advises in its Guidance to Local Authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. We note that 'in-house' door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA) however, where contract staff are employed as door supervisors at these premises, such staff will need to be licensed by the SIA.

## **1.7 CREDIT/ATMS**

Section 177 of the 2005 Act requires, in relation to Casino and Bingo Premises Licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with such provision.

Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines.

## **1.8 LOCAL RISK ASSESSMENTS**

The Gambling Commission Guidance reflects the need for operators to consider local risks. This Licensing Authority takes particular note of the Gambling Commission's Guidance to local authorities as follows:

- "6.42 Social Responsibility (SR) code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.
- 6.43 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

6.44 The SR provision is supplemented by an ordinary code provision indicating that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions took effect from April 2016.

6.45 Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority might request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions is required.

6.46 Where a licensing authority statement of policy sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence."

## **1.9 LOCAL AREA PROFILE**

While it is not currently the intention for this Licensing Authority to identify a local area profile, the Licensing Authority note the guidance offered by the Gambling Commission in sections 6.47 to 6.53 of its Guidance. In particular, sections 6.48 and 6.50 which state as follows:

"6.48 An effective local area profile is likely to take account of a wide range of factors, data and information held by the licensing authority and its partners. An important element of preparing the local area profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to 'map' local risks in their area. These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations.

6.50 For example an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school. The licensing authority might indicate, for example, that they would expect licensees to take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises. The licensee would be reasonably expected to have sufficient controls in place to mitigate associated risks in such areas, and, if not, the licensing authority would consider other controls themselves. "

This Licensing Authority will therefore expect applicants for premises licences to submit a copy of their local risk assessment as part of their application. This should reflect factors such as the premises' proximity to schools and other sensitive locations, vulnerable people schemes and other information relevant to the locality and how the applicant intends to mitigate any potential risks.

## 1.10 MACHINE STAKES AND PRIZES

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
<b>A</b>	Unlimited - <i>No category A gaming machines are currently permitted</i>	Unlimited - <i>No category A gaming machines are currently permitted</i>
<b>B1</b>	£5	£10,000*
<b>B2</b>	£2	£500
<b>B3A</b>	£2	£500
<b>B3</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)</b>	30p	£8
<b>D - non-money prize (crane grab machine)</b>	£1	£50
<b>D - money prize (other than a coin pusher or penny falls machine)</b>	10p	£5
<b>D - combined money and non-money prize (other than a coin pusher or penny falls machine)</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D - combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)

\*with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

## 2. PROVISIONAL STATEMENTS

An applicant cannot obtain a Full Premises Licence until the premises in which it is proposed to offer gambling are constructed (or altered or acquired). An application for a Provisional Statement follows the same process as that for a premises licence. When the premises have been built, altered or acquired an application is then made for a Premises Licence.

In terms of representations about Premises Licence applications, following the grant of a Provisional Statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters that could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- That could not have been raised by objectors at the provisional licence stage.
- That, in our opinion, reflects a change in the operator's circumstances.



### 3. ADULT GAMING CENTRES

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. **Applicants will be expected to offer their own measures to meet the licensing objectives** and appropriate measures/licence conditions may include such issues as:

- Proof of age schemes
- CCTV
- Self-exclusion schemes
- Location of entry
- Notices/signage
- Supervision of entrances/machine areas
- Physical separation of areas
- Provision of information leaflets/help-line numbers for organisations such as GamCare

### 4. (LICENSED) FAMILY ENTERTAINMENT CENTRES

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Applicants will be expected to offer their own measures to meet the licensing objectives and appropriate measures/licence conditions may include:

- Supervision of entrances and/or machine areas
- CCTV
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/help-line numbers etc for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

NB The lists on this page are neither mandatory, nor exhaustive. They are merely indicative of example measures.

Applicants must demonstrate awareness of vulnerability issues around children, such as 'county lines' and show they have received relevant up to date training. Guidance should be sought from the Licensing Department for this to be assessed.

This Licensing Authority will, in accordance with the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to Operating Licenses covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will also be made aware of any mandatory or default conditions on these Premises Licenses.

It is recognised that the industry operates a 'Think 21' age verification standard

### 5. CASINOS

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should it be decided in the future to pass such a resolution, this Policy Statement will be updated with details of that resolution. The Council itself will make any such decision.

This Licensing Authority is aware that where a Licensing Authority is enabled to grant a Premises Licence for a new style casino (i.e. The Secretary of State has made such regulations under Section 175 of the 2005 Act) there are likely to be a number of operators who will want to run the Casino. In such situations relevant Local Authorities will hold a "competition" under Schedule 9 of the Gambling Act 2005. Such competition is to be in line with any Regulations/Codes of Practice issued under the 2005 Act.

## **6. BINGO PREMISES**

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises / clubs provided it remains below a certain threshold, otherwise it will be subject to a Bingo Operating Licence, which will have to be obtained from the Gambling Commission. The holder of a Bingo Operating Licence will be able to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will require a Bingo Premises Licence from the Council. Amusement arcades providing prize bingo will require a Prize Gaming Permit from the Council.

In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game/gambling other than on category D machines. When considering applications of this type this Licensing Authority will, therefore, take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

Where category C or above machines are available in premises to which children are admitted, the Licensing Authority will seek to ensure that:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier that is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where these machines are located.
- Access to the area where the machines are located is supervised.
- The area where the machines are located is arranged so that staff of the operator or the licence holder can observe it.
- At the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This Licensing Authority will also consider any guidance issued by the Gambling Commission about particular issues to be taken into account by Licensing Authorities in relation to suitability and layout.

Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in Section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a Bingo Operators Licence and the corresponding Personal and Premises Licences.

## **7. BETTING PREMISES**

Anyone wishing to operate a betting office will require a Betting Premises Licence from the Council. Betting premises will be able to provide a limited number of gaming machines and some betting machines.

In accordance with the Gambling Commission's guidance, this Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 years of age to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wishes to offer. Each application will however, be considered on its own individual merits.

## 8. TRACKS

Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. Examples of tracks include:

- a horse racecourse (referred to in this Guidance as 'racecourses')
- a greyhound track
- a point-to-point horserace meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- a premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event.

Only one Premises Licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place. Tracks may be subject to more than one Premises Licence, provided each licence relates to a specified area of the track.

In accordance with the Gambling Commission's Guidance this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling), the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing Authority will, therefore, expect applicants for Premises Licences to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided. Applicants will be expected to offer their own measures to meet the licensing objectives and appropriate measures/licence conditions may cover such issues as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is neither mandatory, nor exhaustive. It is merely indicative of example measures.

### 8.1 GAMING MACHINES ON TRACKS

The 2005 Act permits track owners holding both a track premises licence and a pool betting operating licence up to four gaming machines within categories B2 to D on the track. If a track qualifies for an alcohol licence they will be automatically entitled to two gaming machines of category C or D by notifying the Licensing Authority and paying the relevant fee. Therefore if a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines.

### 8.2 BETTING MACHINES ON TRACKS

Bet receipt terminals may be installed on tracks. There is no restriction on the number that may be in use but operators must supervise such terminals to prevent them being used by those under 18 years of age.

This Licensing Authority will, in accordance with the Gambling Commission's guidance, take into account the size of the premises, the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 years of age to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wishes to offer. It will also take into account the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences. Each application will, however, be considered on its own individual merits.

### **8.3 CONDITION ON RULES BEING DISPLAYED**

In line with guidance from the Gambling Commission a condition will be attached to a track premises licence requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. Examples of how this may be achieved may include rules being printed in the race card or made available in leaflet form from the track office.

## **9. TRAVELLING FAIRS**

The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. It applies to the piece of land on which fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This authority will monitor the use of land and maintain a record of the dates on which it is used. If the land straddles other licensing authority areas, it will work together to ensure statutory limits are not exceeded.

Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Licensing Authority must decide whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. It will also consider whether the applicant falls within the statutory definition of a travelling fair.

## **10. REVIEW OF PREMISES LICENCES**

Interested Parties or Responsible Authorities can make requests for a review of a Premises Licence; however, it is for the Licensing Authority to decide whether the review is to be carried out.

This will be on the basis of whether the request for the review is relevant to the matters listed below (as well as consideration as to whether the request is frivolous, vexatious, will definitely not cause this Licensing Authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review), i.e. that it is:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.
- In accordance with this Authority's statement of licensing policy.

Licensing Authority officers may be involved in the initial investigations of complaints leading to a review, try informal mediation or dispute resolution before a full review is conducted. Unlike the Licensing Act 2003, the Licensing Authority may review Premises Licences in its own right on the basis of any reason it thinks is appropriate.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed. The purpose of the review will be to determine whether any action is taken in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months;
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

The Licensing Authority itself may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

NB The Gambling Commission will be a Responsible Authority in Premises Licence reviews.

## PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

### 1. UNLICENSED FAMILY ENTERTAINMENT CENTRE (FEC) GAMING MACHINE PERMITS

Where a premises does not hold a Premises Licence but an applicant wishes to provide gaming machines, (s)he may apply to the Licensing Authority for a FEC permit. It should be noted that in accordance with Section 238 of the 2005 Act the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The 2005 Act states that a Licensing Authority may prepare a Statement of Principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25 of the 2005 Act.

An FEC Gaming Machine Permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC and if the Chief Officer of Police has been consulted on the application. No conditions can be imposed upon the grant of this type of permit. This Licensing Authority will, therefore, wish to be satisfied, among other things, that the applicant has a full understanding of the maximum stakes and prizes of the gambling that is permitted in unlicensed FECs; has no relevant convictions (as detailed in Schedule 7 to the 2005 Act); and that all staff employed on the premises are provided with proper training in relation to stakes and prizes.

#### 1.1 STATEMENT OF PRINCIPLES

Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures/training for staff in relation to suspected truant school children on the premises/dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. Applicants will be expected to demonstrate, among other things:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).
- That staff are trained to have a full understanding of the maximum stakes and prizes.
- An awareness of local school holiday times and how to identify the local education office should truants be identified.
- Have an awareness of wider vulnerability issues such as 'county lines'

Evidence of compliance with the Code of Practice for FECs issued by the British Amusement Catering Trade Association (BACTA) may be accepted as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above requirements. Full details of the statement of principles and requirements for applicants, including any requirement to submit plans etc may be obtained from the Licensing Section.

A Licensing Authority may refuse an application for renewal of a permit only on the grounds that an Authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

## 2. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

There is provision in the 2005 Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. Under section 284 of the 2005 Act a licensing authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
- Gaming has taken place on the premises that breaches a condition of Section 282 of the 2005 Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with).
- The premises are mainly used for gaming.
- An offence under the 2005 Act has been committed on the premises.

Should it be necessary to issue a Section 284 order, the licence holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. A hearing will be held if requested by the licensee.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon:

- The licensing objectives
- Any Guidance issued by the Gambling Commission under Section 25 of the 2005 Act
- "Such matters as they think relevant"

### 2.1 STATEMENT OF PRINCIPLES

This Licensing Authority considers that 'such matters' will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the licensing authority that there will be sufficient measures to ensure that children/young people under 18 years of age do not have access to the adult-only gaming machines. It will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

Measures which will satisfy the licensing authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also be helpful. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for such organisations as GamCare.

A plan will be required as part of the application indicating where and what type of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

It is recognised that some alcohol-licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. It is likely that any such application would need to be made and dealt with as an Adult Gaming Centre Premises Licence.

A Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must, however, comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3. PRIZE GAMING PERMITS**

Prize gaming may be provided in bingo premises as a consequence of the Bingo Operating Licence. Any type of prize gaming may be provided in Adult Gaming Centres and licensed Family Entertainment Centres. Unlicensed Family Entertainment Centres may offer equal chance prize gaming under a gaming machine permit. Travelling fairs may provide prize gaming without a permit, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

#### **3.1 STATEMENT OF PRINCIPLES**

The Gambling Act 2005 states that a Licensing Authority may prepare a Statement of Principles, which they propose to apply in exercising their functions and may specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit.

This Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and it is expected that the applicant will satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to unequal chances prize gaming. It will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

This Licensing Authority considers that the applicant should set out the types of gaming that (s)he is intending to offer and that the applicant should be able to demonstrate they understand the limits to stakes and prizes that are set out in the Regulations and that the gaming offered is within the law. Full details of this statement of principles and requirements for applicants may be obtained from the Licensing Section.

#### **3.2 CONDITIONS**

It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the 2005 Act are that:

- The limits on participation fees, as set out in regulations, must be complied with.
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day. The game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played.
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize).
- Participation in the gaming must not entitle the player to take part in any other gambling.

In making its decision on an application for this type of permit a Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no Premises Licence or Club Gaming Permit issued under the 2005 Act may be in force. A plan must accompany applications indicating where and what type of prize gaming is to be provided.



#### **4. CLUB GAMING AND CLUB MACHINES PERMITS**

Members' clubs (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit allows the premises to provide:

- Up to three machines of categories B, C or D
- Equal chance gaming
- Games of chance as set out in regulations

A Club Gaming Machine Permit will enable the premises to provide up to three machines of categories B, C or D.

This Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for Members' Clubs contained in Sections 266 and 267 of the 2005 Act. Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless gaming is permitted by separate regulations. It is anticipated that this will cover Bridge and Whist Clubs and this will replicate the position under the Gaming Act 1968. A Members' Club must be permanent in nature, not established to make commercial profit and be controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

The Gambling Commission's Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied.
- The applicant's premises are used wholly or mainly by children and/or young persons.
- An offence under the 2005 Act or a breach of permit has been committed by the applicant while providing gaming facilities.
- A permit held by the applicant has been cancelled in the previous 10 years.
- An objection has been lodged by the Commission or the Police.

Clubs, which hold a Club Premises Certificate under the Licensing Act 2003, are entitled to benefit from a fast-track application procedure. Under this procedure there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which a Licensing Authority can refuse a permit are reduced. Grounds for refusal are:

- That the club is established primarily for gaming other than gaming prescribed under Schedule 12 of the 2005 Act.
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming.
- That a Club Gaming Permit or Club Machine Permit issued to the applicant in the last 10 years has been cancelled.

There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

## 5 SMALL SOCIETY LOTTERIES

5.1 Society Lotteries must be registered with the Council. A 'Society' is an organisation on whose behalf a lottery is to be promoted, which is:

- non-commercial
- is established and conducted for charitable purposes; or
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

A Society cannot be established for the sole purpose of facilitating lotteries – it must have some other purpose.

5.2 The total value of tickets for sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If the Society plans to exceed either of these values they may need to be licensed with the Gambling Commission to operate large lotteries instead.

5.3 The requirements for a small society lottery include the following:

- At least 20% of the proceeds must be for purposes of the society
- No single prize may be worth more than £25,000
- Every ticket in the lottery must cost the same
- The society must take payment for the ticket fee before entry into the draw is allowed
- Lottery tickets may only be sold by persons over the age of 16 to persons over the age of 16

5.4 The society must send returns to the licensing authority after each lottery held. This information must include:

- The date on which tickets were available for sale
- The date of the draw
- The value of prizes, including any donated prizes
- The total proceeds of the lottery
- The amounts deducted by the promoter in providing prizes,
- The amounts deducted by the promoter in respect of costs incurred in organising the lottery
- The amount given to the purpose for which the society is conducted (this must be at least 20% of the proceeds)
- Details of any expenses incurred in connection with the lottery that were not paid for from the proceeds and from where they were paid.

5.5 Returns must be sent to the Council no later than three months after the date of the lottery draw. They must be signed by two members of the society, who must be aged eighteen or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

5.6 Further information about applying for a small society lottery can be found on the Council's website at: <http://www.darlington.gov.uk/licensing>

## 6. TEMPORARY USE NOTICES

Temporary Use Notices (TUNs) allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice include hotels, conference centres and sporting venues. A TUN may only be granted to a person or company holding a relevant operating licence.

TUNs may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner but not where any person participating in the gaming does so by means of a gaming machine. Examples of equal chance gaming include backgammon, mah-jong, rummy, dominoes, cribbage, bingo and poker.

A set of premises may not be the subject of a TUN for more than 21 days in a period of 12 months but more than one TUN may be provided in respect of a set of premises during a 12 month period, provided that the aggregate of the periods do not exceed 21 days etc. In considering whether a place falls within the definition of 'a set of premises', the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises. For further information on what constitutes "Premises" please refer to section B 1 of this document

A TUN must be lodged with the licensing authority not less than three months and one day before the day on which the gambling event will begin and must be copied to:

- The Gambling Commission
- The Police
- HM Revenue and Customs
- If applicable, any other licensing authority in whose area the premises are situated.

It must contain the following information:

- The type of gaming to be carried on
- The premises where it will take place
- The dates and times the gaming will take place
- Any periods during the previous 12 months that a temporary use notice has had effect for the same premises
- The date on which the notice is given
- The nature of the event itself.

Although this Licensing Authority will aim to permit gambling under a TUN it may object to a notice where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## 7. OCCASIONAL USE NOTICES

Occasional Use Notices (OUNs) can be used in respect of the acceptance of bets on a track. A Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit is not exceeded (currently 8 days in a calendar year starting January 1<sup>st</sup>, but this can be amended by the Secretary of State). This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## Scheme of Delegation for Gambling Act 2005 Functions

Matter to be dealt with	Full Council	Licensing Committee (Sub Committees)	Officers
Final approval of 3 year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for Premises Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Making a representation on behalf of Licensing Authority			Assistant Director Community Services
Application for a Variation to a Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Transfer of a Licence		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Provisional Statement		Where representations have been made and not withdrawn	Where no representations received/representations have been withdrawn
Initiating a review on behalf of the Licensing Authority			Assistant Director Community Services
Review of a Premises Licence		X	
Application for Club Gaming/Club Machine Permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of Club Gaming/Club Machine Permits		X	
Applications for other Permits			X
Cancellation of Licensed Premises Gaming Machine Permits			X
Consideration of Temporary Use Notice			X
Decision to give a Counter Notice to a Temporary Use Notice		X	
Authorisation of Officer as a) Authorised Officer b) to Authorise other officers	To Authorise a) & b) to Licensing Manager		The Licensing Manager (b)
Section 346: Institution of criminal proceedings			The Licensing Manager

*NB: All delegations except those indicated as responsibility of Full Council will be determined by Sub Committees of the Licensing Committee established under section 6 of the Licensing Act 2003 in accordance with Section 154 of The Gambling Act 2005*

## APPENDIX B

### DETAILS OF RESPONSIBLE AUTHORITIES

1. **THE GAMBLING COMMISSION**  
Victoria Square House, Victoria Square, BIRMINGHAM B2 4BP  
E-mail [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk) Website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)
2. **POLICE**  
Chief Officer of Police, Police HQ, St Cuthbert's Way, DARLINGTON DL15LB
3. **FIRE AUTHORITY**  
Fire Safety Officer, Fire Brigade HQ, Belmont Business Park, DURHAM DH1 1TW
4. **PLANNING**  
Head of Planning Development Management and Environmental Health, Darlington Borough Council, Town Hall, DARLINGTON, DL1 5QT
5. **ENVIRONMENTAL HEALTH**  
Environmental Health Manager, Darlington Borough Council, Town Hall DARLINGTON, DL1 5QT
6. **DARLINGTON SAFEGUARDING PARTNERSHIP**  
Assistant Director of Children's Services, Town Hall, DARLINGTON, DL1 5QT
7. **HM REVENUE & CUSTOMS**  
Greenock Accounting Centre, Custom House, Custom House Quay, GREENOCK PA15 1EQ
8. **THE LICENSING AUTHORITY**  
The Assistant Director of Community Services  
Darlington Borough Council, 17 Allington Way, DARLINGTON DL1 4QB

**LIST OF CONSULTEES**

Our consultation took place between 17<sup>th</sup> August and 19<sup>th</sup> September 2021 and we followed the Code of Practice and the Cabinet Office Guidance on consultations by the public sector. The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police.
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area.
- One or more persons who appear to the authority represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

This Authority has consulted the following persons/organisations:

- Durham Constabulary
- The Fire Service
- Environmental Health Manager, Darlington Borough Council
- Planning Manager, Darlington Borough Council
- The Safeguarding Children Board, Darlington Borough Council
- Legal Services, Darlington Borough Council
- Adult Services, Darlington Borough Council
- HM Customs & Excise
- The Gambling Commission
- Betting and Gaming Council
- PCC
- North East Strategic Licensing Group (NESLG)
- Citizens Advice
- Gamble Aware
- Ladbrokes Coral Group
- William Hill
- Betfred
- The Industry Betting Arbitration Service (IBAS)
- Responsibility in Gambling Trust (RIGT)
- 'We are with you'
- British Beer and Pub Association
- Gamcare
- Darlington Borough Council Ward Councillors
- The Licensing Act 2003 Committee
- Clubs with club premises certificates under the Licensing Act 2003
- All Licensing Act 2003 Premises Licence holders with on licences
- Salvation Army
- Pubwatch

Pub companies including:

- Cameron's
- Wetherspoons
- Punch Tavern
- Stonegate

Licensing Solicitors

- Sintons
- Gosschalks
- Poppleston Allen

## Glossary

<u>Term</u>	<u>Description</u>
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object

(such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.

Default condition

These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.

Equal Chance Gaming

Gaming which does not involve playing or staking against a bank.

Fixed Odds Betting

If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.

Fixed Odds Betting Terminals (FOBTs)

FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs.

Gaming

Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.

Gaming Machine

Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.

Licensing Objectives

The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.



## Lottery

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).

## Mandatory condition

A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.

## Money prize machine

A machine in respect of which every prize which can be won as a result of using the machine is a money prize.

## Non-money prize machine

A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:

- (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or
- (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.

Odds	The ratio to which a bet will be paid if the bet wins, e.g. 4-1 means for every £1 bet, a person would receive £4 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmaker. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.

Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totalizer, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

## Support

National Gambling Helpline is 0808 8020 133 and also [www.begambleaware.org](http://www.begambleaware.org)

Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.

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 ہمارے ممبربانی 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 বন্ধন এবং সূত্র নম্বর উল্লেখ করুন।

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

## APPENDIX 2

## GAMBLING ACT – TABLE OF CHANGES

Location	Text	Proposed by	Reason
Removed from Part A point 1	The word 'Generally'	Betting and Gambling Council	Takes away any ambiguity
Inserted at point 2.1	It is acknowledged that the most recent data suggests rates of problem gambling are static, at around 0.5% of the population.	Betting and Gambling Council	To provide a balance to a perceived judgemental narrative on gambling harms
Removed from Part B point 1.5	This Licensing Authority will also expect the Premises Licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively	Betting and Gambling Council	By having additional conditions it would require a legal process that could slow down efforts to remedy a problem
Inserted at Part B point 4	Awareness of vulnerability issues around children, such as 'county lines' and demonstrate they have received relevant up to date training.	Licensing Committee	Before licence is issued show that the applicant is trained on these matters
Inserted at Part B point 4	It is recognised that the industry operates a 'Think 21' age verification standard	Betting and Gambling Council	They already operate at a higher than required standard so generalised condition would not be required unless there were specific problems
Appendix D	Support  National Gambling Helpline is 0808 8020 133 and also <a href="http://www.begambleaware.org">www.begambleaware.org</a>  Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.	Gamble Aware	Contact details for support

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### **Main Functions of the Commission**

1. For the purposes of this guidance, the Commission has the following principle statutory functions:
  - (a) Issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions, and ensuring that holders of licences adhere to their terms;
  - (b) Issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions, and ensuring that holders of licences adhere to their terms;
  - (c) Publishing codes of practice;
  - (d) Publishing statutory guidance to licensing authorities.
2. The Commission also has a duty to advise the Secretary of State on gambling and its regulation. To ensure that the Commission is well placed to provide such advice, it monitors developments in gambling in Great Britain and in other jurisdictions. It works closely with a range of regulatory partners, including licensing authorities, the Advertising Standards Authority, the Information Commissioner's Office, Ofcom, and with stakeholders including the industry itself, faith and community groups, those with lived experience of gambling harm, government departments and bodies working in the field of gambling research.

### **Functions of Licensing Authorities**

3. Licensing authorities (as defined in s.2 of the Act) are responsible for local gambling regulation and the Act gives them responsibility for a number of regulatory functions in relation to gambling activities. These include:
  - (a) Issuing a statement of licensing policy (policy statement) setting expectations about how gambling will be regulated in the area;
  - (b) Issuing a statement of licensing policy (policy statement) setting expectations about how gambling will be regulated in the area;
  - (c) Responsibility for licensing gambling premises;
  - (d) The issue of permits to family entertainment centres (FEC) for the use of certain lower stake gaming machines;
  - (e) Granting permits for prize gaming;
  - (f) Registering society lotteries that fall below certain thresholds;

- (g) Regulating members' clubs and miners' welfare institutes which undertake certain gaming activities;
  - (h) Setting and collecting fees.
4. The Act also provides a system of temporary and occasional use notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling, for limited periods.
5. In exercising their statutory functions, licensing authorities have a broad discretion in regulating the local provision of gambling through the wide ranging powers at their disposal, including:
- (a) Issuing a statement of licensing policy, setting expectations about how gambling will be regulated in a particular area;
  - (b) Issuing a statement of licensing policy, setting expectations about how gambling will be regulated in a particular area;
  - (c) Granting, refusing and attaching conditions to premises licences;
  - (d) Reviewing premises licences and attaching conditions or revoking them as a result.



## RESPONSE FROM GAMBLEAWARE

Hi Colin,

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also [www.begambleaware.org](http://www.begambleaware.org). Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Many thanks,

BeGambleAware.org

GambleAware processes personal information for certain legitimate business interests and records sensitive personal information when necessary to meet its duty of care. To learn more about these interests, when we may process your information in this way, and your rights please [click here](#).

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BY EMAIL ONLY  
Licensing Section  
Darlington Borough Council

Please ask for: [REDACTED]  
Direct Tel: [REDACTED]  
Email: [REDACTED]  
Our ref: [REDACTED]  
Your ref:  
Date: 10 September 2021

Dear Sirs,

### **Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

#### **The Betting and Gaming Council**

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

### **Problem Gambling**

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the

industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

### **Working in partnership with local authorities**

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its

regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the draft Gambling Act 2005 Statement of Principles**

Paragraph 1 of Part A inserts the word “generally” into a paraphrased version of s153 Gambling Act 2005. It is not correct to say that the licensing authority “will generally” aim to permit the use of premises for gambling. The Act requires that the authority shall aim to permit the use of premises for gambling. Accordingly the word “generally” should be deleted.

The following paragraph (2. Gambling Participation Survey 2020 Findings) should also be deleted. It is not clear why section has been included, its inclusion is pejorative and the section relating to on-line gambling behaviour is irrelevant as far as a licensing authority’s statement of principles is concerned as on-line gaming falls outside the remit of the licensing authority.

If any of paragraph 2 is to remain, a section should be inserted that acknowledges that rates of problem gambling are static and are around 0.5% of the population.

Paragraph 1.5 of Part B explains the authority’s approach to the imposition of conditions on premises licences. We welcome the acknowledgement that the mandatory and default conditions will

generally be sufficient to ensure operation that is consistent with the licensing objectives and that additional conditions will only be imposed where there is clear evidence of risk to the licensing objectives.

However, the statement in paragraph 1.5 that the licensing authority would expect an applicant “to offer their own suggestions as to ways the licensing objectives can be effectively met” should be removed from this section. An applicant will identify risks to the licensing objectives in the local area risk assessment and outline in that document, the policies, procedures and mitigation measures to be put in place to mitigate the identified risk. The inclusion of the sentence above in the section relating to conditions suggests that the policies, procedures and mitigation measures may be “converted to” or form the basis of premises licence conditions in the same way as operating schedule statements are treated in applications under Licensing Act 2003. Under Gambling Act 2005, the imposition of conditions should only be considered where the policies, procedures or mitigation measures do not adequately address the identified risk.

The reason for this is that a risk assessment is a dynamic document and (in accordance with SR Code Provision 10.1.2) must be reviewed if there is a significant change in local circumstances. As risks change or new risks are identified, the policies, procedures and mitigation measures to address those identified risks may be changed very quickly. If, however, the mitigation measures are the subject of premises licence conditions then an application for variation of the premises licence would be required to change these conditions. That could delay changes and would cause unnecessary expense and administration for operators.

### **Conclusion**

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,

### **GOSSCHALKS LLP**

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**COUNCIL  
25 NOVEMBER 2021**

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**COUNCIL TAX SUPPORT SCHEME 2022-23**

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**Responsible Cabinet Member - Councillor Scott Durham,  
Resources Portfolio**

**Responsible Director - Elizabeth Davison,  
Group Director of Operations**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To approve the Council Tax Support (CTS) scheme for 2022-23.

**Summary**

2. On 26 November 2020, Council approved the local CTS scheme for 2021-22 and the scheme became operational on 1 April 2021.
3. Councils are required to set a CTS scheme each year and as part of that exercise:
  - (a) Consider whether any changes should be made to the existing scheme, and
  - (b) Where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
4. This report sets out the details of the CTS scheme for 2022-23. No significant changes are proposed to the existing scheme.
5. This report was considered by Cabinet on 9 November 2021, who agreed its onward submission for approval by Council.

**Recommendations**

6. It is recommended that Council:-
  - (a) Consider the contents of this report.
  - (b) Approve the CTS scheme for 2022-23 at **Appendix 1** which is to:-
    - (i) Continue providing up to 100% CTS for care leavers under the age of 25, and
    - (ii) Continue providing up to 80% CTS for all other working age people.

## Reasons

7. The recommendations are supported by the following reasons:-
- (a) The Council is required to publish a local CTS scheme for 2022-23 by 11 March 2022.
  - (b) The continued application of a reduced entitlement for working aged people is still appropriate, given the current financial position of the Council.

**Elizabeth Davison**  
**Group Director of Operations**

## Background Papers

- (i) Local Government Finance Bill 2012
- (ii) Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

Anthony Sandys: Extension 6926

S17 Crime and Disorder	There are no issues
Health and Well Being	The CTS scheme may have an adverse impact on the health and well-being of low income groups
Carbon Impact and Climate Change	There is no impact in this report
Diversity	Working aged recipients of CTS are treated differently to pensioners, whose CTS entitlement is decided under a national set of regulations.
Wards Affected	All wards are affected, but in particular those with higher numbers of people claiming CTS
Groups Affected	Working age recipients of CTS are affected by the local scheme. Pensioners are protected under a national set of regulations.
Budget and Policy Framework	The issues contained within this report do not represent a change to Council budget or the Council's policy framework
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
Council Plan	This report has implications for the 'Healthy Darlington' and 'Prosperous Darlington' themes of the Sustainable Community Strategy.
Efficiency	The operation of the local CTS scheme continues to represent a significant financial challenge to the Council and other precepting authorities
Impact on Looked After Children and Care Leavers	Young care leavers, who do not have the family support most young people have to establish themselves in the community, can receive up to 100% CTS

## MAIN REPORT

### Information and Analysis

8. Since 2013, the previous national Council Tax Benefit scheme was replaced with local CTS schemes, designed and administered by local authorities. Grants are paid to local authorities to fund CTS, but the overall amount does not fully meet actual expenditure levels.
9. The Council is required to design and publish a new CTS scheme each year, in time to implement for annual Council Tax billing. A full public consultation exercise and an equality impact assessment were undertaken on the initial scheme in 2013.
10. Each year, the Council has to consider whether any changes should be made to the existing scheme and, where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
11. Each year's scheme then has to be approved by full Council.
12. The key feature of Darlington's CTS scheme is that most working aged people can only receive a maximum of 80% support towards their Council Tax. Young care leavers can receive up to 100% support (introduced in April 2018) and pensioners are also protected under a national set of regulations.
13. No significant changes are recommended for the 2022-23 CTS scheme however, Members should note the following:
  - (a) The applicable amounts in Table 1 and non-dependant deductions in Table 2 are those amounts currently applied to the 2021-22 CTS scheme and will be uprated for 2022-23. The uprated amounts will be calculated with reference to the amended Prescribed Requirement regulations and Social Security Benefits Up-rating Order. These regulations will be published in January 2022 and the CTS scheme for 2022-23 will therefore be amended before publication.
  - (b) Any other changes to the Prescribed Requirements regulations 2022 will also be incorporated into the CTS scheme 2022-23 before publication. These changes are for reference only and do not represent a change to the local CTS scheme.
  - (c) A minor amendment to the date on which entitlement to CTS begins is recommended. Paragraph 136 of appendix 1 states that in most cases, entitlement to CTS will begin on the date of claim. Previously, entitlement to CTS began on the Monday following the date of claim, which is similar to the way Housing Benefit has been paid. However, this change aligns CTS entitlement to the way Universal Credit is paid and is slightly advantageous to claimants. The financial implication of this change is negligible.

### Financial Implications

14. The recommendations in paragraph 5 will not have any significant financial implications and therefore it is not intended to amend the budget in the MTFP.

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# **Council Tax Support Scheme**

**2022 - 2023**

## Introduction

1. Council Tax Support (also referred to as Council Tax Reduction) is the means of helping people on low incomes pay their Council Tax. Each Council Tax billing authority is responsible for setting its own local Council Tax Support scheme every year.
2. Pensioners are protected from the effects of local schemes by a national framework of rules and eligibility. Working aged people however are subject to the provisions of the locally defined scheme.
3. On 26 November 2020, Darlington Borough Council approved the Council Tax Support scheme for 2021-2022, which became operational from 1 April 2021.
4. This document sets out Darlington Borough Council's scheme for 2022-2023 and should be read in conjunction with the following regulations.
  - (a) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.
  - (b) The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012.
  - (c) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013.
  - (d) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2014.
  - (e) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014.
  - (f) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015.
  - (g) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016.
  - (h) The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017.
  - (i) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018.
  - (j) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020.
  - (k) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021.

## Executive Summary

### Prescribed requirements

5. There are a number of prescribed requirements that will apply to all local Council Tax Support schemes and are therefore not included in Darlington's local scheme. These are set out in the regulations referred to in paragraphs 4(a) to 4(k), copies of which can be found at: [www.legislation.gov.uk](http://www.legislation.gov.uk)
6. Where the prescribed regulations apply, reference has been made to the relevant parts in the Council Tax Support scheme. For the purpose of this document, "the regulations" are the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, as amended. A summary of the key features of the regulations are as follows:
  - (a) There is a prescribed scheme for persons who have reached the qualifying age for state Pension Credit. 'Working aged' is defined as people who have not yet reached the qualifying age for state Pension Credit.
  - (b) There are restrictions excluding foreign nationals with limited immigration status and non-economically active European Union individuals.
  - (c) Individuals with refugee status, humanitarian protection, discretionary or exceptional leave to remain granted outside the immigration rules and who are exempt from the habitual residence test are entitled to support with their Council Tax.
  - (d) Regulations allow arrangements for a person to act on behalf of another, for example where a person has been granted a power of attorney over a liable Council Tax payer.
  - (e) Formal rights of appeal are set out in the regulations and appeals are heard by Valuation Tribunals.
  - (f) Billing authorities are required to consider whether to revise or replace their Council Tax Support schemes each year and under such circumstances, to consider what transitional arrangements may be required to move from an existing local scheme to a replacement scheme. Schemes cannot be amended within a financial year.

### Key features of Darlington's Council Tax Support scheme

7. The requirements for Council Tax Support schemes are set out in an amendment to the Local Government Finance Act 1992, under schedule 1A.
8. Council Tax Support for working aged people will be based on 80% of their Council Tax liability (as opposed to pensioners and care leavers under 25, where entitlement is based on 100%).
9. Entitlement to Council Tax Support will be means tested. The amount of Council Tax Support awarded will depend on:

- (a) The circumstances of the claimant and their family, such as their income and savings.
- (b) The number of children who live in the household and their circumstances.
- (c) The number of other adults who live in the household and their circumstances.
- (d) The amount of Council Tax, less any other discounts or reliefs.

#### Temporary absence from home

10. There are no temporary absence rules for working aged people in Darlington's Council Tax Support scheme. Anyone who is liable for Council Tax on a dwelling which is their sole or main residence and not subject to a Council Tax exemption is able to claim Council Tax Support. Temporary absence rules for pensioners are set out in the regulations.

#### Students

11. There are no specific exclusions for students in the Council Tax Support scheme. Anyone who is liable for Council Tax and not subject to the Council Tax student exemption is able to claim Council Tax Support.

#### Extended payments

12. Under the Council Tax Support scheme, anyone losing entitlement to a qualifying benefit, such as Income Support, income based Jobseekers Allowance, income related Employment and Support Allowance or Universal Credit due to moving into work or increasing their hours or pay, automatically qualifies for a 4 week run on of their Council Tax Support.

#### Backdating

13. An automatic backdating rule exists for Council Tax Support claims. Claims can be paid for any period where entitlement to Council Tax Support exists. Backdating rules for pensioners are set out in the regulations.

14. There is no requirement for a person to show 'good cause' as to why they didn't claim earlier.

#### Discretionary discounts

15. The Council has the power under section 13A of the Local Government Finance Act 1992, to reduce the Council Tax liability of a person "to such an extent as it thinks fit". This includes the power to reduce the amount to nil.

16. The Council has a Council Tax Discretionary Discount policy, details of which can be found at: [Darlington Borough Council - Discounts and Exemptions](#).



## **People who can claim Council Tax Support**

### Who can claim

17. The rules for making an application to Council Tax Support is set out in schedule 8, part 2, paragraph 4 of the regulations. These state:

- (a) In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should apply or, in default of agreement, by such one of them as the council decides.
- (b) Where the person who is liable for Council Tax is unable to act the Council will accept or appoint a person who may make an application on their behalf, in accordance with the provisions contained within this part of the regulations.

18. The classes of working aged people entitled to a reduction under the Council's scheme are as follows:

### People in receipt of a qualifying benefit

19. People in receipt of a qualifying benefit are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Entitled to Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance.

20. Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

### People with income equal to or less than their applicable amount

21. People with income equal to or less than their applicable amount are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Capital is less than £16,000
- (d) Income is equal to or less than their applicable amount

22. Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

People with income more than their applicable amount

23. People with income more than their applicable amount are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Capital is less than £16,000
- (d) Income is more than their applicable amount

24. Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 80% of their eligible Council Tax, less any deductions for non-dependants.

People receiving Universal Credit with income equal to or less than their Universal Credit maximum award

25. People receiving Universal Credit with income equal to or less than their Universal Credit maximum award are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Capital is less than £16,000
- (d) In receipt of Universal Credit
- (e) Assessment of income provided by Universal Credit plus the award of Universal Credit is equal to or less than their Universal Credit maximum award.

26. Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 80% of their eligible Council Tax, less any deductions for non-dependants.

People receiving Universal Credit with income more than their Universal Credit maximum award

27. People receiving Universal Credit with income more than their Universal Credit maximum award are classed as:

- (a) Working aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Capital is less than £16,000

- (d) In receipt of Universal Credit
- (e) Assessment of income provided by Universal Credit plus the award of Universal Credit is more than their Universal Credit maximum award.

28. Having claimed Council Tax Support, this class of people will have their assessment of income provided by Universal Credit plus the award of Universal Credit compared to their Universal Credit maximum award. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the Universal Credit maximum award. Entitlement will be up to a maximum of 80% of their eligible Council Tax, less any deductions for non-dependants.

Young care leavers in receipt of a qualifying benefit

29. Young care leavers in receipt of a qualifying benefit are classed as:

- (a) Aged 18 to 24
- (b) A care leaver, as defined by the Children (Leaving Care) Act 2000
- (c) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (d) Entitled to Income Support, income-based Jobseekers Allowance or income-related Employment and Support Allowance.

30. Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

Young care leavers with income equal to or less than their applicable amount

31. Young care leavers with income equal to or less than their applicable amount are classed as:

- (a) Aged 18 to 24
- (b) A care leaver, as defined by the Children (Leaving Care) Act 2000
- (c) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (d) Capital is less than £16,000
- (e) Income is equal to or less than their applicable amount.

32. Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

Young care leavers with income more than their applicable amount

33. Young care leavers with income more than their applicable amount are classed as:

- (a) Aged 18 to 24
- (b) A care leaver, as defined by the Children (Leaving Care) Act 2000
- (c) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (d) Capital is less than £16,000
- (e) Income is more than their applicable amount

34. Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 100% of their eligible Council Tax, less any deductions for non-dependants.

Young care leavers receiving Universal Credit with income equal to or less than their Universal Credit maximum award

35. Young care leavers receiving Universal Credit with income equal to or less than their Universal Credit maximum award are classed as:

- (a) Aged 18 to 24
- (b) A care leaver, as defined by the Children (Leaving Care) Act 2000
- (c) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (d) Capital is less than £16,000
- (e) In receipt of Universal Credit
- (f) Assessment of income provided by Universal Credit plus the award of Universal Credit is equal to or less than their Universal Credit maximum award.

36. Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

Young care leavers receiving Universal Credit with income more than their Universal Credit maximum award

37. Young care leavers receiving Universal Credit with income more than their Universal Credit maximum award are classed as:

- (a) Aged 18 to 24
- (b) A care leaver, as defined by the Children (Leaving Care) Act 2000
- (c) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence

- (d) Capital is less than £16,000
- (e) In receipt of Universal Credit
- (f) Assessment of income provided by Universal Credit plus the award of Universal Credit is more than their Universal Credit maximum award.

38. Having claimed Council Tax Support, this class of people will have their assessment of income provided by Universal Credit plus the award of Universal Credit compared to their Universal Credit maximum award. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the Universal Credit maximum award. Entitlement will be up to a maximum of 100% of their eligible Council Tax, less any deductions for non-dependants.

39. The classes of pensioners who are entitled to a Council Tax reduction are set out in schedule 1 of the regulations, as follows:

Pensioners with income equal to or less than their applicable amount

40. Pensioners with income equal to or less than their applicable amount are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- (d) Capital is less than £16,000
- (e) Income is equal to or less than their applicable amount.

41. Having claimed Council Tax Support, this class of people will be entitled to the maximum support of 100% of their eligible Council Tax, less any deductions for non-dependants.

Pensioners with income more than their applicable amount

42. Pensioners with income more than their applicable amount are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- (d) Capital is less than £16,000

(e) Income is more than their applicable amount.

43. Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum of 100% of their eligible Council Tax, less any deductions for non-dependants.

#### Alternative maximum Council Tax Support

44. People entitled to alternative maximum Council Tax Support are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- (d) One or more people reside with the claimant who are not a member of their family
- (e) No other resident in the dwelling is liable to pay rent to the claimant in respect of that dwelling.

45. Having claimed Council Tax Support, this class of people will have their Council Tax Support calculated on the income, or aggregate incomes, of one or more people who reside in the dwelling, up to a maximum of 25% of their eligible Council Tax.

#### Pensioners with war pensions

46. Pensioners with war pensions are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in schedule 1, part 1, paragraph 5 of the regulations
- (d) In receipt of War Disablement Pension, War Widow's Pension or War Widower's Pension

47. Having claimed Council Tax Support, this class of people will be assessed in accordance with the prescribed regulations for pensioners. War Disablement Pension, War Widow's Pension and War Widower's Pension will be fully disregarded.

#### Pensioners

48. The provisions for pensioners are set out in Schedules 1 to 6 of the regulations.

49. The meaning of who is and who is not a pensioner is set out in paragraph 3 of the regulations. These state:

- (a) A person is a 'pensioner' if they have attained the qualifying age for state Pension Credit; and
- (b) They, or their partner are not in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, or Universal Credit
- (c) A person is 'not a pensioner' if they have not attained the qualifying age for state Pension Credit; or
- (d) They have attained the qualifying age for state Pension Credit and they, or their partner are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, or Universal Credit.

#### Membership of a family

50. The meaning of a 'couple' is set out in paragraph 4 of the regulations. These state a 'couple' is:

- (a) A man and woman who are married to each other or who are civil partners of each other and are members of the same household; or
- (b) A man and a woman who are not married to each other or who are not civil partners of each other but are living together as if they were a married couple or civil partners; or
- (c) Two people of the same sex who are married to each other or who are civil partners of each other and are members of the same household; or
- (d) Two people of the same sex who are not married to each other or who are not civil partners of each other but are living together as if they were a married couple or civil partners.

51. The rules for polygamous marriages are set out in paragraph 5 of the regulations. This regulation applies to:

- (a) A person who is a husband or wife by virtue of a marriage entered into under a law which permits polygamy, and
- (b) Either party to the marriage has for the time being any spouse additional to the other party.

52. The meaning of 'family' is set out in paragraph 6 of the regulations. These state a 'family' is:

- (a) A couple

- (b) A couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person
- (c) A person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person
- (d) A child or young person includes those in respect of whom section 145A of the Social Security Child Benefit Act 2005 applies for the purposes of entitlement to Child Benefit
- (e) A young person does not include those who are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, Universal Credit; or a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.

53. The rules for circumstances in which a person is to be treated as responsible or not responsible for another are set out in paragraph 7 of the regulations. These state:

- (a) A person is to be treated as responsible for a child or young person who is normally living with them
- (b) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household they are living in, they will be treated as normally living with;
  - i. the person who receives Child Benefit in respect of that child or young person, or
  - ii. if there is no such person, the person who has claimed Child Benefit, or the person who has the primary responsibility for them.

54. The rules for membership of a household are set out in paragraph 8 of the regulations. These state:

- (a) The claimant and any partner who are treated as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household
- (b) A child or young person is not treated as a member of the claimant's household where they are;
  - i. placed with the claimant or their partner by a local authority under section 22C or 23(2)(a) of the Children Act 2002 or by a voluntary organisation under section 59(1)(a) of that Act, or
  - ii. placed with the claimant or their partner prior to adoption, or
  - iii. placed with the claimant or their partner in accordance with the Adoption and Children Act 2002



- (c) A child or young person is not treated as a member of the claimant's household where they are not living with the claimant as they are;
- i. being looked after by a local authority under a relevant enactment, unless they live with the claimant for part or all of a relevant week or the authority considers it reasonable to do so taking into account the nature and frequency of that child's or young person's visits, or
  - ii. placed with a person other than the claimant prior to adoption, or
  - iii. placed for adoption in accordance with the Adoption and Children Act 2002.

#### Non-dependants

55. The meaning of non-dependants is set out in paragraph 9 of the regulations. These state a 'non-dependant' is:

- (a) Any person who normally resides with the claimant or with whom the claimant normally resides
- (b) This excludes;
  - i. any member of the claimant's family,
  - ii. a child or young person who is living with the claimant but is not classed as a member of their household,
  - iii. any person who is jointly and severally liable to pay Council Tax in respect of the dwelling,
  - iv. any person who is liable to make payments on a commercial basis to the claimant or their partner in respect of occupation of the dwelling, unless that person is a close relative of the claimant or their partner, or the tenancy or other agreement between them is other than on a commercial basis, or where it appears to the authority to have been created to take advantage of a scheme,
  - v. a person who lives with the claimant in order to care for them or their partner and who is engaged with a charitable or voluntary organisation which makes a charge to the claimant or their partner for the services provided by that person.

#### Persons from Abroad

56. The rules for persons treated as not being in Great Britain are set out in paragraph 12 of the regulations. These state:

- (a) Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme
- (b) A person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, except;
  - i. a qualified person (or their family member), for the purposes of regulation 6 of the EEA regulations 2016 as a worker or self-employed person,
  - ii. a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA regulations 2016,
  - iii. a family member of a relevant person of Northern Ireland, with a right to reside, provided that the relevant person of Northern Ireland is a qualified person, or would do so but for the fact they are not an EEA national,
  - iv. a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020,
  - v. a family member of a frontier worker, who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971,
  - vi. a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees, as extended by Article 1(2) of the Protocol relating to the Status of Refugees,
  - vii. a person who has been granted leave outside of the rules under section 3(2) of the Immigration Act 1971 where that leave is discretionary leave to enter or remain in the United Kingdom, leave to remain under the Destitution Domestic Violence concession, or leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005,
  - viii. a person who has humanitarian protection granted under those rules,
  - ix. a person who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of their deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom,
  - x. a person in receipt of Income Support or income related Employment and Support Allowance,
  - xi. a person in receipt of income based Jobseekers Allowance and has a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the

Republic of Ireland,

- xii. a Crown servant or member of HM forces posted overseas and the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- (c) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places
- (d) A right to reside does not include a right which exists by virtue of, or in accordance with;
- i. regulation 13 of the EEA regulations 2016,
  - ii. regulation 14 of the EEA regulations 2016, but only in a case where the rights exist under that regulation because the person, or a family member, is a jobseeker for the purpose of the definition of a 'qualified person' in regulation 6(1) of those regulations,
  - iii. regulation 16 of the EEA regulations 2016, but only in a case where the right exists under that regulation because the claimant satisfies the criteria in paragraph (5) of that regulation,
  - iv. a person having been granted limited leave to enter, or remain in the United Kingdom under the Immigration Act 1971 by virtue of;
    - 1. Appendix EU to the immigration rules made under section 3(2) of that Act (except a person who has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland and would have a right to reside under EEA Regulations 2016 if the relevant person of Northern Ireland were an EEA national),
    - 2. being a person with a 'Zambrano' right to reside as defined in Annex 1 and Appendix EU to the immigration rules made under section 3(2) of that Act;
    - 3. having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.

57. The rules for persons subject to immigration control are set out in paragraph 13 of the regulations. These state:

- (a) Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme, except;

- i. a person who is a national of a state which has ratified the European Convention on Social and Medical Assistance, or a state which has ratified the Council of Europe Social Charter and who is lawfully present in the United Kingdom
- (b) 'Persons subject to immigration control' has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

#### Applicable amounts

58. The applicable amount will be made up of a number of elements. These may include, depending upon individual circumstances:

- (a) A personal allowance for the claimant and their partner
- (b) An amount for every child or young person who is a member of the family
- (c) A family premium where at least one child or young person is part of the household
- (d) Premiums for people in receipt of Employment and Support Allowance
- (e) Premiums which may apply in special circumstances.

59. The weekly amounts to be included in the applicable amount are detailed below. The qualifying conditions for each of these personal allowances and premiums are set out in Schedule 3 of The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012. These are summarised in **Table 1**. The applicable amounts for pensioners are set out in schedule 2 of the regulations.

60. The amounts detailed below in Table 1 are those stated within the 2021-2022 scheme and will be updated for 2022-2023. The updated amounts will be calculated with reference to the amended regulations and Social Security Benefits Up-rating Order.

61. People in receipt of Universal Credit will have their Council Tax Support calculated based on their Universal Credit maximum award.

62. The Family Premium does not apply from 1 May 2016, unless the conditions in paragraph 63 apply.

63. Claims for Council Tax Support where the Family Premium applied at 30 April 2016 will continue to be entitled to the Family Premium from 1 May 2016 until their claim for Council Tax Support ends or their household no longer includes at least one child or young person.

**Table 1: Applicable Amounts**

<b>Personal allowances</b>	<b>Weekly amount 2021-2022</b>	<b>Weekly amount 2022-2023</b>
Single claimant aged 18 to 24	£59.20	
Working aged single claimant aged 25 or over	£74.70	
Single claimant entitled to main phase Employment and Support Allowance	£74.70	
Working aged lone parent	£74.70	
Working aged couple	£117.40	
Couple entitled to main phase Employment and Support Allowance	£117.40	
Single claimant or lone parent who has attained pensionable age before 1 April 2021	£191.15	
Couple where one or both members have attained pensionable age before 1 April 2021	£286.05	
Single claimant or lone parent who has attained pensionable age on or after 1 April 2021	£177.10	
Couple where one or both members have attained pensionable age on or after 1 April 2021	£270.30	
A child or young person until the day before their twentieth birthday	£59.20	
<b>Family premium</b>	<b>Weekly amount 2021-2022</b>	<b>Weekly amount 2022-2023</b>
A household which includes at least one child or young person (but see paragraphs 62 and 63)	£17.65	
<b>Employment and Support Allowance premiums</b>	<b>Weekly amount 2021-2022</b>	<b>Weekly amount 2022-2023</b>
The claimant or their partner are in receipt of the work related activity component of Employment and Support Allowance	£29.70	
The claimant or their partner are in receipt of the support component of Employment and Support Allowance	£39.40	
Special circumstances premiums (entitlement limited to only one of the premiums below)	<b>Weekly amount 2021-2022</b>	<b>Weekly amount 2022-2023</b>

<p>Disability premium (single) – the claimant is registered blind, or in receipt of one or more of the following:</p> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Disability Living Allowance</li> <li>• Mobility Supplement</li> <li>• Long term Incapacity Benefit</li> <li>• Severe Disablement Allowance</li> <li>• The disability or severe disability element of Working Tax Credit</li> <li>• Personal Independence Payment</li> <li>• Armed Forces Independence Payment</li> </ul>	£35.10	
<p>Disability premium (couple) – the claimant or partner is registered blind, or in receipt of one or more of the following:</p> <ul style="list-style-type: none"> <li>• Attendance Allowance</li> <li>• Disability Living Allowance</li> <li>• Mobility Supplement</li> <li>• Long term Incapacity Benefit</li> <li>• Severe Disablement Allowance</li> <li>• The disability or severe disability element of Working Tax Credit</li> <li>• Personal Independence Payment</li> <li>• Armed Forces Independence Payment</li> </ul>	£50.05	
<p>Carers premium – the claimant or partner is entitled to Carers Allowance</p>	£37.50	
<p>Special circumstances premiums (entitlement can be applied on top of any other premiums awarded)</p>	<b>Weekly amount 2021-2022</b>	<b>Weekly amount 2022-2023</b>
<p>Severe disability premium (single rate) - for a single claimant, lone parent or couple where:</p> <ul style="list-style-type: none"> <li>• The claimant or partner is receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment, and</li> <li>• No non-dependants aged 18 or over reside with them, and</li> <li>• No one is in receipt of a Carers Allowance or the carer element of Universal Credit for looking after them.</li> </ul>	£67.30	

<p>Severe disability premium (double rate) - for a couple where:</p> <ul style="list-style-type: none"> <li>• Both the claimant and partner are receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment, and</li> <li>• No non-dependants aged 18 or over reside with them, and</li> <li>• No one is in receipt of a Carers Allowance or the carer element of Universal Credit for looking after both of them.</li> </ul>	<p>£134.60</p>	
<p>Enhanced disability premium (single) – where:</p> <ul style="list-style-type: none"> <li>• The claimant has limited capability for work related activity, or</li> <li>• The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant’s family, or</li> <li>• The daily living component of Personal Independence Payment is payable for the claimant or any member of the claimant’s family.</li> </ul>	<p>£17.20</p>	
<p>Enhanced disability premium (couple) – where:</p> <ul style="list-style-type: none"> <li>• The claimant or partner has limited capability for work related activity, or</li> <li>• The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant’s family.</li> </ul>	<p>£24.60</p>	
<p>Enhanced disability premium (disabled child) – where:</p> <ul style="list-style-type: none"> <li>• The highest rate care component of Disability Living Allowance is payable for a child or young person, or</li> <li>• The daily living component of Personal Independence Payment is payable for a child or young person.</li> </ul>	<p>£26.67</p>	
<p>Disabled child premium – where a child or young person:</p>	<p>£65.94</p>	

<ul style="list-style-type: none"><li>• Receives Disability Living Allowance, or</li><li>• Receives Personal Independence Payment, or</li><li>• Is registered blind.</li></ul>		
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## **Making a claim**

64. The rules by which a person may apply for a reduction under an authority's scheme are set out in Schedule 7, Part 1 of the regulations. These state that:
- (a) The claim may be made in writing, by electronic communication means or by telephone
  - (b) A claim made in writing must be made to the Council on a properly completed form
  - (c) A claim is considered properly completed if it has been completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the claim
  - (d) Where a claim is defective because it has not been made on a form approved for the purpose, the Council may request the claimant to complete an approved form
  - (e) Where a claim is defective because it is not accepted as being properly completed, the Council may allow the claimant sufficient time to provide information and evidence in connection with the claim, or request further information and evidence
  - (f) If a claim made by electronic communication is defective, the Council must provide the claimant with an opportunity to correct the defect. A claim made by electronic communication is defective if the claimant does not provide all the information the Council requires.

### Time and manner of making a claim

65. A claim for Council Tax Support may be made with the Council by completing the on-line claim form on the 'Council Tax Support' page of the Darlington Borough Council website. Where the Council holds sufficient information to decide entitlement to Council Tax Support, the claim may be made by telephone.
66. Where the Council becomes aware that a person may be entitled to Council Tax Support, or where a claim form has been requested, they will invite a claim by asking them to complete the on-line claim form or by contacting them by telephone.
67. Where a claim is made for Housing Benefit and the claimant or their partner is liable for Council Tax in respect of that dwelling, the claim for Housing Benefit will be deemed to be a claim for Council Tax Support.
68. Where a claimant notifies the Department for Work and Pensions of their intention to apply for Council Tax Support and as a consequence of this notification, the Department for Work and Pensions share details of the claimant's Department for Work and Pensions benefit with the Council, this data share will constitute an application for Council Tax Support.
69. The Council will offer assistance to the claimant to make their claim for Council Tax Support, where this is required.

### Information and evidence

70. The rules for the information and evidence required to support a claim or ongoing award of Council Tax Support is set out in Schedule 8, Part 2, paragraph 7 of the regulations. These state:

- (a) The claim must be accompanied by a statement of the claimant's (and any other person in respect of whom they are making an application) national insurance number and information or evidence to establish that that number has been allocated to that person
- (b) Where the person has applied for a national insurance number, the claim must be accompanied by evidence of the application for a national insurance number to be allocated
- (c) The claim must be accompanied by any certificates, documents, information and evidence in connection with the claim or an award as may reasonably be required by the Council to decide the claim or a continuing award
- (d) The claimant must provide the Council with the information and evidence it requires to decide the claim or a continuing award within one month of a request to do so, or such longer time as the Council may consider reasonable
- (e) The claimant is not required to provide evidence of any income or capital which are disregarded under the Council Tax Support scheme.

71. Where information and/or evidence has already been verified by the Department for Work and Pensions in relation to a claim for Income Support, Jobseekers Allowance, Employment and Support Allowance or Universal Credit, the Council will also accept this as verified for any Council Tax Support claim or a continuing award.

### Amendment and withdrawal of claim

72. The rules for the amendment and withdrawal of a claim for Council Tax Support is set out in Schedule 8, Part 2, paragraph 8 of the regulations. These state:

- (a) A person who has made a claim may amend it at any time before a decision has been made on it
- (b) A person who has made a claim may withdraw it at any time before a decision has been made on it.

## **Income and capital**

### Treatment of income

73. The income of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support. Where the person is receiving Universal Credit, the income will be the assessment of income provided by Universal Credit, plus the award of Universal Credit.
74. 'Income' includes any of the following:
- (a) Earnings
  - (b) Social Security Benefits
  - (c) Tax credits
  - (d) Pensions
  - (e) Maintenance
  - (f) Income from rent / board and lodgings
  - (g) Royalties
  - (h) Student grants
  - (i) Compensation payments.
75. Income will be calculated on a weekly basis. Any income paid for a period other than on a weekly basis, will be converted to a weekly figure. All income will be taken into account in full, unless a disregard applies.
76. The income to be taken into account will be the actual weekly income or likely average weekly income of the claimant and partner. This will be calculated over such a period as is likely, in the opinion of the Council, to provide the most accurate estimate.
77. In the case of earnings from employment, the earnings will be taken into account for the period they relate to, even if the person does not actually receive the earnings from their employer during that period.
78. In the case of earnings from employment, where employment is due to commence, an estimate of likely earnings will be based on whatever information is available from the person or the person's employer.
79. The treatment of income for pensioners is set out in schedule 1 of the regulations.

## Earnings

80. The meaning of remunerative work is set out in paragraph 10 of the regulations. These state:

- (a) A person must be treated as in remunerative work if they are engaged on average, for not less than 16 hours a week, in work for which payment is made or expected
- (b) Where a person's working hours fluctuate, regard must be had to the normal cycle of work, the number of hours they are expected to work, or the 5 weeks immediately prior to the date of claim or such other length of time that may allow the person's weekly average hours of work to be determined
- (c) Where a person works at a school or other educational establishment, any vacation periods or holidays where they are not required to work will be disregarded for establishing the average hours for which they are working
- (d) Where no recognisable cycle can be established in respect of a person's work, regard must be had to the number of hours or average hours where these fluctuate, which they are expected to work in a week
- (e) Any periods of absence from work, such as holiday, will be disregarded for establishing the average hours for which the person is working
- (f) A person must not be treated as engaged in remunerative work if they are on maternity leave, paternity leave, adoption leave, shared parental leave, parental bereavement leave, or if they are absent from work because they are ill.

81. 'Earnings' mean any remuneration or profit derived from that employment and includes:

- (a) Bonuses or commission
- (b) Payments in lieu of remuneration
- (c) Payments in lieu of notice
- (d) Holiday pay
- (e) Payments by way of a retainer
- (f) Payments for expenses not wholly, exclusively and necessarily incurred in the performance of the employment
- (g) Statutory sick pay, maternity pay, paternity pay, shared parental pay, parental bereavement pay, or adoption pay.

82. A claimant or partner's net earnings will be the gross earnings less:

- (a) Income Tax
- (b) National Insurance contributions
- (c) Half of any sum paid by the employee towards an occupational or personal pension scheme.

83. Where the person is receiving Universal Credit, the earnings will be the assessment of earnings provided by Universal Credit.

84. The calculation of earned income for pensioners is set out in schedule 1 of the regulations.

85. The following sums will also be disregarded in the calculation of earnings:

- (a) Temporary care provision payments in the calculation of earnings
- (b) Payments relating to former employment paid after retirement
- (c) Compensation payments for loss of employment
- (d) Guarantee payments on medical or maternity grounds
- (e) Payments for expenses wholly, exclusively and necessarily incurred in the performance of the employment
- (f) For a single person, the first £5.00 per week of any earnings
- (g) For a couple, the first £10.00 per week of any earnings
- (h) For a lone parent, the first £25.00 per week of any earnings
- (i) For people in receipt of contribution-based Employment and Support Allowance, Incapacity Benefit or Severe Disablement Allowance, where a permitted earnings disregard applies, the first £143.00 per week of any earnings
- (j) For people entitled to the disability premium, the severe disability premium or one of the Employment and Support Allowance premiums, the first £20.00 per week of any earnings, except where the permitted earnings disregard applies
- (k) For people entitled to the carers premium, the first £20.00 per week of any earnings
- (l) For people in certain special occupations, the first £20.00 per week of any earnings. These are:
  - i. Part-time fire-fighters

- ii. Auxiliary coastguards
  - iii. Part-time life-boat workers
  - iv. Members of the Territorial Army or similar reserve force
- (m) For people in receipt of the additional earnings disregard in Working Tax Credit, an additional disregard of £17.10 per week of any earnings. If the additional disregard would result in a negative earned income figure, the disregard will be made from their Working Tax Credit
- (n) Disguised remuneration lump sum payments
- (o) Child care charges (see below).

86. The sums disregarded from pensioner's earnings are set out in schedule 4 of the regulations.

#### Child care charges

87. Child care charges up to a maximum of £175.00 per week for one child, or £300.00 per week for two or more children, will be deducted from earned income, plus any Working Tax Credit and Child Tax Credit where:

- (a) A lone parent works 16 hours per week or more, or
- (b) Both members of a couple work 16 hours per week or more, or
- (c) One member of a couple works 16 hours per week or more and the other member of the couple is disabled, and the disability premium or one of the Employment and Support Allowance premiums is included in the couple's applicable amount due to this disability, or
- (d) One member of a couple works 16 hours per week or more and the other member of the couple is on maternity leave and receiving Statutory Maternity Pay or Maternity Allowance, or
- (e) One member of a couple works 16 hours per week or more and the other member of the couple is in hospital or prison.

88. The child must be under 15 years of age, or 16 if they are disabled, and the care must be provided by one of the following:

- (a) A registered child minder
- (b) A registered nursery or play scheme
- (c) An out of hours scheme run by an approved provider

- (d) An out of hours club provided by a school on school premises (this applies only if the child is aged 8 or over).

89. The treatment of child care charges for pensioners is set out in schedule 1 of the regulations.

#### Self-employed earnings

90. The weekly earnings of a self-employed claimant or partner will be calculated based on:

- (a) The most recent year's trading accounts, if the claimant or partner have been self-employed for one year or more, or
- (b) The estimated net weekly profit figure provided by the claimant or partner, if they have been self-employed for less than a year, together with any evidence of their recent actual income and expenses.

91. In calculating the estimated net weekly profit figure, the Council will use the gross income of the employment, less any expenses which are wholly and reasonably incurred for the purpose of the business. The following will not be allowable in the calculation of the estimated net weekly profit figure:

- (a) Sums employed or intended to be employed in setting up or expanding the business
- (b) Capital repayments on business loans, except where these are for replacing business equipment or machinery
- (c) Any other capital expenditure
- (d) Depreciation of any capital asset
- (e) Losses incurred before the beginning of the assessment period
- (f) Debts, other than proven bad debts
- (g) Business entertainment
- (h) Any sum for domestic or private use
- (i) Drawings from the business.

92. For child minders, one third of the gross profit will be used to calculate the gross income.

93. The net income will then be calculated by deducting an amount for tax, national insurance contributions and half of any pension contributions from the gross pre-tax profits.

94. In cases where the actual tax and national insurance contributions are not provided, the Council will estimate the likely tax and national insurance contributions payable.

95. The treatment and calculation of self-employed earnings for pensioners is set out in schedule 1 of the regulations.

#### Student grants

96. The whole amount of a person's grant income will be taken into account, with the exception of the following:

- (a) Payments for tuition fees or examination fees
- (b) Payments in relation to the student's disability
- (c) Payments for term-time residential study away from the student's educational establishment
- (d) Payments for another home at a place other than which the student resides during the course
- (e) Payments for books and equipment
- (f) Payments for travel expenses to attend the course
- (g) Payments for child care costs
- (h) Any special support grant, education maintenances allowances, 16-19 bursary fund payments, higher education grant, or higher education bursary for care leavers
- (i) Any other amounts intended for expenditure necessary to attend the course.

97. A student's grant income will be apportioned over the period of study the grant relates to.

#### Student covenant income

98. Where a student is receiving a grant and a contribution has been assessed, the whole of the covenant income will be taken into account.

99. A student's covenant income will be apportioned over the whole calendar year and an amount of £5.00 per week will be disregarded.

100. Where a student is not receiving a grant, the whole of the covenant income will be taken into account. In these circumstances, a student's covenant income will be apportioned as follows:

- (a) Any covenant income up to the amount of the standard maintenance grant will be apportioned over the period of study, less any amounts to be disregarded as set out above in 'Student grants'.



- (b) Any covenant income over the amount of the standard maintenance grant will be apportioned over the whole calendar year and an amount of £5.00 per week will be disregarded.

#### Student loans

101. The whole amount of a person's student loan will be taken into account, less any amounts to be disregarded in the same way as set out above in 'Student grants'. A student's loan will be apportioned over the period of study the loan relates to and an amount of £10.00 per week will be disregarded.
102. A person will be treated as having a student loan in respect of an academic year where:
- (a) A student loan has been made to them for that year, or
  - (b) They could have taken reasonable steps to acquire a loan. In these cases, the amount to be taken into account will be the maximum amount they could have acquired for that year.
103. A loan for fees, known as a fee loan or a fee contribution loan will be fully disregarded.

#### Payments from access funds

100. A payment from access funds will be disregarded as income, with the exception of any payments intended for:
- (a) Food
  - (b) Ordinary clothing or footwear
  - (c) Household fuel
  - (d) Water charges
  - (e) Rent
  - (f) Council Tax.
101. In these circumstances, the whole amount will be taken into account and an amount of £20.00 per week will be disregarded.
102. Where a payment from access funds is made to bridge the period until a student loan is received, the whole amount will be disregarded.

#### Student income treated as capital

103. The following amounts paid to students will be treated as capital:
- (a) A refund of tax deducted from a student's covenant income

- (b) An amount paid from access funds as a single lump sum, whatever the purpose of the payment.

#### Notional income

- 104. A claimant will be treated as possessing income of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.
- 105. The treatment of notional income for pensioners is set out in schedule 1 of the regulations.

#### Tariff income from capital

- 106. Where the claimant and their partner have capital in excess of £6,000 (but less than £16,000), a tariff income of £1.00 per week will be taken into account for every £250, or part of £250, over £6,000.
- 107. The calculation of tariff income from capital for pensioners is set out in schedule 1 of the regulations.

#### Other income

- 108. Any other income of the claimant or partner will be taken fully into account, with the exception of 'income disregarded' below.
- 109. Where deductions are being made from income in the recovery of overpayments or taxes, by public bodies, the gross income amount will be taken into account.

#### Income disregarded

- 110. The following income paid to the claimant or partner will be disregarded in full, unless otherwise stated:
  - (a) Any payment of expenses for participation in 'work for your benefit' schemes
  - (b) Any payment of expenses for attending mandatory work activity, employment, skills or enterprise schemes
  - (c) Any payment of expenses for a person who is a volunteer for a charitable or voluntary organisation
  - (d) Any payment of expenses for a person who participates as a service user
  - (e) Certain state benefits and pensions:
    - i. Attendance Allowance

- ii. Child Benefit
  - iii. Disability Living Allowance
  - iv. Discretionary Housing Payments
  - v. Education Maintenance Allowance
  - vi. Guardian's Allowance
  - vii. Housing Benefit
  - viii. Income Support
  - ix. Income based Jobseekers Allowance
  - x. Income related Employment and Support Allowance
  - xi. Mobility supplements
  - xii. Personal Independence Payments
  - xiii. Armed Forces Independence Payments
  - xiv. War Disablement Pensions
  - xv. War Widow's Pensions
  - xvi. War Widower's Pensions
  - xvii. Widowed Mother's Allowance
  - xviii. Widowed Parent's Allowance
- (f) The income of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance
- (g) Universal Credit payments (for pension-aged claims only)
- (h) Any payment made to a person as a holder of the Victoria Cross or George Cross
- (i) Charitable or voluntary payments
- (j) Any income from capital
- (k) Any payments received from dependants or non-dependants
- (l) The first £20.00 per week of any rental payments from a person, other than a non-dependant, who occupies the claimant's home

- (m) The first £20.00 per week, and then 50% of any income over £20.00 per week, of any rental payments from a boarder, other than a non-dependant, who occupies the claimant's home
- (n) Any payment in kind made by a charity
- (o) Any income payable outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income
- (p) Any payment made for adoption, fostering, guardianship support or supported lodgings
- (q) Any payment made for a person who is not normally a member of the claimant's household, but is temporarily in their care
- (r) Any payment made by a Local Authority under section 17 of the Children's Act 1989
- (s) Any payment ordered by a court for a personal injury, accident or disease in respect of the claimant or their family
- (t) Any payment made under an agreement to settle a claim for personal injury
- (u) Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments of a loan
- (v) Any income treated as capital
- (w) Any social fund payment, Local Welfare Assistance award or any equivalent scheme
- (x) Any payment for banking charges or commission, to convert a payment of income to sterling
- (y) Any payment made under the following:
  - i. The Macfarlane Trust
  - ii. The Eileen Trust
  - iii. The Independent Living Fund
  - iv. The Skipton Fund
  - v. The Caxton Foundation
  - vi. The London Bombing Relief Charitable Fund
  - vii. The London Emergencies Trust

- viii. The We Love Manchester Emergency Fund
  - ix. The Variant Creutzfeldt-Jacob Disease Trust
  - x. An approved infected blood support scheme
  - xi. The Thalidomide Health Grant or other Thalidomide Trust
  - xii. The Windrush Compensation and Exceptional Payments Scheme
  - xiii. The National Emergencies Trust
  - xiv. The Child Migrants Trust
- (z) Any payment of expenses for jurors, witnesses or prison visitors
- (aa) Any refund of Council Tax
- (bb) Any payment of child maintenance
- (cc) The first £15.00 per week of any maintenance, other than child maintenance
- (dd) Sports awards
- (ee) Any victims' payments under the Victims' Payments Regulations 2020.

111. The income disregarded for pensioners is set out in schedule 5 of the regulations.

#### Capital

112. The capital of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support.
113. Where the person is receiving Universal Credit, the capital will be the assessment of capital provided by Universal Credit.
114. All capital of the claimant or partner will be taken fully into account, with the exception of 'capital disregarded' below.
115. Where capital is jointly held by the claimant or partner and one or more other persons, the Council will apportion the capital to decide what share is held by the claimant or partner.
116. Where the value of the capital item is not known, the Council will calculate the value of the capital item using the information available to provide the most accurate estimate, including:
- (a) The current market or surrender value of the capital item

- (b) Less any costs for selling the capital item
- (c) Less any debt or charge secured against the capital item.

117. The treatment and calculation of capital for pensioners is set out in schedule 1 of the regulations.

#### Income treated as capital

118. The following payments will be treated as capital:

- (a) Holiday pay, paid 4 weeks or more after termination of employment
- (b) Tax refunds
- (c) Lump sum charitable or subsistence payments
- (d) Arrears of Tax Credits.

#### Notional capital

119. A claimant will be treated as possessing capital of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.

120. The treatment of notional capital for pensioners is set out in schedule 1 of the regulations.

#### Capital disregarded

121. The following capital held by the claimant or partner will be disregarded in full, unless otherwise stated:

- (a) The dwelling normally occupied by the claimant as their home
- (b) Any property which is actively being sold
- (c) Any property acquired by the claimant which they intend to occupy as their home, whilst they are preparing for occupation
- (d) Any property acquired by the claimant, which they intend to occupy as their home, which is undergoing essential repairs or alterations
- (e) The proceeds of sale of any property formerly occupied by the claimant as their home, which is to be used for the purchase of another property intended for their occupation
- (f) Any property occupied by a partner or relative of the claimant or any member of their family, where that person is a pensioner or is disabled

- (g) Any property occupied by the former partner of the claimant as their home, where the former partner is a lone parent, or where the property is actively being sold
- (h) The capital of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance
- (i) Any future interest in property, other than land or premises where the claimant has granted a lease or tenancy
- (j) The assets of any business owned by the claimant for the purpose of their self-employment
- (k) Any arrears of state pensions, benefits or tax credits
- (l) Any amount paid to the claimant, or acquired by the claimant as a loan, as a result of damage or loss of the home or personal possessions and intended for its repair or replacement
- (m) Any amount deposited with a Registered Provider, which is to be used for the purchase of another property intended for occupation
- (n) Any personal possessions
- (o) The value of the right to receive any income under an annuity or the surrender value of an annuity
- (p) Where the funds of a trust resulted from a payment for a personal injury to the claimant or their partner, the value of the trust fund and the right to receive any payment under that trust
- (q) The value of the right to receive any income under a life interest or from a life rent
- (r) The value of the right to receive any income payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income
- (s) The surrender value of any life insurance policy
- (t) Where payments of capital are made by instalments, the value of the right to receive any outstanding instalments
- (u) Any payment made by a local authority under section 17 of the Children Act 1989
- (v) Any payment made for adoption, fostering, guardianship support or supported lodgings
- (w) Any social fund payment, Local Welfare Assistance award or any equivalent scheme

- (x) Any refund of tax deducted on a payment of loan interest for the purpose of acquiring a home or carrying out repairs or improvement to the home
- (y) Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling
- (z) Any payment made under the following:
  - i. The Macfarlane Trust
  - ii. The Eileen Trust
  - iii. The Independent Living Fund
  - iv. The Skipton Fund
  - v. The Caxton Foundation
  - vi. The London Bombing Relief Charitable Fund
  - vii. The London Emergencies Trust
  - viii. The We Love Manchester Emergency Fund
  - ix. The Variant Creutzfeldt-Jacob Disease Trust
  - x. An approved infected blood support scheme
  - xi. The Thalidomide Health Grant or other Thalidomide Trust
  - xii. The Windrush Compensation and Exceptional Payments Scheme
  - xiii. The National Emergencies Trust
  - xiv. The Child Migrants Trust
- (aa) The value of the right to receive any rent
- (bb) Any payment in kind made by a charity
- (cc) Any refund of Council Tax
- (dd) Any payment made by a local authority to the claimant, to be used to purchase a property for occupation as their home, or to carry out repairs or alterations to the home
- (ee) Any payments for:



- i. travel expenses for hospital visits
  - ii. medical supplies and vouchers
  - iii. health in pregnancy grants
- (ff) Home Office payments for prison visits
- (gg) Any payment made to assist a disabled person to obtain or retain their employment
- (hh) Any payment made by a local authority under the Blind Homeworkers' Scheme
- (ii) Any capital administered on behalf of a person by the High Court, County Court, or the Court of Protection
- (jj) Any payment to the claimant as a holder of the Victoria Cross or George Cross
- (kk) Any payment made to assist a person under the self-employment route
- (ll) Any payment of a sports award
- (mm) Any payment of an education maintenance allowance
- (nn) Any payment made by a contractor for a person participating in an employment zone programme
- (oo) Any arrears of subsistence allowance
- (pp) Any payment made by a local authority for a service which is provided to develop or sustain the capacity of the claimant or their partner to live independently in their accommodation, including personal budgets
- (qq) Any victims' payments under the Victims' Payments Regulations 2020.

122. The capital disregarded for pensioners is set out in schedule 6 of the regulations.

## Calculation of entitlement

### Maximum Council Tax Support

123. The amount of a person's maximum Council Tax Support for a day which they are liable to pay Council Tax will be 80% (100% for Young Care Leavers).
124. The amount of Council Tax Support will be calculated as A divided by B and multiplied by 80% (100% for Young Care Leavers) where:
- (a) A is the amount of Council Tax set for the financial year for the dwelling the person resides in and for which they are liable, less any discount which applies
  - (b) B is the number of days in that financial year
  - (c) Less any non-dependant deductions.
125. Where a person is jointly and severally liable for Council Tax, which they are liable with one or more other persons, the maximum amount of Council Tax Support will be the amount in A divided by the number of people who are jointly and severally liable. This will not apply if the only person they are jointly and severally liable with is their partner.
126. The maximum Council Tax Support for pensioners is set out in schedule 1 of the regulations.

### Council Tax Support taper

127. The percentage of excess income over the applicable amount (or Universal Credit maximum award) which will be deducted from the weekly maximum Council Tax Support will be 20%.

### Non-dependant deductions

128. A deduction from a person's maximum Council Tax Support will be made for non-dependants, as follows. The amounts detailed below are those stated within the 2021-2022 scheme (**Table 2**) and will be updated for 2022-2023. The updated amounts will be calculated with reference to the amended regulations.

**Table 2: Non-dependant deductions 2021-2022**

Non-dependant type	Weekly amount
A non-dependant aged 18 or over in remunerative work where their normal gross weekly income is:	
Less than £217.00	£4.05
Not less than £217.00 and less than £377.00	£8.30
Not less than £377.00 and less than £469.00	£10.40
Not less than £469.00	£12.45
A non-dependant aged 18 or over not in remunerative work	£4.05

129. In calculating the gross income of a non-dependant, any amounts which would normally be disregarded for a Council Tax Support claimant, will also be disregarded for a non-dependant.
130. Only one non-dependant deduction will be made for a couple, and the amount deducted will be based on their joint income, calculated as above.
131. Where a person is jointly and severally liable for Council Tax for a dwelling they reside in, which they are liable with one or more other persons, the amount of the non-dependant deduction will be apportioned equally between those liable persons.
132. Non-dependant deductions will not be made in the following circumstances:
  - (a) Where the claimant or their partner is blind
  - (b) Where the claimant or their partner receives Attendance Allowance, or the care component of Disability Living Allowance, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment
  - (c) Where the non-dependant normally resides elsewhere
  - (d) Where the non-dependant receives a training allowance
  - (e) Where the non-dependant is a full-time student
  - (f) Where the non-dependant is not residing with the claimant because they have been an in-patient for more than 52 weeks (without any break exceeding 28 days)
  - (g) Where the non-dependant receives Income Support, income based Jobseekers Allowance, income related Employment and Support Allowance, or Pension Credit
  - (h) Where the non-dependant receives Universal Credit, where the award has been calculated on the basis that they do not have any earned income
  - (i) Where the non-dependant is aged under 18
  - (j) Where the non-dependant is not residing with the claimant because they are a member of the armed forces and they are absent, while on operations, from the dwelling usually occupied as their home.
133. Where the income of the non-dependant is not known or has not been provided, the Council will assume that the maximum deduction will apply.
134. The rules for non-dependant deductions for pensioners are set out in schedule 1 of the regulations.

Date on which a claim is made and entitlement begins

135. The rules for the date on which a claim is made are set out in schedule 8, part 2, paragraph 5 of the regulations. These state:
- (a) Where an award of Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit has been made to the claimant or their partner; and the claim for Council Tax Support is made within one month of the date of the claim for one of those benefits; the date of claim will be the first day of entitlement to those benefits
  - (b) Where the claimant or their partner is receiving Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit; and they become liable for Council Tax for the first time; and the claim for Council Tax Support is made within one month of the date of the change; the date of claim will be the date on which the change takes place
  - (c) Where the claimant is the former partner of a person who was entitled to Council Tax Support before the date of death or separation; and the claimant makes a claim for Council Tax Support within one month of the date of death or separation; the date of claim will be the date of death or separation
  - (d) Where the claim for Council Tax Support is made within one month of a request to claim Council Tax Support, or such longer period as the Council considers reasonable, the date of claim will be the date on which the request was made
  - (e) In all other cases, the date of claim for Council Tax Support will be the date the claim form is received by the Council.
136. Council Tax Support will begin on the date of claim unless:
- (a) The claimant requests the claim is paid for an earlier period, or
  - (b) The Council identifies entitlement to Council Tax Support for an earlier period.
137. Council Tax Support will be awarded for an earlier period once the Council has received sufficient information and evidence to calculate entitlement to Council Tax Support for the earlier period.
138. The rules for the backdating of claims for pensioners are set out in schedule 8, part 2, paragraph 6 of the regulations.

Duration of award and reviews

139. Council Tax Support will be awarded for an indefinite period, until:
- (a) Council Tax liability ends

- (b) A change in the claimant or partner's circumstances results in Council Tax Support ending
- (c) The claimant fails to respond to a request for information or evidence in connection with their claim or an award.

140. The Council may review a person's entitlement to Council Tax Support at any time.

Extended reductions

141. A person who is entitled to Council Tax Support will be entitled to an extended reduction where:

- (a) The claimant or their partner were entitled to a qualifying benefit or any combination of those benefits of either;
  - i. Income Support, or
  - ii. Jobseekers Allowance (income based or contributory), or
  - iii. Employment and Support Allowance (income related or contributory), or
  - iv. Universal Credit, or
  - v. Incapacity Benefit, or
  - vi. Severe Disablement Allowance.
- (b) Entitlement to a qualifying benefit ceased because the claimant or their partner;
  - i. Commenced employment as an employed or self-employed earner, or
  - ii. Increased their earnings from their employment, or
  - iii. Increased the number of hours in their employment.
- (c) Providing that the claimant remains liable for Council Tax at the dwelling in which they reside during the extended reduction period.

142. The extended reduction period will start on the day after Council Tax Support would normally have ended after the qualifying benefit has ceased and will last for 4 weeks or up to the day Council Tax liability at the dwelling in which they reside ends, if this is earlier.

143. The amount of the extended reduction will be the higher of:

- (a) The amount of Council Tax Support which the claimant was entitled to before the qualifying benefit ceased, or

- (b) The amount of Council Tax Support which the claimant is entitled to after the qualifying benefit ceased.

144. The rules for extended reductions for pensioners is set out in schedule 1 of the regulations.

Extended reductions – movers into Darlington

145. The rules covering people who move into Darlington who are in receipt of an extended reduction is set out in Schedule 8, Part 1 of the regulations. These state:

- (a) Where a claim for Council Tax Support is made and the claimant or their partner is in receipt of an extended reduction from another authority, the Council must reduce any entitlement to Council Tax Support by the amount of that extended reduction.

## **Decision making and notifications**

### Decisions and notification

146. The rules by which the Council must make and notify decisions for Council Tax Support are set out in Schedule 8, Part 3 of the regulations. These state:
- (a) The Council must make a decision on a Council Tax Support claim within 14 days of receiving all the information and evidence for that claim, or as soon as reasonably practicable after that date
  - (b) The Council must notify the claimant in writing of any decision relating to a Council Tax Support claim within 14 days of making the decision, or as soon as reasonably practicable after that date
  - (c) The decision notice must include a statement informing the claimant of their duty to notify changes of circumstances, explaining the consequences of failing to comply with that duty, and setting out the changes which may affect entitlement to Council Tax Support
  - (d) Where the decision is to award Council Tax Support, the notice must include a statement as to how it will be paid
  - (e) The decision notice must include the procedure by which an appeal may be made
  - (f) The claimant may request a statement of reasons about the notification, within one month of the date of the notification. The statement of reasons must then be sent to the claimant within 14 days of the request, or as soon as reasonably practicable after that date
  - (g) A person affected by a decision relating to Council Tax Support will be the claimant, or where the person who is liable for Council Tax is unable to act, the accepted or appointed person who has made an application on their behalf.

### Payment of Council Tax Support

147. The rules for the payment of Council Tax Support are set out in Schedule 8, Part 4 of the regulations. These state:
- (a) Payment of Council Tax Support will be made to the person entitled to the reduction of their Council Tax liability
  - (b) Where a person is jointly and severally liable for Council Tax, payment of Council Tax Support will be paid to the person entitled to the reduction of an appropriate amount of their Council Tax liability, rounded to the nearest penny
148. Payment of Council Tax Support will be made by reducing the Council Tax liability of the person entitled to the reduction.

Electronic communications

149. The rules by which the Council can undertake electronic communications is set out in Schedule 7, Part 4 of the regulations. These state:

- (a) The Council must meet certain conditions to allow electronic communication in relation to its Council Tax Support scheme
- (b) The Council may use intermediaries in connection with electronic communication in relation to its Council Tax Support scheme
- (c) Any information delivered by the Council by electronic means must meet all the other conditions relating to its Council Tax Support scheme
- (d) Proof of identity of the sender or recipient of information will need to be verified where information is sent or received by electronic means
- (e) The Council will need to establish procedures to verify delivery of information by electronic means.



## **Changes in decisions**

### Duty to notify changes of circumstances

150. The duty to notify changes of circumstances is set out in Schedule 8, Part 2, paragraph 9 of the regulations. These state:

- (a) The claimant, or a person acting on their behalf, must notify the Council of any changes of circumstances which they might reasonably be expected to know may affect their entitlement to Council Tax Support
- (b) Notification of a change of circumstances may be made in writing, by telephone or by any other means agreed by the Council and within 21 days of the change occurring, or as soon as reasonably practicable after that date.

151. Notifications of changes of circumstances in writing may be made by completing the on-line change of circumstances form on the 'Council Tax Support' page of the Darlington Borough Council website.

### Date on which a change of circumstances will affect Council Tax Support

152. The Council will review the amount of Council Tax Support, following a change of circumstances, as follows:

- (a) Where entitlement to Council Tax Support continues after the change, Council Tax Support will change on the Monday following the date the change occurred
- (b) Where entitlement to Council Tax Support ends after the change, Council Tax Support will end on the Sunday of the week in which the change occurred
- (c) Where Council Tax liability changes or ends, Council Tax Support will be changed or ended on the same day.

### Ending Council Tax Support

153. Council Tax Support will end in the following circumstances:

- (a) Council Tax liability ends
- (b) A Council Tax exemption applies
- (c) A change of circumstances occurs, which ends entitlement to Council Tax Support
- (d) A change of circumstances occurs, but there is insufficient information or evidence to decide if entitlement to Council Tax Support will continue
- (e) The claimant fails to provide, when requested, sufficient information or evidence to decide if entitlement to Council Tax Support will continue, one month following the date of the request or such longer time as the Council considers reasonable.

### Revisions

154. An original decision relating to a claim for Council Tax Support may be revised by the Council at any time.

### Appeals

155. The rules by which a person may make an appeal against certain decisions of the authority are set out in Schedule 7, Part 2 of the regulations. These state:

- (a) A person who disagrees with a decision in relation to their Council Tax Support claim may appeal in writing, stating their grounds for appeal
- (b) The Council must consider the appeal and notify the person in writing of the outcome of their appeal and the reasons for the decision, within 2 months of the appeal being received
- (c) If the person is still aggrieved or if the Council fails to notify the person of the outcome of their appeal within 2 months of receiving their appeal, they may appeal to a valuation tribunal under section 16 of the 1992 Act.

### Downward adjustments of Council Tax Support

156. Any additional Council Tax liability created as a result of a downward adjustment of Council Tax Support entitlement, will be treated under the national Council Tax regulations.

### Discretionary reductions

157. The rules for an application for a discretionary reduction are set out in Schedule 7, Part 3 of the regulations. These state:

- (a) An application for a reduction under section 13A(1)(c)(a) of the 1992 Act may be made in writing, by telephone, or by electronic means
- (b) A claim for Council Tax Support may also be treated as an application for a reduction under section 13A(1)(c) of the 1992 Act.

**COUNCIL  
25 NOVEMBER 2021**

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## **EASTBOURNE SPORTS COMPLEX – RELEASE OF CAPITAL**

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**Councillor Kevin Nicholson, Health and Housing Portfolio**

**Dave Winstanley, Group Director of Services**

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### **SUMMARY REPORT**

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

1. To request that Council release £1.610M of Council funding for the refurbishment and development of outdoor facilities at Eastbourne Sports Complex.

#### **Summary**

2. Eastbourne Sports Complex opened in 1999 and has operated successfully for the past 22 years and continues to be the Council's key outdoor sports facilities that contributes to the Council's vision and outcomes as well as contributing to majority of the Council's Portfolios. The site provides a range of facilities and a number of athletic and football clubs use the site on a weekly basis, as well as a range of partners, schools and casual use, generating approximately 170,000 visits a year.
3. There are currently a number of issues and opportunities for Members to consider with regard to Eastbourne Sports Complex:
  - (a) The athletics track is now at the end of its life cycle and has had various repairs carried out over recent years, but it is becoming uneconomical to continue with temporary repairs and without refurbishment will have to close on safety grounds in the next few years.
  - (b) As part of officers ongoing engagement with the Football Foundation and success of the existing Artificial Grass Pitch (AGP), the Football Foundation have given an in principal offer of up to £700K towards the provision of an additional AGP at Eastbourne.
  - (c) Access and egress from the site is via Bourne Avenue, which when the site is operating at capacity does cause spill over of traffic into the surrounding estate.
4. Cabinet considered the options presented in this report to address the issues and take advantage of the opportunities, from doing nothing to refurbishing the athletics track, providing an additional AGP and improving parking capacity and traffic management on site at their meeting on 9 November 2021. They recommended option 4 should be progressed which is detailed in paragraph 35 (d) and 36 (d).

## Recommendation

5. It is recommended that Council approve and release £1.610M of Council funding for the scheme which will be financed through prudential borrowing and Capital receipts.

## Reasons

6. The recommendations are supported by the following reasons :-
- (a) To ensure that the Council continues to provide an appropriate competition standard athletics facility in the town.
  - (b) In line with the Playing Pitch and Facilities Strategy provide an additional AGP at Eastbourne working in partnership with the Football Foundation.
  - (c) Eastbourne Sports Complex contributes to the Council Vision and Portfolio priorities as the Council's main outdoor sporting hub. The investment modernises facilities and will support the transformation of services and improve the facilities available for residents of the Borough.

**Dave Winstanley**  
**Group Director of Services**

## Background Papers

Development of Eastbourne Sports Complex report presented to Cabinet on 9 November 2021

Ian Thompson : Extension 6628  
CD

S17 Crime and Disorder	The development at Eastbourne Sports Complex will have a positive impact on crime and disorder by providing a range of different activities for young people on a managed site.
Health and Wellbeing	The development at Eastbourne Sports Complex will have a positive impact on individuals health and wellbeing, both physical and mental.
Carbon Impact and Climate Change	There is the potential for an increase in carbon impact with increased visits and additional lighting for the AGP. However, the Council will seek to minimise this through the promotion of sustainable transport for the complex activity and design of the new lighting.
Diversity	The facilities at Eastbourne are available for all members of the community.
Wards Affected	Stephenson
Groups Affected	No group is affected differently to any other group. The facilities are available to all groups.
Budget and Policy Framework	Funding for the project sits outside of the Council Budget Frameworks and will therefore have to be reported to full Council for their approval.

Key Decision	No
Urgent Decision	No
Council Plan	Eastbourne Sports Complex contributes to the Council Plan Vision and numerous Portfolio priorities as the Council's main outdoor sporting hub.
Efficiency	There is no impact on the Council's efficiency agenda.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

## MAIN REPORT

### Information and Analysis

#### Background

7. Eastbourne Sports Complex is the Council's main outdoor sports facility located in Stephenson Ward. It was built in 1999 mainly from Lottery funding, providing a range of facilities as follows:
  - (a) 8 lane floodlit county standard athletics track (now in need of replacement)
  - (b) FIFA standard Artificial Grass Pitch (2017)
  - (c) 9 grass pitches of various sizes
  - (d) 4 changing rooms (3 male and 1 female)
  - (e) Multi-purpose room
  - (f) Outdoor climbing boulder
  - (g) Bowling green
  - (h) Outdoor children's play area
  - (i) Meeting room
  - (j) Eastbourne Nursery
  - (k) Reception and office accommodation
  
8. On site there are a range of clubs and partners.

#### Artificial Grass Pitch

9. Football and especially junior football are particularly well established at Eastbourne, which offers floodlit training and FA standard matches on the current Artificial Grass Pitch (AGP), which was refurbished in 2017 and junior and adult match play on the extensive grass pitches. The site hosts 40 community teams listed below:
  - (a) Middleton Rangers Football Club who have 15 teams from junior, adult, girls and a disability section, Darlington Youth FC who have 18 teams from junior, adult and girls. Both clubs are FA Charter Standard accredited. Darlington 1883 who play in the National League North also train on site every Tuesday and Thursday.

- (b) Darlington College have four teams who play from Eastbourne Sports Complex every Wednesday during the school terms and Darlington Town FC who play in the Wearside League on site every Saturday.
  - (c) Mowden FC and Darlington RA Adults use the grass pitches every Sunday in the Darlington and District Invitational League.
  - (d) The site also hosts matches for St Aidan's Academy and the local primary schools who use pitches after school, for school festivals, community club tournaments, casual bookings, adult leagues and various FA development projects on site, encouraging more participants to play football. Eastbourne Sports Complex manages 9 grass pitches and is the central hub site for St Aidan's grass pitch usage and Hundens Park, facilitating the bookings, access and changing provision.
10. The AGP and the outer lying grass pitches had 98,000 visits throughout the year to Eastbourne Sports Complex in 2019/2020.

### **Athletics Track**

- 11. Darlington Harriers Athletics Club use the site every day and have 450 members from juniors to adults. The Harriers also host Back to Track events and club development sessions.
- 12. Darlington Quakers Running Club use the site every first Monday of the month and have 250 adult members.
- 13. Darlington Triathlon Club use the site every Wednesday evening and have 150 members.
- 14. The site is also utilised by Northallerton Running Club, Hartlepool Running Club, Richmond Harriers, school festivals, casual users, Gateway Wheelers Disability Cycling group and various England Athletics development projects on site, encouraging development of athletics.
- 15. The Athletics Track had 30,000 visits throughout the year at Eastbourne Sports Complex.

### **Darlington School Sports Partnership**

- 16. Eastbourne Sports Complex is the hub and home of the Darlington School Games and facilitates numerous events, festivals and activities throughout the year for the seven Secondary Schools and the 28 Primary Schools across Darlington. Events range from Cross Country, Athletics, Football, Darlington Community Games, Cricket and Quadkids Athletics. The School Games is a programme designed to keep competitive sport at the heart of schools and provide more young people with the opportunity to compete and achieve their personal best and provide opportunities for children to experience sporting competition at all levels.
- 17. Other regular users:
  - (a) Eastbourne Pre School

- (b) Inclusion Archery
  - (c) Holiday Activity Camps and Projects
  - (d) Darlington Borough Council Training Room
  - (e) Darlington Stop Smoking Service
  - (f) Cardiac Rehab, Exercise After Stroke, YMCA, Youth Offending Service and Alternative Provision
  - (g) St Aidan's Academy
  - (h) Darlington College BTEC Provision
18. This additional usage attracted a further 40,000 visits throughout the year at Eastbourne Sports Complex from 2019/2020.

### **Current Issues and Opportunities**

19. The athletics track is now at the end of its life cycle and has had various repairs carried out over recent years but is becoming uneconomical to continue with temporary repairs and without refurbishment will have to close on safety grounds in the next few years which will result in the loss of athletics facilities in Darlington. The closest competition standard athletics facilities are in Middlesbrough and Shildon.
20. The current AGP was refurbished in 2017 with a grant from the Football Foundation of £412K and contribution of £100K from the Council. As part of officers ongoing engagement with the Football Foundation and success of the existing AGP, the Football Foundation have given an in principal offer of up to £700K towards the provision of an additional AGP at Eastbourne. The direction of travel for the Football Foundation is to encourage the development of hub sites with a number of AGPs at one location as the infrastructure is already in place. Officers will work with the Football Foundation to develop a full application to be submitted for final assessment next year with the outcome likely to be in Quarter 2 of 2022.
21. The Playing Pitch and Facilities Strategy has just been approved by Cabinet and within that strategy there is strong evidence of the demand for an additional AGP in Darlington. Therefore, when looking at the options for Eastbourne, the opportunity of an additional AGP has been factored into the options.
22. In addition to the facility challenges, access and egress from the site is via Bourne Avenue, which when the site is operating at capacity does cause spill over of traffic into the surrounding estate. With the addition of an additional AGP and refurbished athletics facilities will only compound traffic and parking issues, therefore before any changes to the site this issue will need resolving.

## Traffic and Parking Study

23. In order to review the traffic and parking concerns mentioned above and present solutions, Systra were commissioned to undertake a traffic and parking study to assess the current issues and the impact of an additional AGP.
24. The existing baseline conditions have been reviewed against the context of the local highway network and sustainable transport accessibility, including public transport, walking and cycling and the local highway infrastructure. The site is well located to maximise opportunities for sustainable travel.
25. A review of the most recent 5-year collision data for the roads leading to the site has been undertaken and identified one collision of slight severity. Any intensification of the site activities is not envisaged to have a detrimental effect of road safety.
26. To understand the additional vehicle trip generation a qualitative assessment has been undertaken using a 'first principles' approach to trip forecasting. This concludes that 59 people per hour may attend the AGP, which would lead to an accumulation of 114 additional people on site at one time, at peak times. Using expected modal split for the area, this would equate to 68 cars.
27. The study recommended a range of options including physical works, travel planning and car parking management plan to both improve capacity at the Complex and manage use and access to the site more effectively. This could improve the existing issues as well as any additional traffic generated from a new AGP.
28. Discussions have also taken place with St Aiden's Academy with regard to gaining access to their car park on an evening and weekend, which are the peak times for Eastbourne Sports Complex. These discussions have been positive, and St Aiden's have confirmed that their car park can be used.
29. In addition, the informal parking on the hard standing area within the site will be properly marked out creating a formal car park with further increased capacity.
30. In summary, there would be three primary parking locations with clubs and users being managed and directed to specific areas to help manage, disperse, and mitigate the traffic in the area.

Parking Location	Access Point	Spaces	Distribution
Existing Parking at Complex	Bourne Avenue	88	70% of traffic via these access points. Majority of grass roots football at St Aiden's
St Aidens Academy 101 spaces	Hundens Lane	101 Spaces	
Overflow Parking Area	The Fairway/Lapwing Drive and Bourne Avenue	Improvements to increase capacity from 80 to 136 spaces	30% of traffic via this access point



31. Parking spaces increase from 168 to 325 spaces, an additional 155 spaces and the provision of additional cycle parking facilities will be developed as part of the scheme.
32. The study suggests the typical parking requirement for an AGP pitch is between 23 and 60 spaces per pitch per session. Forecasting suggests an additional 68 cars. This increased capacity, alongside an on-site parking management plan which directs customers to the most appropriate parking location, depending on which facilities they are using, will improve the current issues of customers parking in the surrounding housing estates.
33. It is considered that a proposed new AGP at the site can be introduced without compromising road safety or satisfactory operations, both internal and external, to the site. This would require a planning approval.

### Options

34. Eastbourne Sports Complex has operated successfully for the past 22 years and continues to be the Council's key outdoor sports facility that contributes to the Council's vision and outcomes, as well as contributing to most of the Portfolio strategic priorities.
35. There are a number of options for Members to consider as follows:
  - (a) **Option 1 Do Nothing** - lose funding opportunity for the AGP, not improve traffic and parking situation and see a continued decline and financial pressure on the athletics track, with closure of this facility in the next few years with the loss of athletics clubs to the area.
  - (b) **Options 2 Progress AGP with Parking Improvements** - committing to develop the scheme to secure £700K grant, not refurbishing the athletics track with closure of this facility in the next few years with the loss of athletics clubs to the area.
  - (c) **Option 3 Refurbish athletics facilities only**- refurbish the athletics facility with or without parking improvements and don't accept the grant offer from Football Foundation therefore not providing an additional AGP.
  - (d) **Option 4 Progress the full scheme** – provide additional AGP, refurbish athletics facilities and improve car parking facilities on and off site.

### Financial Implications

36. The capital costs for each of the options are as follows:
  - (a) **Option 1** – There will be costs associated with decommissioning the athletics facility of £100,000.
  - (b) **Option 2** - Progress the AGP with Parking Improvements. The total estimated cost at this stage of project development is £809k. (This figure is net of the grant from the Football Foundation).

- (c) **Option 3** - Refurbish athletics facilities only. The total estimated cost at this stage of project development is £857k. (Note: If parking improvements on site were also included there would be an addition cost of £300,000.).
- (d) **Option 4** - Progress the AGP, Parking and Traffic Improvements and the refurbishment of the athletics facility. The total estimated cost at this stage of project development is £1.61m (net of the football foundation grant).
37. The budget cost estimates include an element of risk and design contingency and are based on commencing on site second quarter 2022. These will be subject to revision as the project progresses.
38. The additional AGP will generate a revenue surplus of approximately £30,000 a year once the additional operating costs for staffing, maintenance and a £15,000 sinking fund for future replacement are deducted from the income generated.
39. It is recommended that the scheme be funded initially via prudential borrowing (£500K which will be repaid from the additional revenue of £30,000 per annum), and the balance of £1.110M will be repaid from future capital receipts.
40. It is anticipated the Council will receive in the region of £10m in capital receipts from land transactions over the life of the Medium Term Financial Plan and the usage of these receipts will be discussed fully in the forthcoming capital programme to be approved by Council in February 2022. However, due to the need to commit to the scheme or risk losing the £700,000 football foundation grant, it is recommended that the capital receipts be earmarked against this scheme now.
41. There is a very small risk that the Council do not receive the £700K from the Football Foundation. If this risk did materialise, which is highly unlikely, then work would only be carried out on refurbishing the athletics facility and the additional AGP would not be installed.

#### **VAT Implications**

42. Following completion of the additional works it is expected that income levels subject to exempt VAT would have a significant impact on the council's annual partial exemption calculation for the year the works were carried out. To mitigate the risk of a breach of the council's 5% de-minimis limit and the subsequent repayment of substantial amounts of VAT which would make the project unviable it is proposed the charging model for the AGP pitches and athletic track will be updated to withdraw the block booking option. Long term bookings would still be offered but they would no longer be exempt for VAT purposes and become standard rated. Casual bookings are already standard rated and this change would not have an impact on these users.
43. The impact of charging bookings as standard rated would increase the price for the clubs and organisations using long term books to hire the sports facilities. For any clubs or organisations that are VAT registered this should not have a negative impact as they should be able to recover the VAT. However, any club or organisation that is not VAT registered may need to absorb this additional cost. Officers will work closely with those clubs and organisations affected to mitigate the impact of this decision as much as

possible. We would expect this change to have minimal impact on the business plan.

### **Proposal**

44. The recommendation is that Option 4 is progressed to:
- (a) Secure the opportunity of significant external funding for the AGP.
  - (b) Better manage parking and access to try to address ongoing issues for local residents.
  - (c) Refurbish the athletics track to secure excellent facilities for existing and new clubs to be based in Darlington and avoid having to close the facility in the near future.
  - (d) Demonstrate investment and a commitment to modernising and transforming services for residents of the Borough.

### **Procurement Advice**

45. All procurement activity will be carried out in line with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
46. The Contract Procedure Rules require all tenders over £100,000 should be presented to Cabinet to determine if they are strategic or non-strategic, based on previously agreed criteria the procurement of the goods/services and works is deemed to be non-strategic, attached at **Appendix 1**.

### **Consultation**

47. As part of the development of the proposed scheme, consultation has taken place with the Athletics Clubs on site and other users. Engagement and consultation has also taken place with the Football Foundation and St Aiden's Church of England Academy. Elements of the scheme will be subject to planning application processes and consultation will take place as part of that process.

### **Outcome of Consultation**

48. The outcome of the consultation is the proposed scheme being presented in this report.

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ASSESSMENT MATRIX FOR STRATEGIC PROCUREMENT					
VALUE		SIGNIFICANCE			
Cost		Impact on Residents (1)	Risk - Financial, Health & Safety, Public (2)	Innovative in design, New form of contract, Sustainability (3)	External Monitoring e.g. from funding body (4)
=> £5,000,000	Automatically considered strategic				
Between £4,000,000 & £4,999,999	5	5	5	5	5
Between £3,000,000 & £3,999,999	4	4	4	4	4
Between £2,000,000 & £2,999,999	3	3	3	3	3
Between £1,000,000 & £1,999,999	2	2	2	2	2
Less than £1,000,000	1	1	1	1	1
Score	3	5	2	1	3
<b>Total Score</b>	<b>14</b>	<b>This procurement is</b>		<b>Non-Strategic</b>	

Each procurement must be reviewed against the matrix above. Any contract with an overall value in excess of £5,000,000 will be considered strategic. For any procurement where the value of the contract falls below £5,000,000 the goods or services to be purchased must be assessed on the value and the significance in relation to the other 4 columns and marked accordingly, where 5 is considered to be high significance and 1 low significance. Once a score has been decided for each column it is put in the relevant cell (c17 - K17) the spreadsheet automatically collates the score and determines if the procurement is strategic or non-strategic. Anything that scores 15 or more considered to be strategic. If however a procurement comes out as non-strategic but officers feel they would still want political support for the decision they can choose to take a report to Cabinet.

Note 1: What is the impact on residents? Is it restricted to one street, or estate or is it much wider than that? Does it affect 2 or more wards?

Note 2: Is there significant financial risk to the authority? Is there a H&S risk e.g. care for vulnerable people? Is there a risk to the public? Reputational risk?

Note 3: Is the authority familiar with the form of contract being entered into? Is the contract innovative in its delivery? Are we changing the service?

Note 4: Are there any specific requirements from external funders that represent a risk to the authority e.g. Pathfinder projects for DFES?

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**COUNCIL**  
**25 NOVEMBER 2021**

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**LEADER OF THE COUNCIL OVERVIEW**

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**Council's Continued Response to COVID19**

1. The Authority continues to respond to the dynamic and rapidly changing situation with regard to COVID19. Infection rates in Darlington have increased significantly more recently with many infections being seen in school aged children. The Authority has been working closely with colleagues in schools and colleges across the borough to ensure that they are supported in responding to the increase in cases and continues to proactively contact trace anyone who have tested positive for COVID 19 to help reduce the rates of infection in our communities.
2. The next stages in the NHS COVID19 vaccination programme are now underway with the roll out of the booster programme for eligible individuals as well as the vaccinations for those age 12-15 years. These are being provided by a range of different NHS providers across Darlington including the Darlington Primary Care Network, the Vaccination Centre at the Arena, community pharmacies and School Immunisation programme providers.
3. The Authority continues to proactively promote the messages from Government about the ongoing measures that continue to be recommended to help reduce the transmission of COVID19 in our communities particularly coming into the winter months.

**Strategic Transport**

4. I chaired the Tees Valley Transport Committee which heard of the ambitious plans to improve journeys across all modes of transport. In this period two key pieces of work have been undertaken:
  - (a) an ambitious prospectus has been developed and put forward to Government. The prospectus put forward the case for investment in transport over a 5 year period in the Tees Valley. Announcements suggest the Tees Valley will receive £310m over the next 5 years the detail of which will be forthcoming after the Government budget announcements.
  - (b) A Bus Service Improvement Plan has been submitted to Government that responds to the government policy direction to improve bus services for all. The Plan outlines the actions and funding required from Government to make the significant improvements to bus services outlined in national strategy.
5. A competition has been launched by the Government for bids to be the new base of Great British Railways. We will be assessing the criteria when it is published, but I have already indicated that I plan to put Darlington forward as an ideal candidate to be home to this new organisation leading the rail industry.

6. I attended the meeting in Manchester to appoint the Chairman of Transport for the North on 17 November, and the subsequent Board meeting via Teams on 24 November.
7. I attended a meeting of the East Coast Main Line Committee on the 3 November to reinforce the need for the upgrade of the line from York, in order that our ambitions for future services are not constrained.

### **Darlington Station Improvement Project**

8. The planning approvals have been secured for the project and work continues to develop the scheme for implementation with Network Rail, TVCA and the Department for Transport all part of the project. A timetable is set for compulsory purchase of any remaining properties and land should the Council not be able to secure them by agreement.

### **Towns Fund**

9. The Towns Fund Investment Plan continues to progress. The initial Yards phase 1 works to improve the environment of both Buckton's Yard and Clark's Yard is nearing completion, with new doors, planters, colourful new benches, lighting and general improvements undertaken. The installation of free public Wi-Fi has been completed within the town centre and up Victoria Road, with improved CCTV being installed within Buckton's and Clark's Yard.
10. The work within the Yard's continues beyond phase 1, with improvements and enhancements to both the public realm and properties continuing within the main Skinnergate and the Yards Towns Fund Project. 21/22 capital funding has now been released for this project from DLUHC, a sum of £1.372M, enabling the development of both the public realm/highway options and the property enhancement options within the area progressing.
11. 21/22 capital funding has also been received for the Adult Skills facility (£490k) and the T-Levels project at Darlington College (£1.47M). Further funding will be released in future years. This funding enables the progression of the projects, with design of both schemes now commencing.
12. The remaining six business cases for the nine main Towns Fund interventions are being completed. A summary document for each is targeted for submission to DLUHC in advance of the deadline of the 30 November.

### **Darlington Economic Campus (DEC)**

13. The Deputy Leader and I recently met with Beth Russell, Director General, Tax and Welfare on the Darlington Economic Campus. Officers are working very closely with the DEC and progress is very good with the temporary location announced and with Civil Servants moving into the advertised roles. At least 5 Departments have committed to the Campus with the possibility of more to follow. Information on the Campus can be found at [www.darlingtoneconomiccampusjobs.co.uk](http://www.darlingtoneconomiccampusjobs.co.uk)



## **Climate Change**

14. Members of the Cross-Party Climate Change Working Group met on 11 October for an update on progress and to meet the newly appointed Climate Change Officer.
15. Funding is still available for projects and Cabinet Members should encourage their officers to speak with the Sustainability and Climate Change Lead Officer.
16. We have commenced a new blog series on the Sustainable Darlington page on the Council's website and will be inviting internal and external guest bloggers to share what they are working on, their thoughts on climate change and what everyone can do locally. I have written the first of the series and look forward to future posts.

**Councillor Mrs Heather Scott OBE  
Leader of the Council Portfolio**

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**COUNCIL  
25 NOVEMBER 2021**

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**OVERVIEW OF STRONGER COMMUNITIES PORTFOLIO**

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

**Community Safety**

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

2. 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).
3. 98 properties have been completed and twelve other properties are awaiting target-hardening measures.

**Safer Streets 2 (CCTV)**

4. As part of the refurbishment of Bucktons and Clarks Yards, work to install a CCTV system to replace the old cameras with the latest digital equipment has been completed. The proposal to install seven new cameras in the town centre and ten in the subways as part of the Safer Streets 2 initiative has now reached implementation point, with installation works due to take place in the next six months.

**Safer Streets 3**

5. Darlington Borough Council and its partners were recently successful in a bid submitted to the Home Office Safer Streets 3 Fund. The bid was successful in securing £453,814 which is excellent news for Darlington and for preventing violence against women and girls in the area. Following a meeting on 20 October, a steering group was convened which will meet regularly to drive forward the objectives of the bid.

**Civic Enforcement Service**

**Environmental Crime**

6. The back lanes initiative continues, with the Environmental Crime Co-ordinator looking at new initiatives and different ways to tackle these issues.

Recent deployments in the Barron Street area of the Borough (a current focus) is proving very successful in deterring environmental crime: a launch of trial methods to tackle waste in back lanes of both Barron Street and Wilson Street was launched on 26 October 2021. A Members' Briefing in relation to this project took place on 8 October 2021 with 15 people in attendance. Topics covered included an introduction to the Environmental Crime Co-ordinator, the aims of the project, issues and recommended actions, actions completed to date and the householder duty of care, which comes into force on 1 December 2021.

### **Trading Standards**

7. On 5 October 2021, the Trading Standards team conducted 17 visits to key retailers in the town to offer advice on the laws that apply to the sale and supply of age restricted products - particularly tobacco and vaping products - the laws regulating tobacco and vaping products' safety (labelling etc.), as well as trademark laws. Proprietors were given guidance in writing and advised that further visits were planned.
8. On 12 October 2021, the Trading Standards team joined forces with Durham Police and detection dogs from BWY Canine Ltd, to inspect eight premises (visited and advised the previous week) across Darlington under Operation CeCe. This operation is a national Trading Standards initiative in partnership with HMRC to tackle illegal tobacco. In one shop, illegal products had been concealed in a chimney breast and by a shelving unit. The concealment was operated by an electronic opening and closing mechanism. In other shops, there were light fittings on magnets which, when lowered, revealed a ceiling void used to store illegal products. In total 24,200 cigarettes and 6.65 kilos of hand-rolling tobacco were seized. Investigations are on-going.

### **Private Sector Housing**

#### **Private Rental Sector Minimum Energy Efficiency Standard (MEES)**

9. The Private Sector Housing Team have commenced a six-month project following a successful bid to the Private Rented Sector Minimum Energy Efficiency Standard Compliance and Enforcement Funding competition. Work has commenced to identify residential landlords who are not compliant with the regulations. The main aspect of this project is to contact and engage non-compliant residential landlords to ensure compliance. The project aims to improve the standards of domestic private rented properties; ensuring homes are of a certain standard, and that they are more energy efficient. This supports fuel poverty, bringing down energy bills and reducing carbon emissions.
10. An enforcement protocol has also been developed and approved for use.

### **Community Cohesion**

11. Police and DBC staff delivered a week-long programme of online information/question and answer sessions to mark Hate Crime Awareness Week – 9 to 16 October. The launch event on the Monday featured key-note speeches by the Chief Constable and PCC Joy Allen and the announcement that Hate Crime 'support and report' centres will be launched/trialled in Darlington (possible locations – Citizens Advice Bureau, Arthur Wharton Foundation).

## **Licensing**

### **Pavement Cafes**

12. The Business and Planning Act legislation, which allows a streamlined process for Pavement Café licences has been extended until September 2022. Licensing have now issued licenses for all those premises that have applied using a light touch approach. Fewer premises have applied this year as with the lifting of Covid regulations, pavement cafes do not form part of the business model for some venues. Licensing have begun to review the current Pavement Café Policy to reflect changes within the hospitality trade and to incorporate current projects that are ongoing within the town centre. Full consultation will be carried out in the coming weeks with stakeholders and the public.

### **Taxis**

13. COVID-19 has seen a decrease in the number of licensed drivers as demand reduced and many have taken other employment opportunities, particularly home delivery services. 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. Increased demand for taxis at peak times in the Night Time Economy has led to disorder in the main taxi rank at Grange Road. The services of Taxi Marshals have been commissioned by the Council as an interim measure to assist police and create an orderly queuing system. This is being evaluated on a monthly basis.

### **Licensing Act Policy**

14. There is a requirement under the Licensing Act 2003 to review our Licensing Act Policy every five years. This was due to happen this year, however, the Covid pandemic made it impossible to adequately consult with the hospitality trade. Cabinet approved a 'carry over' of our Licensing Act Policy until such a time when 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 are in the same position. It is anticipated that the review process will begin during 2022 and DBC will take guidance from the Local Government Association and North East Strategic Licensing Group on the timing of this.

### **Premises Licence Review**

15. Darlington Licensing Committee 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.

This was due to be heard on 12 October, however for reasons beyond our control it has been adjourned until 14 December 2021. The premises can continue selling alcohol lawfully until this appeal has been heard.

### **Dog Breeding**

16. 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. Intelligence suggests that with the easing of Covid regulations, there has been less demand for puppies and the market price has reduced locally.
17. An unlicensed dog breeder was summonsed to attend Peterlee Magistrates Court on 23 September where he pleaded guilty. He received a 12-month Conditional Discharge and was ordered to pay £150 towards prosecution costs and a £22 victim surcharge. This person had previously been refused a licence by DBC, however, continued to operate his business.

### Caravan Sites

18. New regulations that came into effect in July requiring holders of caravan site licences to nominate a person who manages the site to be entered on a 'fit and proper person register.' Darlington currently has 19 licensed sites and the closing date for applications was the 30 September. Licensing, in conjunction with Private Sector Housing, will be assessing these applications following consultation with key partners before the nominated person is placed on a publicly accessible register. An enforcement plan is being developed for those who fail to comply with the regulations. Failure to comply is through the Magistrates Court with the ability to impose an unlimited fine.

### Crime and Disorder

19.

Darlington	Pre-COVID 01.04.2019- 30.09.2019	01.04.2021- 30.09.2021	% Increase/decrease
Crime	6403	5644	-12%
Incidents	17052	15486	-9%
ASB	1973	1776	-9%

20.

DARLINGTON TOWN CENTRE	Pre-COVID 01.04.2019- 30.09.2019	01.04.2021- 30.09.2021	% Increase/decrease
Crime	961	658	-31%
Incidents	1738	1244	-28%
ASB	232	149	-35%

## Climate Change

21. In addition to Minimum Energy Efficiency Standard project reported above there are several energy efficiency schemes currently being delivered by Private Sector Housing Team including the Warm Home Fund and the Local Authority Delivery Scheme all of which are supporting the council's Climate Change Action Plan.

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**

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**COUNCIL**  
**25 NOVEMBER 2021**

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**OVERVIEW OF ADULTS PORTFOLIO**

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**Purpose of the Report**

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

**Operational Services**

2. The adult social care teams are engaging with the Kickstart Scheme by focusing on opportunities for young people aged 16-24 to gain some social care work experience. Job descriptions have been developed to offer placements to young people in Darlington in both reablement and day opportunities. There are 4 placements, 2 in reablement and 2 in day opportunities. This is a good opportunity to provide young people with experience of working in Adult Social Care and hopefully encourage interest in seeing this as a future career option.
3. The Adult Senior Leadership have welcomed Natalie Thompson, Service Manager. Natalie has a wealth of experience and is a welcome addition to the service and the Local Authority.
4. Recruitment remains a challenge regionally and nationally across Adult Social Care, Updating of the recruitment adverts for Darlington, Adult Social Care, had recently been undertaken. Following this work, we saw a positive response to the new advert for experienced Social Workers, resulting in the successful appointment of 2 experienced Social Workers into our Adult Contact Team.
5. Demand for reablement support following discharge from hospital has continued to increase in 2021. We have seen an increase in September of the number of people supported to independence following intervention from our reablement service. It is of note that the ASCOFs for 20-21 performance were recently published, (end of Oct) Darlington has continued to perform highly across the region with an increase in the number of older people still at home after hospital discharge into our reablement service. This highlights the positive impact our reablement service has had in maximising people's independence. This is significant in that we are seeing people being discharged with more complex needs following the pandemic.

**COVID**

6. The Government has extended COVID funding until March 2022 to facilitate hospital discharges and prevent hospital admissions. Individuals will have up to 4 weeks of funded care. The Adult social care operational teams are continuing to ensure assessments are being completed in the specified timescales and the teams work closely with health

colleagues on home first approaches with the aim of supporting and promoting independence through reablement support.

7. Day Opportunities for adults with Learning Disabilities are maintaining the current safe systems of working as per council policy. There have been no outbreaks since services reopened.

### **Commissioning and Contracts**

8. In anticipation of the 11 November deadline for all staff working in residential care to have received 2 doses of the Covid 19 vaccine, Contracts and Commissioning staff have been monitoring the take up of the vaccine on a weekly basis. Where necessary contact has been made with the providers to ensure that they are aware of their obligation to ensure **all** of their staff are vaccinated (or have the appropriate exemption where necessary). This work has been extremely successful with 97% of all staff fully vaccinated by the deadline. Where staff are not been fully vaccinated, we are assured by the providers that they will no longer be employed in the care homes.
9. The Commissioning and Contracts Team continues to work closely with Darlington's Primary Care Network and the independent care sector to implement the Phase 3 Booster Covid-19 Vaccination programme. The programme was launched in early October and is focused on eligible frontline social care and health care workers and is managed through the National Booking Service. All staff working within a care home for older or working age adults or work in the community (such as domiciliary care or supported living arrangements) and provide face to face personal care, are encouraged to have the Booster vaccination.
10. The domiciliary care sector is experiencing staff capacity issues because of covid infections and staff absences. The Commissioning and Contracts Team is working closely with social work colleagues, domiciliary care providers, the Tees Valley CCG and County Durham and Darlington Foundation Trust to ensure that sufficient capacity is maintained to facilitate timely discharge from hospitals and support local people with care needs in the community. To date, providers have continued to provide the necessary support within Darlington.
11. Middleton Hall Retirement Village is re-configuring the range of care it currently offers and the Middleton Court care service will no longer offer 24-hour nursing care after 1 December 2021. This follows extensive discussions with residents, families, our care teams, relevant regulatory authorities and care commissioners. The change reflects the ongoing challenge in finding well experienced, qualified nurses available to fill posts within the NHS and Adult Social Care. All individuals affected will be reassessed by operational colleagues to ensure that their needs are met following the reconfiguration.

### **Climate Change**

12. The Operational Adult Social Teams continue to explore ways of promoting personal and social responsibility around climate change. The theme for this month's team meetings is to encourage staff to increase their usage in their own homes of LED and/or energy efficient light bulbs.

### **Darlington Safeguarding Partnership**

13. Statutory Safeguarding Partners continue to meet monthly and continue to have oversight on safeguarding issues. Adult safeguarding data for the 4th quarter period 2020/21 provided partners with assurance that there were no real exceptions or issues being highlighted with trends and patterns being monitored.
14. Partners met with Dave McKay, DWP lead for Safeguarding whose role is to raise awareness of abuse and neglect and to educate staff on safeguarding risks to help them support their most vulnerable customers. The Partnership will include DWP in any future Child Safeguarding Practice or Safeguarding Adult Reviews as appropriate.

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

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**COUNCIL**  
**25 NOVEMBER 2021**

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**OVERVIEW OF CHILDREN AND YOUNG PEOPLE PORTFOLIO**

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

**Early Intervention and Front Door**

2. The Front Door remains busy with an increase in contacts and referrals when compared to previous months. This is a trend which is being reported regionally and nationally. In terms of the issues presenting at the Front Door, there has been a fall in contacts concerned with adult conflict, however there was a rise in contacts related to adult mental health. Adult mental health is currently the second highest presenting issue with domestic violence remaining the highest. Re-referrals remain below target which is positive.
3. A partnership is being built with the Head of Steam Museum, with one of the groups being led from this site once per month. Partnership with Health remains strong and our Health partners are offering a targeted baby health clinic from McNay Street, this is well attended. Other groups on offer are the Inspire programme for victims of domestic abuse, and although in its first run, this has been very popular with places now fully booked and a waiting list in place. There is also a new pre and post birth group called Bump, baby and beyond, which has been developed to promote parents learning about the care of babies, as well as offering a social hub to meet with other new parents and make friends.
4. Skerne Park Community Partnership are leading on a stay and play group from the Coleridge Centre, and this will be led by parent volunteers, and support with advice and guidance by Building Stronger Families staff, for example, the teams DWP secondee will attend to advise on jobs and training opportunities, and the Foundation Secondee will be able to offer advice around housing issues. The plan is to develop a parent led 'Dad's Group', this is something families have identified as beneficial.
5. The service has been very busy with a high number of early help assessments being led by the team, especially between July and September. The new assessment pathway introduced over the summer months promotes a relational way of working with families and empowers them to develop their own smart plan which includes a network of support from family, friends, and community resources. The aim of the plan is to support families to make positive changes that are sustainable long term.

**Young People's Engagement and Justice Service**

6. Following summer activities a review was carried out and from this there is a new referral process for the Activity and Reparation Team. Young people and their parents/carers will be invited to a drop in session at our workshop and this will take the form of a welcome/introduction to the service, to our reparation projects and will also mean families can meet the team. The session will also be focused on understanding the young

person's strengths and interests with a view to helping plan for reparation focussing on aims with planned activities included.

### **Safeguarding Assessment and Looked After Through Care:**

#### **Corporate Parenting Panel**

7. The Panel met on 26 October 2021, with young people involved, alongside Members and Officers. The Panel received and discussed:
  - (a) The Annual Fostering report.
  - (b) The Annual Virtual School report.
  - (c) The Annual Independent Reviewing Officers' report.
  - (d) Information in relation to a Care Leavers' event regarding clothes donations.

#### **Child Protection, Looked After and Care Leaver statistics.**

8. At the end of September 2021 there were:
  - (a) 275 children being supported through a child in need plan, which is a reduction from 331 at year end 2020/21.
  - (b) 79 children subject to child protection plans, a reduction from 87 at year end 2020/21.
  - (c) As at 14 October 2021 there were 261 children in care.
  - (d) As at 14 October 2021 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**

9. 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 through September and October 2021 have been fully funded and organised by the Looked After Through Care Team.
10. Care Leavers week for 2021 started the week commencing 25 October, and activities for this week involved:
  - (a) On 26 October a clothes swop shop was held.
  - (b) On 28 October two care leavers were taken to the NLCBF celebration event in Leeds.

- (c) On 29 October a celebratory meal for Care Leavers was held at Uno Momento in Darlington.
- (d) All Care leavers who live out of area were sent a celebration card, poem and cake to mark Care Leavers week.

### **Fostering, Residential and Lifestages**

- 11. At the end of August 2021 there were 55 mainstream foster carers and 22 fully approved connected foster carers. 58 children and young people were placed with mainstream foster carers and 45 children and young people were placed with connected carers (this includes fully approved and temporary approved connected foster carers). At the end of August, there was a total of 7 fostering applications in Stage 1 and 6 applications in Stage 2 of the assessment process.
- 12. 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, 6 in July and 9 in August. 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. Throughout October, The Fostering Network have a focus on the contribution that foster carers own “Sons and Daughters” make, and this is an important event in the fostering annual calendar. The Fostering and Supported Lodgings Team is supporting this national campaign by recognising and thanking all the sons and daughters of our mainstream and fully approved connected foster carers with a gift voucher and thank you card.
- 13. At the end of August 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 26 children and young people.
- 14. At the end of August 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 strength based, restorative approach to working with children and their families.

### **Education**

- 15. The two newly commissioned resource units for pupils with Special Education Needs and Disabilities (SEND) opened for pupils in September 2021 and have each welcomed their first cohorts of pupils.
- 16. Officers continue to work closely with school leaders to ensure support and guidance is available on Covid 19. Weekly all head teachers briefing meetings relating to Covid issues are continuing and schools can join a daily online meeting with Education and Public Health officers to discuss issues of concern.
- 17. The school-based vaccination program for 12–15-year-olds is being rolled out nationally and the first Darlington schools have taken part. The program is being operated by Harrogate and District NHS Foundation Trust.

## **Youth Unemployment**

18. The 18-24 year old claimant count for August 2021 stood at 10.9% (795 young people), this is down from a peak of 13.8% (1,005 young people) in March 2021. The Darlington figure is still above the North East average of 7.9% and the Great Britain average of 6.9%, both of which have also seen improvements since March. Darlington has the second highest youth claimant rate in the Tees Valley, where claimant counts range from 9.2% to 11.8%.
19. The economy is picking up and there has been an increase in vacancies in some of the more traditional sectors where young people seek employment (hospitality and catering and retail). However, we are also hearing that employers are having trouble filling vacancies.

## **Children's Commissioning and Contracts**

20. The procurement exercise for the provision of accommodation and outreach support for families in Darlington has concluded with Foundations appointed as the successful contractor. The new service arrangements will take effect from 1 April 2022 and will incorporate: integrated working with the Councils Building Stronger families service; specific opportunities for Kinship Carers to receive instant access information and support, and an increase in the number of units of accommodation in Darlington from 6 to 12 for families at risk of homelessness within the first year of operation.
21. Following an allocation from the Regional Recovery Funding, a new regional commissioning hub will be developed effective from 1 April 2022 for an initial period of 12 months. The hub will be hosted by Stockton Borough Council (working on behalf of all 12 Councils in the North East) and will complement the place-based priorities of children's commissioning in Darlington across both the social care and SEND agenda. The remit of the regional commissioning hub will include:
  - (a) The ability to use market weight as a key purchaser of social care, education, health and specialist services.
  - (b) Support to Councils in accessing market capacity when and where needed and influence the overall quality and cost of services.
  - (c) Providing additional capacity to Councils in the region to support innovation.

## **Darlington Safeguarding Partnership (DSP)**

22. Statutory Safeguarding Partners continue to meet monthly and continue to have oversight on safeguarding issues. Child safeguarding data for the 4th quarter period 2020/21 provided partners with assurance that there were no real exceptions or problems being highlighted with trends and patterns being monitored.



## **Climate Change**

23. Hummersknott Academy has been awarded beacon status by The Tree Council after taking part in a project aimed at raising awareness of caring for the environment.

**Councillor Jon Clarke**  
**Children and Young People Portfolio**

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**COUNCIL**  
**25 NOVEMBER 2021**

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**OVERVIEW OF ECONOMY PORTFOLIO**

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

**Land at Faverdale – Former St Modwen Land Development Strategy**

2. Cabinet has received a report to obtain approval to seek Expression of Interest for a preferred developer for 29.95 Ha (74 acres) of land to the east of Faverdale East Business Park (FEBP), for employment use.
3. The land, which is owned by the Council, comprises approx. 50 acres of agricultural/ grazing land with the remainder being the remaining floor slab of the former Rolling Stock works surrounded by scrub covered embankments.
4. Scheme proposals will be requested including options for the Council to retain circa 18 acres to satisfy potential enquiries from businesses looking to develop in Darlington. Once a preferred developer has been provisionally identified, a report will be submitted back to Cabinet for consideration of any options and terms.
5. Cabinet has agreed to the marketing of the land and that delegated Authority be given to the Chief Executive to negotiate provisional disposal terms with the final terms being reported to a future meeting of Cabinet.

**Land at Faverdale / Burtree Garden Village Feasibility Work**

6. Cabinet received a report to seek approval for feasibility funding to engage the services of Esh Homes Limited to facilitate an early planning application for the Council owned land at Faverdale / Burtree Garden Village.
7. The Council's land, amounting to approximately 27 HA (67 acres), was declared surplus to requirements at the meeting of Cabinet on 11 July 2017. The land currently forms part of the wider Burtree Garden Village proposals that are currently being considered as part of the Local Plan process.
8. Cabinet has approved the costs and authorised the release of the funding necessary to engage Esh Homes Limited and for the Council to undertake the feasibility work. The costs will be funded from the Council's Investment Fund. The Assistant Director – Law and Governance has been authorised to execute the necessary documents to facilitate future development. This will provide a site capable of contributing to the delivery of new Housing and other affordable/social homes to satisfy the Borough's housing need and achieve a capital receipt for the Council and increased Council Tax receipts from new homes.

## **Planning and Development Management**

9. The Planning Enforcement/Compliance Service currently has 98 planning enforcement cases under investigation and 92 cases have been satisfactorily resolved by the Monitoring and Compliance Officer since the beginning of September.
10. Since the beginning of August 2020, 870 applications have been received of which 32 are categorised as major. 671 decisions have been made in this period, including Committee Decisions, Chairs Delegated and Delegated Decisions.
11. A legal charge on 38 Montrose Street has been secured for direct action works undertaken by the Council to improve its appearance and are now complete.
12. Planning Permission and Listed Building Consent has been Granted for works at Bank Top Station for improvement works and a Multi Storey car park.

## **Environmental Health**

13. The Environmental Health Section has responded to 1521 requests for service in Quarter 2 2021/2022. The main categories of these requests are:

(a) Food	123
(b) Licensing	73
(c) Noise	255
(d) Planning Enquiries	64
(e) Refuse	69
(f) Pest	262
(g) Personal Search	434
(h) Covid*	67

\*(please note this figure does not include Environmental Health's involvement with track and trace equivalent to 1 FTE).

## **Prepacked for Direct Sale - Natasha's Law**

14. From October 2021, food businesses must provide allergen labelling information for Prepacked for Direct Sale (PPDS) changed. Foods will need to have a label with a full ingredients list with allergenic ingredients emphasised within it. The law was introduced following the unfortunate death of Natasha Ednan Laperouse and is commonly known as "Natasha's Law".
15. These changes will provide essential information to help people with a food allergy or intolerance make safe food choices.
16. Prepacked for direct sale products are foods that have been packed on the same premises from which they are being sold.
17. Prepacked products refer to any food put into packaging before being placed on sale. Food is prepacked when it:

- (a) Is either fully or partly enclosed by packaging;
  - (b) Cannot be altered without opening or changing packaging;
  - (c) Is ready for sale.
18. Common foods that can fall into this category include sandwiches, salads and pies made and sold from the premises in which they are made.
19. Officers from the Commercial team in Environmental Health will be giving advice and guidance to business on request and during inspections to ensure compliance.
20. If businesses repeatedly fail to comply then appropriate enforcement action will be taken.

#### **Food Standards Agency Recovery Plan-Food Inspections**

21. During the Pandemic Environmental Health officers were under instruction from the Food Standards Agency not to visit commercial premises unless they had evidence that there was a direct risk to public health. The purpose of this was to limit the spread of infection of the Covid virus as far as possible.
22. As a result of this, officers were left with a significant backlog of over 450 food inspections with an additional 150 uninspected premises that registered during the pandemic as people were working from home.
23. In May 2021 the Local Authority (LA) recovery plan was announced proposing a way forward to re-start the regulatory delivery system for the highest risk businesses and providing greater flexibility for lower risk businesses wherever possible.
24. Officers have developed a plan which triages all currently registered food premises and uninspected premises and ensures that priority is given to the highest risk premises.
25. As at the end of September the backlog of inspections was:
- (a) For year ending March 2022:
    - (i) Total Inspections = 594 of which 2 are category A, 9 are category B and 63 are category C.
  - (b) For year ending March 2023:
    - (i) Total Inspections = 229 of which 8 are category B and 50 are category C.
26. It is expected that some of the inspections from year ending 2022 will need to be carried over into 2022-23.

#### **Climate Change**

27. The Climate Change Action Plan was approved by Cabinet on 5 October and cleared call-in on 18 October. Milestones and a reporting mechanism will be established and agreed with the responsible lead officers.

28. An additional new post of Climate Change Officer has been created to support the Sustainability and Climate Change Officer; doubling the capacity of the climate change team. The Climate Change Officer started work on 11 October.

### **Darlington Towns Fund**

29. The initial Yards phase 1 works to improve the environment of both Buckton's Yard and Clark's Yard is nearing completion, with new doors, planters, colourful new benches, lighting and general improvements undertaken.
30. The installation of free public wi-fi has been completed within the town centre and up Victoria Road, with improved CCTV being installed within Buckton's and Clark's Yard. This 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.
31. The work within the Yard's continues beyond phase 1, with improvements and enhancements to both the public realm and properties continuing. Planning and listed building application has already been made for several key business premises in the Yards. Capital funding of £1.372M has now been released for the Skinnergate and Yards project enabling the development of both the public realm/highway options and the property enhancement options within the area to progress.
32. Capital funding has also been received for the Adult Skills facility (£490k) and the T Levels project at Darlington College (£1.47M). Further funding will be released in future years.
33. The remaining six business cases for the nine main Towns Fund interventions are being completed. A summary document for each is targeted for submission to DLUHC in advance of the deadline of the 30 November.

### **Local Plan**

34. The proposed modifications to ensure the Local Plan is sound are currently out for consultation. Provided that the Inspector does not feel he needs to open the hearings for any further consideration, I hope we will be able to recommend the Local Plan for adoption early in the New Year, subject to his report.
35. The Consultation period ends on Tuesday 30 November at 5pm.

### **Business Investment**

36. In August 2021, Darlington Borough Council were formally notified that it had successfully achieved the Additional Restrictions Grant spend targets set by HM Government, and as such, would be receiving an additional grant allocation to further the post-covid support the Council can offer. Darlington Borough Councils ARG top-up grant is £631,502. Based on Government guidance and local intelligence, 3 broad areas of support have been identified:
  - (a) Existing ARG commitments (overspend, community centres, market traders).

- (b) Businesses impacted by the delay in reaching Stage 4 – as per the revised Government Guidance in June 2021.
  - (c) New support measures targeted at new enterprises and existing businesses with business growth and development plans.
37. Plans are being developed to prioritize how this funding will be delivered.
38. Darlington Business Week returned in October 2021, providing a range of events and workshops with nearly 300 businesses participating over the week.

**Councillor Alan Marshall**  
**Economy Portfolio**

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**COUNCIL**  
**25 NOVEMBER 2021**

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**OVERVIEW OF HEALTH AND HOUSING PORTFOLIO**

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**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. In September the Government announced a review to assess the country's preparedness for autumn and winter resulting in the COVID-19 Response: Autumn and Winter Plan 2021 which outlined the Government's plans for autumn and winter in England which contained details about 'Plan A' and 'Plan B'.

**Hospital activity**

3. The numbers of those who were ill following a COVID infection and required treatment in hospital have remained largely stable and comparatively low compared to previous peaks in infection.
4. There has been an average of 73 patients with COVID 19 in County Durham and Darlington NHS Foundation Trust for the previous 3 months compared to an average of 110 patients at the end of last year.

**Covid-19 Vaccinations**

5. In total, 80,862 of Darlington's 93,813 residents aged 16 or older have received at least one dose of a COVID-19 vaccine. This equates to a first dose vaccination rate of 86.19 per cent.
6. Darlington's vaccination rate is greater than the England average of 80.45 per cent and ranks Darlington 19 out of 59 unitaries in England.
7. Following a recommendation by the Chief Medical Officer the government has implemented a school based COVID vaccination programme for those aged 12-15 which is being rolled out during the autumn and winter terms. Uptake of the vaccines in those under aged 15 - 19 years is 62.2 per cent.
8. This is being provided in local schools by the existing NHS providers of school-based vaccinations. Our local schools and academies are working directly with the NHS providers to ensure that Darlington pupils have access to this vaccination programme.
9. Our Vaccine Bus, previously the library van, has been commissioned by the Council and is operated in partnership with the NHS. The Darlington vaccination bus has delivered 18 sessions delivering over 1000 vaccinations to targeted groups and communities that have

been identified as having the lowest uptake. By providing vaccinations within these communities, the bus removes potential barriers to access and improve uptake and awareness of the programme.

### **COVID Booster Campaign**

10. In line with new advice set out by the Joint Committee on Vaccination and Immunisation (JCVI) on Tuesday 14 September, the NHS vaccination programme is now inviting eligible people, who had their second COVID jab at least six months ago, for a booster vaccine.
11. A nationwide advertising campaign was launched in October as part of the government's call to the public to get their COVID-19 booster and flu jabs, to protect themselves and their loved ones this winter.
12. The NHS started delivering COVID booster jabs to people in eligible groups from 16 September 2021.
13. The booster programme is being delivered through a range of existing NHS vaccination sites including community pharmacies, GP practices and hubs and vaccine centres.

### **Community Testing & Community Collect**

14. Our click and collect community testing service continues to be available from sites in the borough.
15. As of 14 September 2021, the Council had directly undertaken 32,267 community tests across all our sites in the borough, including 4,416 click and collect kits being collected resulting in 51,318 tests being distributed by the Council.
16. In addition, orders can be made online for home delivered kits via: [www.gov.uk/order-coronavirus-rapid-lateral-flow-tests](https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests) or collected from community pharmacies.

### **Housing Options**

17. I am pleased to report that our Housing Options Team has been recognised by the NEPACS Ruth Cranfield Award for their dedication in housing and tackling homelessness during the pandemic. Each year, the NEPACS Ruth Cranfield Awards highlight and celebrate examples of exceptional work by people in the North East in the cause of rehabilitating prisoners into society and helping to cut the risk of re-offending.
18. Our Housing Options Team and the 700 Club were among 19 organisations who received certificates of high commendation by the judges for their work and dedication in housing people and tackling homelessness during the pandemic.

### **Lifeline Services**

19. A number of activities are being brought back into the sheltered, extra care and good neighbour schemes following the Covid lockdowns, to support the tenants around social isolation.

20. Scheme Managers are working with our Move More colleagues and our Housing Tenancy Management Section to bring different activities to support the tenants, which include coffee mornings, Arts and Crafts, Knit and Knatter, Fish and Chip Friday, Film afternoons and bowls.

### **Council Housing Gas Safety**

21. As part of our statutory duty to undertake an annual service on all gas heating systems in our Council homes, 2,175 gas services were undertaken in the second quarter of 2021-22, compared to 1,463 for the same period in 2020-21.
22. We have been actively completing more gas services during the summer months in anticipation of higher demand for our responsive repairs services during winter. By undertaking more of this planned maintenance during the summer, we can ensure we have sufficient resources available for responsive repairs during the winter, reducing appointment waiting times for our tenants.

### **Council Tenant Engagement**

23. With the easing of Covid restrictions, some face to face engagement with our Council tenants has restarted. Most recently, a multi-agency meeting was held at Park Place Community Centre where residents were able to discuss issues such as anti-social behaviour, building cleaning and parking issues with officers from Housing Services, Civic Enforcement, The Police, Street Scene and with Ward Councillors.
24. The feedback from residents was very positive as they could discuss their concerns and connect with each other in a friendly environment. Our tenants are at the heart of everything we do and we plan to expand these useful sessions to further venues over the coming months, as part of our Customer Engagement Strategy.

### **Consultation on Council Tenants' Terms & Conditions Changes**

25. As part of vision to transform the Council, I'm delighted that we have recently commenced a consultation on the proposed new Council housing terms and conditions.
26. This is a significant update and has been long overdue. The new proposed agreement will enable us to better tackle some of the issues which blight our communities, and they will also reinforce the support and services we as a landlord provide our tenants.
27. Communications were sent out from Monday 8 November outlining the key changes and why they have been made. I would encourage all Councillors, tenants, and residents to get involved and feedback any comments and suggestions they may have.

### **Climate Change**

28. I am pleased to report that we have been successful in bidding for an additional £277,501 through the Government's Local Authority Delivery (LAD1B) programme. We have already secured £984,352 through the LAD1B programme, providing new double-glazed windows

and loft insulation to 765 Council properties.

29. This additional funding will provide double glazing to an additional 110 Council properties and the work will be completed by 31 March 2022.

### **Dolphin Centre**

30. The October Half Term Holiday Programme provided access for families in Darlington to swimming, bowling and soft play. The programme included Halloween parties and celebrations in both soft play and bowling, showcasing the new and refurbished facilities.
31. The Dolphin Centre team has been working with Darlington schools to get children caught up with their water education journey. This has included further intensive swimming lessons available to priority children within schools to give them the best possible chance of attainment by the end of year 6.
32. The events programme within the Dolphin Centre is beginning to grow with some speed and the Christmas Party Nights are selling very well; indications are that all three events will be expected to sell out.

### **Sheltered Housing Project**

33. The Move More team have started delivering sessions to the sheltered housing schemes, outside initially and now inside as restrictions have lifted. The programme has engaged 76 residents from the sheltered housing schemes within Darlington so far this year. The gentle activity sessions are offered to all residents, with 13 sessions set-up weekly. The majority of the residents are aged 60 years plus. The activity sessions have had 761 attendances since the easing of restrictions

### **Eastbourne Sports Complex Development**

34. On 9 November Cabinet approved options for the refurbishment and development of the outdoor facilities at Eastbourne Sports Complex, which was subsequently scheduled for approval at full council.
35. Eastbourne Sports Complex has been the council's main outdoor sporting hub for over 22 years and is used by a range of athletics clubs and schools. Attracting over 170,000 visits from across the borough each year.
36. The proposed plans include the release of £1.610m to progress with a fully refurbished athletics track, an additional Artificial Grass Pitch AGP and Improved parking & traffic management

### **Locomotives FC**

37. Locomotives FC is a new girls football club now operating from Eastbourne Sports Complex. The Move More team has supported the club with various successful funding applications to the Football Foundation for new goals, floodlights and a container that will allow the 80 girls to train and play on site.

#### **Outdoor Classes**

38. The Move More Team continue to deliver a very successful outdoor programme at Eastbourne sports complex to encourage participants back to classes. The sessions range from walking groups, to Keep Fit and HIIT classes with a total of 10 classes over the week. The classes have been extremely popular with over 100 people attending each week.



**Councillor Kevin Nicholson**  
**Cabinet Member with Portfolio for Health and Housing**

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**COUNCIL  
25 NOVEMBER 2021**

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**OVERVIEW OF LOCAL SERVICES PORTFOLIO**

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

**Highway Maintenance Schemes**

2. Highway Maintenance schemes ongoing:
  - (a) C38 Sadberge Road / Middleton Road: Carriageway Recycling (1.927km);
  - (b) Hewitson Road: Carriageway Recycling (0.3km).
3. Highway Maintenance schemes due to start:
  - (a) Greenhill Road, Heighington: Footway Reconstruction (0.320km);
  - (b) The Wayside Hurworth: Footway Reconstruction (0.541km);
  - (c) Clifton Road: Footway Reconstruction (0.432km).
4. Highway Maintenance Schemes completed:
  - (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).
5. Local Cycling Walking Infrastructure Plans (LCWIP)
  - (a) Woodland Road: Construction of Construction of a segregated cycle lane adjacent to the footpath on both sides of the road commenced on 15 November;
  - (b) Duke Street: Consultation on the scheme to formalise the existing one-way system with a contraflow cycle lane is ongoing in order to accommodate as many requests as possible.

**Head of Steam**

6. The museum has engaged with over 200 children during the period 30 September to 25 November.
7. Darlington Stitch & Create have launched a new exhibition at Head of Steam.

**Handover of Class 37 Locomotive**

8. On 14 October 2021, Sir Peter Hendy CBE, Chairman of Network Rail, officially handed over BR Class 37 D6898/37198 to Darlington Borough Council for the Railway Museum's

collections in a ceremony at the Head of Steam. The locomotive, a diesel-electric built by English Electric Robert Stephenson & Hawthorns in Darlington, was the final locomotive to leave the works before it closed on 28 April 1964. The locomotive was renumbered to 37198 in 1974.

### **Creative Darlington**

9. The 'Semaphore as Metaphor' activity was led by Anton Hecht and colleagues on Friday 24 September in the marquee on Darlington Market Square and at the Head of Steam Railway Museum on Sunday 26 September. Filming in additional Darlington locations also took place on Friday 29 October by Anton Hecht to create a new artwork, which will be shared online and in arts festivals.
10. A Grand Constructions programme, celebrating engineering in Darlington, was shared as part of Darlington Arts Festival 2021 with 40 people creating their own cardboard model of Darlington Clock Tower using a template designed by Cabinet of Curiosity Studio.
11. Glacial Plains, a new exhibition by Darlington Association of Photographers exploring landscapes, historic industries, townships and villages was shown in the gallery at Darlington Library until Wednesday 17 November 2021.

### **Climate Change**

12. Two highway maintenance schemes are utilising recycling techniques, the details of which were reported at the last Council meeting. These contribute to reduced impact on the environment of repairs and maintenance activity.
13. The Council has an ongoing programme of improving street lighting assets to reduce carbon emissions. A programme is underway to upgrade the remaining fluorescent tubes in sign lanterns to LED signs. This will produce a carbon saving of over 25 tonnes per year.

### **Libraries**

#### **Crown Street Library Refurbishment**

14. Work has now started on the restoration of Crown Street Library with scaffold going up around the building week commencing 29 November 2021. The work will include repairs to the roof and structure of the building, upgrading the mechanical and electrical installations as well as restoration of the interior of the library. The work will take between 12 to 14 months to complete.

#### **Cockerton Library**

15. Our popular branch library has undergone a modest refurbishment and reopened mid-November with a new team of dedicated staff. The new-look library will begin work to engage with local schools by offering exciting drawing workshops with local illustrator, Liz Million, where children and families will be introduced to all their local library has to offer.



### **Summer Reading Challenge**

16. The Libraries Reading Rollercoaster received 2391 entries from around 700 children this summer. A prize giving evening saw children aged between 1-13 years being given fantastic prizes, including a Nintendo Switch, Fitbit Watch and Harry Potter themed Lego sets.

### **Darlington Hippodrome**

17. The Hippodrome held a panto press launch on 30 September which attracted some positive media attention. Our pantomime producers, Crossroads (Previously named QDOS), informed us that the Hippodrome is currently one of their bestselling venues this year, with ticket sales currently outperforming the 2019/2020 panto. Cinderella runs from Friday 10 December – Friday 31 December.
18. Volunteer welcome hosts at the Hippodrome returned to their positions in November 2021. The welcome hosts provide a friendly greeting to visitors and their contribution enhances the customer experience. Volunteers feel valued as part of the extended Hippodrome team and they are pleased to be returning after more than 18 months away.

### **Town Centre Partnership and Events**

19. September saw the return of the R'n'B festival with bands performing in locations across the town centre; this was supported by extra funding from the Festival Recovery Fund from Tees Valley Combined Authority (TVCA). The team also supported Darlington 4 Culture with Darlington Arts Festival on the square that provided a space for local artists to showcase and sell their creations; the response to this was extremely positive.
20. 'OctoberFEAST' was a new initiative designed to help promote the town centre's food and drink offer. A range of publicity was programmed including videos, specialist food bloggers and advertising to welcome people into the town centre.
21. The events and town centre team are currently programming events in the lead up to Christmas 2021 and planning for 2022.

### **Environmental Services**

22. The subscription-based Garden Waste Collection Service has once again proved very successful and coming towards the end of the season (December) has over 9000 subscribers. From Monday 8 November the booking system was removed from the HWRC as we continue to relax the covid restrictions. The impact of removing the booking system will be monitored to ensure the site can be accessed safely and there is minimal impact on the highway.
23. The winter maintenance season for 2021/2022 commenced on Monday 4 October. All staff, vehicles, equipment, forecasting services are prepared in readiness.

**Councillor Andy Keir**  
**Local Services Portfolio**

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**COUNCIL**  
**25 NOVEMBER 2021**

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**OVERVIEW OF RESOURCES PORTFOLIO**

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

**Climate Change**

2. The £100,000 allocated from the MTFP has, so far, funded three projects. Work is ongoing to determine where it can add best value to actions in the climate change action plan.
3. Officers are working with the climate change team to develop milestones for reporting progress on the action plan.
4. We continue to include climate change messaging in One Darlington magazine, via social media and on the website. A new blog series has been launched on the Sustainable Darlington page.

**Capital Projects and Design Services Management**

5. The Council's capital programme has a wide range of exciting projects being developed and delivered:
  - (a) Design work is progressing on a number of schemes. The Bank Top Gateway East scheme has now gained planning permission and work is ongoing on the land acquisition process. The planning application for the Railway Heritage Quarter scheme is currently being determined. Site work has commenced on the Hybrid Innovation Centre on Central Park and continues on the Crematorium and new Chapel development.
  - (b) Business cases continue to be developed to secure additional projects from funding opportunities.
  - (c) The likely site requirements for the Treasury North Campus are being reviewed with the Government Property Agency.
  - (d) The implementation of an integrated control point system 'Project in a Box' continues with the new projects starting to be added to the system.
  - (e) There remains a risk of delay costs from Covid-19 related effects and construction material price increases. There are more signs that basic material costs are rising and there are some material shortages, the impact is being monitored.

### **Revenue Budget Management 2021/22**

6. Cabinet considered the Quarter 2 Revenue Budget Management report and the Council's projected revenue reserves at the end of 2021 are £29.536 million, £4.610m higher than the initial 2020-21 budget position and include a brought forward amount of £2.317 million from 2020-21 and the rebasing exercise of £0.993 million.
7. This in year positive position is welcomed given the pressure the pandemic has had on services. The government's grants along with the sales, fees and charges recovery fund have been maximised and have assisted in covering in year Covid pressures. The improved balances will assist in supporting the MTFP in future years.

### **Capital Project position 2021/22**

8. Cabinet considered the Quarter 2 Capital programme and project position report. The council currently has 46 live projects the majority of which are running to time, cost and quality expectations.
9. As members will be aware the construction industry is facing challenges in regard to cost increases and the availability of resources. Officers are monitoring contracts to ensure any impact is minimised.

### **Medium Term Financial Plan 2022/23**

10. Officers have been working on detailed estimates in preparation for the 2022/23 – 2025/26 Medium Term Financial Plan. Whilst the local government financial settlement won't be received until mid-December, we have been reviewing the Chancellors Autumn Statement and departmental level budgets to estimate the implications for Darlington. The MTFP for consultation will be coming to Cabinet in December.

### **Workforce Strategy**

11. The Council's new workforce strategy and workforce plan has commenced roll out to staff. The workforce strategy is the Council's commitment to ensure the workforce's needs and priorities are met so to help achieve the Council's objectives. The strategy looks at how we develop, support and motivate our staff. The workforce plan sets out the operational actions that will take place to meet the priorities in the workforce strategy. As part of the strategy new words have been chosen to represent the Council's values namely, respect, innovate, collaborate and deliver.
12. Managers are rolling out both the strategy and plan to employees, through team meetings and supervision to ensure that the strategy becomes embedded into every day working practices.

### **Think Safety**

13. Following the appointment of the Council's new management team, a refresh of the health and safety "Think Safety" campaign is underway. All Assistant Directors have agreed to sign up to the campaign and a new logo has been agreed in line with the

Council's new corporate branding. This roll out will re-enforce the message that health and safety is a key priority for the Council and in the delivery of all its services.

### **Annual Canvass (Electoral Registration) 2021**

14. This year's Annual Canvass commenced on 8 July 2021, the second Annual Canvass under the new reformed process. As reported at previous meetings, 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.
15. This allowed Officers to streamline their approach and target those non-responding properties whereby 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.
16. The final stage of the Annual Canvass commenced in September and is still on-going, whereby those households that were required to respond and were still outstanding would receive a personal visit to encourage the completion of the form. This work will be finalised by the end of November and the updated Register of Electors will be published on 1 December 2021.

### **Elections Bill 2021**

17. The Elections Bill 2021, which is currently at the draft legislation stage, proposes eleven new measures that the government believes will enable UK elections to 'remain secure, fair, modern, inclusive and transparent'. Those measures include the requirement of voters to present photographic ID at polling stations in order to vote, extending the franchise for overseas British voters, clarifying which European Union citizens may vote / stand for election at which elections and tightening up of rules around postal and proxy voting. Other measures included in the Bill include clarification of undue influence, accessibility of polls, notional expenditure, political finance, digital imprints and intimidation.
18. The Bill has had its second reading in the House of Commons and is currently at the 'report stage' of the process, whereby further amendments can be made, prior to it having its third and final reading. It is anticipated that the measures contained within the Bill, should they receive Royal Assent, will be implemented for the next Parliamentary Election.

### **Mobile Phone App**

19. At the beginning of November, the Council launched an app that allows residents to use their phone or tablet to quickly report issues to the council, check bin collections, see where roadworks are along with a number of other functions. Since its launch, hundreds of people have already installed the app.
20. The progressive web app was developed in-house by the web team enabling costs to be kept to a minimum. It has been designed to allow people to install it directly via their phone or tablet web browser as soon as they visit the Council's website as opposed to

downloading and installing it via the iOS or Android stores. This approach also removes the need for the Council to seek separate specialist iOS and Android developer skills for the ongoing enhancements to and maintenance of the app.

**Councillor Scott Durham**  
**Cabinet Member with Resources Portfolio**

**COUNCIL**  
**25 NOVEMBER 2021**

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**TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN**  
**PRUDENTIAL INDICATORS 2020/21**

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**Responsible Cabinet Member –**  
**Councillor Scott Durham, Resources Portfolio**

**Responsible Director –**  
**Elizabeth Davison, Group Director of Operations**

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**SUMMARY REPORT**

**Purpose of the Report**

1. This report provides important information regarding the regulation and management of the Council's borrowing, investments and cash-flow. It is a requirement of the Council's reporting procedures and by regulations issued under the Local Government Act 2003 to produce an annual treasury management review that covers treasury activity for 2020/21. The report also seeks approval of the Prudential Indicators results for 2020/21 in accordance with the Prudential Code.

**Summary**

2. The financial year 2020/21 was an unprecedented year with regard to treasury management due to the ongoing Covid-19 pandemic. Cost of borrowing remained low throughout 2020/21 and due to the Covid-19 pandemic the cost of shorter term borrowing is anticipated to remain low for a number of years in the future. However, as Members are aware due to the recent low returns for cash investments new ways to improve investment returns are continually being sought.
3. During 2020/21 the Council complied with its legislative and regulatory requirements. The borrowing need (**Table 1**) was only increased for capital purposes.
4. At 31 March 2021 the Council's external debt was £161.531m which is £20.130m less than the previous year; this reduction relates to not re-borrowing for matured debt due to an increase in the level of monies received by the Council. The average interest rate for borrowing increased from 2.60% in 2019/20 to 2.76% in 2020/21. Investments totalled £59.399m at 31 March 2021 (£56.799m at 31 March 2020) earning interest of 0.60% on short term cash investments and 2.33% on Property Fund units net of costs.
5. Financing costs have been reduced during the year and a saving of £0.265m has been achieved from the original MTFP due to reduced interest on debt.

## **Recommendations**

6. It is recommended that:
  - (a) The outturn 2020/21 Prudential Indicators within this report and those in **Appendix 1** be noted.
  - (b) The Treasury Management Annual Report for 2020/21 be noted.

## **Reasons**

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

**Elizabeth Davison**  
**Group Director of Operations**

## **Background Papers**

- (i) Accounting Records
- (ii) Annual Investment Strategy 2020/21
- (iii) Prudential Indicators and Treasury Management Strategy Report 2020/21

Peter Carrick: Extension 5401



S17 Crime and Disorder	This report has no implications for crime and disorder
Health and Well Being	There are no issues relating to health and wellbeing which this report needs to address
Carbon Impact and Climate Change	There are no issues relating to carbon impact and climate change
Diversity	There are no specific implications for diversity
Wards Affected	The proposals affect all wards
Groups Affected	The proposals do not affect any specific group
Budget and Policy Framework	The report does not change the Council's budget or Policy framework but needs to be considered by Council
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
Council Plan	The proposals in the report support delivery of the Council Plan through appropriate and effective deployment of the Councils Resources
Efficiency	The report outlines movements in the national economic outlook that have enabled officers to take advantage of different types of Investments and changing interest rates to benefit the Revenue MTFP.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Information and Analysis

8. This report summarises:
  - (a) Capital expenditure and financing for 2020/21;
  - (b) The Council's overall borrowing need;
  - (c) Treasury position at 31st March 2021;
  - (d) Prudential indicators and compliance issues;
  - (e) The economic background for 2020/21;
  - (f) A summary of the Treasury Management Strategy agreed for 2020/21;
  - (g) Treasury Management activity during 2020/21;
  - (h) Performance and risk benchmarking.
9. Throughout this report a number of technical terms are used, a glossary of terms can be found at the end of this report.

### The Council's Capital Expenditure and Financing 2020/21

10. The Council undertakes capital expenditure on long term assets, which is financed either:
  - (a) Immediately through capital receipts, capital grants, contributions and from revenue;  
or
  - (b) If insufficient financing is available, by borrowing.
11. Part of the Council's treasury activities is to address this borrowing need, either through borrowing from external bodies, or utilising temporary cash resources within the Council. The wider treasury activities also include managing the Council's cash flow, its previous borrowing activities and the investment of surplus funds. These activities are structured to manage risk foremost and then optimise performance.
12. Capital Expenditure forms one of the prudential indicators that are used to regulate treasury activity. Table 1 shows total capital expenditure and how this was financed, compared with what was expected to be spent and how this would have been financed. Actual expenditure was £8.254m less than planned, mostly down to reduced activity in the HRA resulting from the Covid-19 pandemic (and lockdown) which restricted access to social housing properties. However, the mix of funding differs from that which was expected as some schemes progressed quicker than others. This impacted slightly on the borrowing needed to fund expenditure which was £2.198m higher than initially anticipated.

**Table 1 – Capital Expenditure and Financing**

	2019/20	2020/21		
	Outturn £m	Revised Estimate £m	Outturn £m	Variance £m
General Fund Capital Expenditure	23.111	20.130	20.094	(0.036)
HRA Capital Expenditure	11.963	14.900	6.434	(8.466)
Loans to Joint Ventures etc	7.865	3.253	3.501	0.248
<b>Total Capital Expenditure</b>	<b>42.939</b>	<b>38.283</b>	<b>30.029</b>	<b>(8.254)</b>
Resourced by:				
Capital Receipts GF	2.348	0.963	2.538	1.575
Capital receipts Housing	1.432	0.303	0.684	0.381
JV Loans Repaid	0.000	6.485	6.200	(0.285)
Capital Grants	16.705	14.917	11.717	(3.200)
Capital Contributions	0.162	0.000	0.029	0.029
Revenue Contributions - GF	0.956	0.000	0.145	0.145
Revenue Contributions - HRA	7.411	14.597	5.750	(8.847)
Self-Financing - GF	0.000	0.250	0.000	(0.250)
<b>Total Resources</b>	<b>29.014</b>	<b>37.515</b>	<b>27.063</b>	<b>(10.452)</b>
<b>Borrowing needed to finance expenditure</b>	<b>13.925</b>	<b>0.768</b>	<b>2.966</b>	<b>2.198</b>

**The Council's Overall Borrowing Need**

13. The Council's underlying need to borrow is called the Capital Financing Requirement (CFR). The figure is a gauge for the Council's debt position. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents 2020/21 and prior years' net capital expenditure which has not yet been paid for by revenue or other resources.
14. Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the government, through Public Works Loan Board (PWLb), or the money markets) or utilising temporary cash resources within the Council.
15. The Council's (non HRA) underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision (MRP), to reduce the CFR. This is effectively a repayment of the non-Housing Revenue Account borrowing need, (there is no statutory requirement to reduce the HRA CFR). This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

16. The total CFR can be reduced each year through a Voluntary Revenue Provision (VRP) or by the application of additional capital financing resources (such as unapplied capital receipts).
17. The Council's CFR for the year is shown in Table 2 and represents a key prudential indicator. The CFR outturn for 2020/21 is £220.685m which is £2.368m higher than approved due to the increased borrowing need required to finance the additional capital expenditure in 2020/21.
18. No MRP repayments were made on the General Fund debt in line with the report to Council on 23 February 2017.

**Table 2 - Capital Financing Requirement**

	2019/20	2020/21		
	Outturn £m	Approved Indicator £m	31 March Actual £m	Variance £m
Opening Balance	207.347	219.488	219.488	0.000
Add Capital Expenditure financed by borrowing	13.925	0.768	2.966	2.198
Less MRP/VRP Housing	(0.629)	(0.799)	(0.629)	0.170
Less MRP/VRP PFI	(1.155)	(1.140)	(1.140)	0.000
Closing balance	<b>219.488</b>	<b>218.317</b>	<b>220.685</b>	<b>2.368</b>

**Treasury Position at 31 March 2021**

19. Whilst the measure of the Council's underlying need to borrow is the CFR, the Group Director of Operations can manage the Council's actual borrowing position by:
  - (a) Borrowing to the CFR level; or
  - (b) Choosing to utilise some temporary cash flows instead of borrowing ("under borrowing"); or
  - (c) Borrowing for future increases in CFR (borrowing in advance of need, the "over borrowed" amount can be invested).
20. The Council's treasury management debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through member reporting and through officer activity detailed in the Council's Treasury Management Practices.
21. The Council's total debt outstanding at 31 March 2021 was £161.531m. In addition to this, a liability of £10.358m relating to the PFI scheme and Finance Leases brings the total to £171.889m. The Council's revised CFR position was estimated to be £218.317m, however,

the actual out turn position was £220.685m. When comparing this to our actual borrowing of £171.889m this meant that the Council was “under borrowed” by £48.796m. This “under borrowed” amount was financed by internal borrowing which means that the amount that could have been invested externally was reduced to cover this. The reduced under borrowed position still has the dual effect of reducing costs to the MTFP because borrowing costs are generally greater than investment returns and it reduces counterparty risk by reducing our exposure to banks and other financial institutions.

22. The treasury position at 31 March 2021, including investments compared with the previous year is shown in table 3 below.

**Table 3 – Summary of Borrowing and Investments**

Treasury Position	31 March 2020		31 March 2021	
	Principal £m	Average Rate %	Principal £m	Net Annualised Average Rate %
General Debt - Fixed Rate Debt, Market and Public Works Loan Board (PWLB)	156.661	2.97%	136.531	2.98%
Property Fund Borrowing	25.000	1.41%	25.000	1.42%
<b>Total Debt</b>	<b>181.661</b>	<b>2.60%</b>	<b>161.531</b>	<b>2.76%</b>
Cashflow Investments up to 6 months	21.800	0.91%	19.400	0.09%
Capital Investments over 6 months	5.000	1.05%	10.000	0.96%
Property Fund Investment - net of costs	29.999	2.20%	29.999	2.33%
<b>Total Investments</b>	<b>56.799</b>		<b>59.399</b>	
<b>Net borrowing position</b>	<b>124.862</b>		<b>102.132</b>	

### Prudential Indicators and Compliance Issues

23. Some prudential indicators provide an overview while others are specific limits on treasury activity. These indicators are shown below:
- (a) **Gross Borrowing and the CFR** – in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2019/20) plus the estimates of any additional capital financing requirement for the current (2020/21) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2020/21. The table below highlights the Council’s gross borrowing position against the CFR. The Council has complied with this prudential indicator.

**Table 4 – Gross Borrowing Compared with CFR**

	31 March 2020 Actual £m	31 March 2021 Approved Indicator £m	31 March 2021 Actual £m
<b>Gross Borrowing Position</b>	<b>181.661</b>	<b>188.760</b>	<b>161.531</b>
<b>PFI and Finance Lease Liability</b>	<b>11.498</b>	<b>10.358</b>	<b>10.358</b>
<b>CFR Excluding PFI &amp; leases</b>	<b>207.991</b>	<b>207.959</b>	<b>210.327</b>
<b>CFR</b>	<b>219.489</b>	<b>218.317</b>	<b>220.685</b>

- (b) **The Authorised Limit** - The Authorised Limit is the “Affordable Borrowing Limit” required by section 3 of the Local Government Act 2003. The Council does not have power to borrow above this level.
- (c) **The Operational Boundary** - The Operational Boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the Boundary are both acceptable, subject to the Authorised Limit not being breached.
- (d) **Actual financing costs as a proportion of net revenue expenditure** - This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue expenditure. The actual for this indicator has risen from the previous year due to an increase in the Financing costs outturn.

**Table 5 – Key Prudential Indicators**

	Actual 2019/20 £m	Original Approved Limits 2020/21 £m	Revised Approved Limits 2020/21 £m	Actual Total Liabilities Borrowing + PFI/ leases 2020/21 Maximum £m
<b>Approved Indicator – Authorised Limit</b>	<b>193.159</b>	<b>237.342</b>	<b>229.233</b>	<b>171.889</b>
<b>Approved Indicator – Operational Boundary</b>	<b>193.159</b>	<b>197.118</b>	<b>188.018</b>	<b>171.889</b>
<b>Financing costs as a percentage of net revenue expenditure</b>	<b>2.02%</b>	<b>2.37%</b>	<b>2.55%</b>	<b>2.39%</b>

24. At 31 March 2021 the total liabilities were £171.889m which is below both the approved Authorised Limit and the approved Operational Boundary. The Operational Boundary is the point at which we expect borrowing to be, but it can be lower or higher. Borrowing cannot exceed the Authorised Limit.

25. A further four prudential indicators are detailed in Appendix 1.

## **Economic Background for 2020/21**

26. A summary of the general economic conditions that have prevailed through 2020/21 provided by Link Asset Services, the Council's treasury management advisors, is attached at **Appendix 2**.

## **Summary of the Treasury Management Strategy agreed for 2020/21**

27. The revised Prudential Indicators anticipated that during 2020/21 the Council would need to borrow £0.768m to finance part of its capital programme, whereas the actual outturn figure was £2.966m.
28. The Annual Investment Strategy stated that the use of specified (usually less than 1 year) and non-specified (usually more than 1 year) investments would be carefully balanced to ensure that the Council has appropriate liquidity for its operational needs. In the normal course of the Council's business it is expected that both specified and non-specified investments will be utilised for the control of liquidity as both categories allow for short term investments.
29. Longer term instruments (greater than one year from inception to repayment) will only be used where the Council's liquidity requirements are safeguarded. An estimate of long term investments (over 1 year) were included in the report on the Prudential Indicators update these were as follows £50m for 2019/20 and £50m for 2020/21. No other investments of over 1 year duration have been made during 2020/21.

## **Treasury Management Activity during 2020/21**

### **Borrowing Strategy**

30. This reduced during 2020/21 by £20.130m in total. During the year and mainly due to the ongoing Covid-19 pandemic, the Council has received approximately £70m in additional grant funding from the government which has aided cashflow and allowed the Council to have a more flexible approach to its borrowing strategy.
31. During 2020/21, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the CFR), was not fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were very low and minimising counterparty risk on placing investments also needed to be considered.
32. A cost of carry remained during the year on any new long-term borrowing that was not immediately used to finance capital expenditure, as it would have caused a temporary increase in cash balances; this would have incurred a revenue cost – the difference between (higher) borrowing costs and (lower) investment returns.
33. The policy of avoiding new borrowing by running down spare cash balances has served well over the last few years (see table 6 below). However, this was kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able

to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.

**Table 6 – net borrowing**

	Market Loans (incl. other Local Authorities)			Total
	Amount £m	Length of Loan	Interest Rate %	£m
New Loans Taken				
	2.000	1 year	0.90%	
	3.000	1 year	0.90%	
	5.000	1 year	0.90%	
	5.000	1 year	0.20%	
				15.000
Loans Repaid				
	(5.000)	2 years	1.45%	
	(5.000)	22 months	1.40%	
	(2.000)	1 year	1.02%	
	(3.000)	1 year	1.02%	
	(5.000)	1 year	0.83%	
	(5.000)	9 months	0.80%	
	(5.000)	5 months	0.80%	
	(5.000)	1 year	1.00%	
				(35.000)
Total New Borrowing	(20.000)			(20.000)

34. The additional funding was utilised to not replace maturing short term loans.

35. **Summary of Debt Transactions** –The consolidated rate of interest still increased from 2.60% to 2.76% due to the above transactions as the majority of the debt repaid was at a lower interest rate than the longer term debt still held.

### Investment Position

36. **Investment Policy** – the Council’s investment policy for 2020/21 is governed by the MHCLG Guidance which has been implemented in the annual investment strategy for 2020/21 approved by Council on 20 February 2020.

37. The investment activity during the year conformed to the approved Strategy and the Council had no liquidity difficulties.

38. Investment returns which had been low during 2019/20, plunged during 2020/21 to near zero or even into negative territory. Most local authority lending managed to avoid negative rates and one feature of the year was the growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2020/21



was that Bank Rate would continue at the start of the year at 0.75 % before rising to end 2022/23 at 1.25%. This forecast was invalidated by the Covid-19 pandemic bursting onto the scene in March 2020 which caused the Monetary Policy Committee to cut Bank Rate in March, first to 0.25% and then to 0.10%, in order to counter the hugely negative impact of the national lockdown on large swathes of the economy.

39. The Bank of England and the Government also introduced new programmes of supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the lockdown. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates plummeted.
40. While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.
41. Investment balances have been kept to a minimum through the agreed strategy of using reserves and balances to support internal borrowing, rather than borrowing externally from the financial markets. External borrowing would have incurred an additional cost, due to the differential between borrowing and investment rates. Such an approach has also provided benefits in terms of reducing counterparty risk exposure, by having fewer investments placed in the financial markets.
42. Investments held by the Council consist of temporary surplus balances, capital receipts and other funds. Cash balances are invested on a daily basis to maximise the benefit of temporary surplus funds. These include investments in Money Market Funds, the Government's Debt Management Office and bank short term notice accounts. Short term investments of up to a year earned interest of £175k on an average balance of £29.088m which equated to an annual average interest rate of 0.60%.
43. The Council also has longer term investments which consist of the property funds and the returns are shown below in **Table7**.

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

	<b>Original Budget 2020/21</b>	<b>Actual 2020/21</b>
Daily average level of Investments	<b>£29.999m</b>	<b>£29.999m</b>
Interest earned (gross)	<b>£1.061m</b>	<b>£1.054m</b>
Average Rate of Return on Investment Interest earned (gross)	<b>3.54%</b>	<b>3.51%</b>
Average Rate of Return on Investment (net of costs)	<b>2.31%</b>	<b>2.33%</b>

**Performance and Risk Benchmarking**

- 44. A regulatory development is the consideration and approval of security and liquidity benchmarks. Yield benchmarks are currently widely used to assess investment performance.
- 45. The following reports the current position against the benchmarks originally approved.
- 46. Security – The Council’s maximum security risk benchmarks for the current portfolio of investments, when compared to historic default tables was set as follows:

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

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

**Table 8**

<b>Maximum</b>	<b>Benchmark 2020/21</b>	<b>Actual June 2020</b>	<b>Actual October 2020</b>	<b>Actual January 2021</b>	<b>Actual March 2021</b>
Year 1	0.077%	0.009%	0.005%	0.003%	0.013%

- 49. The counterparties that we use are all high rated therefore our actual risk of default based on the ratings attached to counterparties is virtually nil.
- 50. Liquidity – In respect of this area the Council set liquidity facilities/benchmark to maintain:
  - (a) Bank Overdraft £0.100M.

- (b) Liquid short term deposits of at least £3.000M available within a week’s notice.
- (c) Weighted Average Life benchmark is expected to be 146 days with a maximum of 1 year.

51. Liquidity arrangements have been adequate for the year to date as shown in **Table 9**.

**Table 9**

	<b>Benchmark</b>	<b>Actual June 2020</b>	<b>Actual October 2020</b>	<b>Actual January 2021</b>	<b>Actual March 2021</b>
<b>Weighted Average life</b>	<b>146 days to 1 year</b>	<b>113 days</b>	<b>62 days</b>	<b>30days</b>	<b>90 days</b>

52. The figures are for the whole portfolio of cash flow investments deposited with Money Market funds on a call basis (i.e. can be drawn on without notice) as well as call accounts that include a certain amount of notice required to recall the funds.
53. Yield - In respect of this area performance indicators relating to interest rates for borrowing and investments were set with reference to comparative interest rates. For borrowing, the indicator is the average rate paid during the year compared with the previous year. Investment rates are compared with a representative set of comparative rates.

**Risk**

54. The Council’s treasury management activities are regulated by a variety of professional codes, statutes and guidance:-
- (a) The Local Government Act 2003(the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity.
  - (b) The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing which may be undertaken (although no restrictions were made in 2017/18).
  - (c) Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act.
  - (d) The SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities.
  - (e) The SI also requires the Council to operate the overall treasury function with regard to the CIPFA code of Practice for Treasury Management in Public Services.
  - (f) Under the Act the Department for Communities and Local Government has issued Investment Guidance to structure and regulate the Council’s investment activities.

- (g) Under section 238(2) of the Local Government and Public Involvement in Health Act 2007 the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8 November 2007.

55. The Council's Treasury Management function has complied with all of the relevant statutory and regulatory requirements, which limit the levels of risk associated with its treasury management activities. In particular its adoption and implementation of both the Prudential Code and the code of Practice for Treasury Management means both that its capital expenditure is prudent, affordable and sustainable and its treasury practices demonstrate a low risk approach.
56. Officers of the Council are aware of the risks of passive management of the treasury portfolio and, with the support of Link Asset Services, the Council's advisers, have proactively managed the debt and investments over the year.

### Treasury Management Budget

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

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

**Table 10** - Changes to the Treasury Management Budget 2020/21

	£m	£m
<b>Original Treasury Management Budget</b>		<b>0.895</b>
<b>Debt</b>		
Reduced interest payable on debt	<b>(0.150)</b>	
Further savings on MRP due to increased departmental borrowing	<b>(0.176)</b>	<b>(0.326)</b>
<b>Investments</b>		
Increased investment income including property funds etc		<b>(0.403)</b>
Transfer to IFRS 9 reserve		<b>0.500</b>
<b>Other Costs</b>		
Less reduced brokerage charges		<b>(0.036)</b>
<b>Outturn Treasury Management Budget 2020/21</b>		<b>0.630</b>

58. The savings relate to a reduction in the interest payable on debt due to the cost of short term borrowing and reduced debt levels as well as increased departmental borrowing. There has also been an increase in the interest received on investments due to the cashflow levels, this has been offset by a transfer to a reserve to mitigate the potential realisation of IFRS 9 whereby the Council might need to show any capital loss of its investments through fair value in its single entity accounts unless the Government extends the end date.

### **Conclusion**

59. The Council's treasury management activity during 2020/21 has been carried out in accordance with Council Policy and within legal limits. Financing costs have been reduced during the year and a saving of £0.265m achieved from the original MTFP.

### **Outcome of Consultation**

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

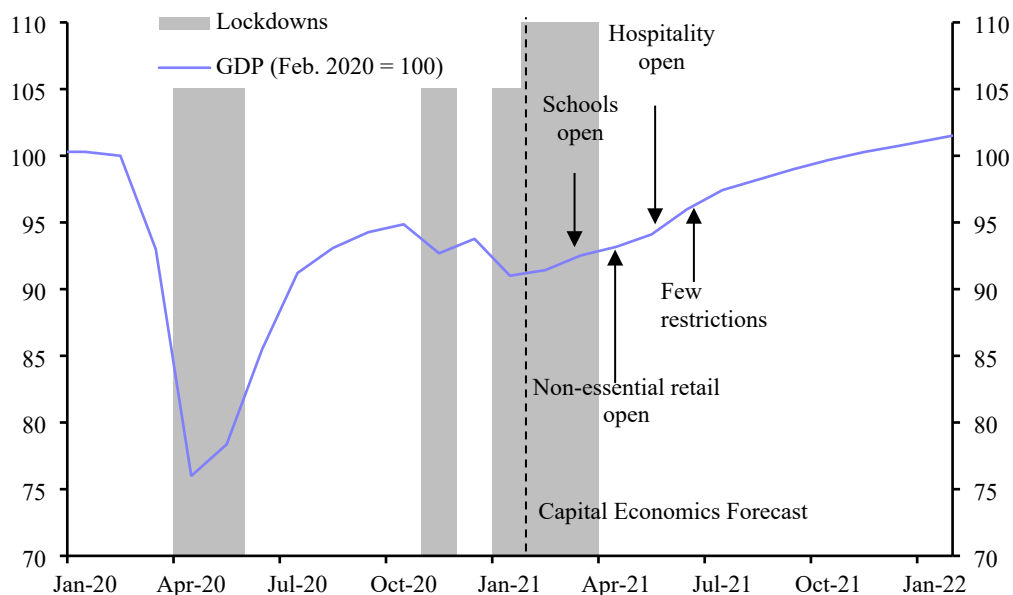
**Additional Prudential Indicators not reported in the body of the report**

		<b>2019/20 Actual</b>	<b>2020/21 Approved Indicator</b>	<b>2020/21 Outturn</b>
<b>1</b>	<b>limits on fixed interest rates</b>	<b>79%</b>	<b>100%</b>	<b>88%</b>
<b>2</b>	<b>limits on variable interest rates</b>	<b>21%</b>	<b>40%</b>	<b>12%</b>
<b>3</b>	<b>Maturity structure of fixed interest rate borrowing (upper Limit)</b>			
	Under 12 months	<b>21%</b>	<b>40%</b>	<b>12%</b>
	12 months to 2 years	<b>27%</b>	<b>50%</b>	<b>22%</b>
	2 years to 5 years	<b>38%</b>	<b>60%</b>	<b>25%</b>
	5 years to 10 years	<b>45%</b>	<b>90%</b>	<b>35%</b>
	10 years and above	<b>100%</b>	<b>100%</b>	<b>100%</b>
<b>4</b>	<b>Maximum Principal funds invested greater than 364 days</b>	<b>£50m</b>	<b>£50m</b>	<b>£50m</b>

## The Economy and Interest Rates

### UK. Coronavirus

1. The financial year 2020/21 will go down in history as being the year of the pandemic. The first national lockdown in late March 2020 did huge damage to an economy that was unprepared for such an eventuality. This caused an economic downturn that exceeded the one caused by the financial crisis of 2008/09. A short second lockdown in November did relatively little damage but by the time of the third lockdown in January 2021, businesses and individuals had become more resilient in adapting to working in new ways during a three month lockdown so much less damage than was caused than in the first one. The advent of vaccines starting in November 2020, were a game changer. The way in which the UK and US have led the world in implementing a fast programme of vaccination which promises to lead to a return to something approaching normal life during the second half of 2021, has been instrumental in speeding economic recovery and the reopening of the economy. In addition, the household saving rate has been exceptionally high since the first lockdown in March 2020 and so there is plenty of pent-up demand and purchasing power stored up for services in the still-depressed sectors like restaurants, travel and hotels as soon as they reopen. It is therefore expected that the UK economy could recover its pre-pandemic level of economic activity during quarter 1 of 2022.



2. Both the Government and the Bank of England took rapid action in March 2020 at the height of the crisis to provide support to financial markets to ensure their proper functioning, and to support the economy and to protect jobs.
3. The **Monetary Policy Committee** cut Bank Rate from 0.75% to 0.25% and then to 0.10% in March 2020 and embarked on a £200bn programme of quantitative easing QE (purchase of gilts so as to reduce borrowing costs throughout the economy by lowering gilt yields). The MPC increased then QE by £100bn in June and by £150bn in November to a total of £895bn. While Bank Rate remained unchanged for the rest of the year, financial markets were concerned that the MPC could cut Bank Rate to a negative rate; this was firmly discounted at the February 2021 MPC meeting when it was established that commercial

banks would be unable to implement negative rates for at least six months – by which time the economy was expected to be making a strong recovery and negative rates would no longer be needed.

### **Average inflation targeting**

4. This was the major change adopted by the Bank of England in terms of implementing its inflation target of 2%. The key addition to the Bank's forward guidance in August was a new phrase in the policy statement, namely that "it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and **achieving the 2% target sustainably**". That seems designed to say, in effect, that even if inflation rises to 2% in a couple of years' time, do not expect any action from the MPC to raise Bank Rate – until they can clearly see that level of inflation is going to be persistently above target if it takes no action to raise Bank Rate. This sets a high bar for raising Bank Rate and no increase is expected by March 2024, and possibly for as long as five years. Inflation has been well under 2% during 2020/21; it is expected to briefly peak at just over 2% towards the end of 2021, but this is a temporary short lived factor and so not a concern to the MPC.

### **Government support**

5. The Chancellor has implemented repeated rounds of support to businesses by way of cheap loans and other measures, and has protected jobs by paying for workers to be placed on furlough. This support has come at a huge cost in terms of the Government's budget deficit ballooning in 20/21 and 21/22 so that the Debt to GDP ratio reaches around 100%. The Budget on 3rd March 2021 increased fiscal support to the economy and employment during 2021 and 2022 followed by substantial tax rises in the following three years to help to pay the cost for the pandemic. This will help further to strengthen the economic recovery from the pandemic and to return the government's finances to a balanced budget on a current expenditure and income basis in 2025/26. This will stop the Debt to GDP ratio rising further from 100%. An area of concern, though, is that the government's debt is now twice as sensitive to interest rate rises as before the pandemic due to QE operations substituting fixed long-term debt for floating rate debt; there is, therefore, much incentive for the Government to promote Bank Rate staying low e.g. by using fiscal policy in conjunction with the monetary policy action by the Bank of England to keep inflation from rising too high, and / or by amending the Bank's policy mandate to allow for a higher target for inflation.

### **BREXIT**

6. The final agreement on 24 December 2020 eliminated a significant downside risk for the UK economy. The initial agreement only covered trade so there is further work to be done on the services sector where temporary equivalence has been granted in both directions between the UK and EU; that now needs to be formalised on a permanent basis. There was much disruption to trade in January as form filling has proved to be a formidable barrier to trade. This appears to have eased somewhat since then but is an area that needs further work to ease difficulties, which are still acute in some areas.



## USA

7. The US economy did not suffer as much damage as the UK economy due to the pandemic. The Democrats won the presidential election in November 2020 and have control of both Congress and the Senate, although power is more limited in the latter. This enabled the Democrats to pass a \$1.9trn (8.8% of GDP) stimulus package in March on top of the \$900bn fiscal stimulus deal passed by Congress in late December. These, together with the vaccine rollout proceeding swiftly to hit the target of giving a first jab to over half of the population within the President's first 100 days, will promote a rapid easing of restrictions and strong economic recovery during 2021. The Democrats are also planning to pass a \$2trn fiscal stimulus package aimed at renewing infrastructure over the next decade. Although this package is longer-term, if passed, it would also help economic recovery in the near-term.
8. After Chair Jerome Powell spoke on the **Fed's adoption of a flexible average inflation target** in his Jackson Hole speech in late August 2020, the mid-September meeting of the Fed agreed a new inflation target - that *"it would likely be appropriate to maintain the current target range until labour market conditions were judged to be consistent with the Committee's assessments of maximum employment and inflation had risen to 2% and was on track to moderately exceed 2% for some time."* This change was aimed to provide more stimulus for economic growth and higher levels of employment and to avoid the danger of getting caught in a deflationary "trap" like Japan. It is to be noted that inflation has actually been under-shooting the 2% target significantly for most of the last decade, (and this year), so financial markets took note that higher levels of inflation are likely to be in the pipeline; long-term bond yields duly rose after the meeting. There is now some expectation that where the Fed has led in changing its policy towards implementing its inflation and full employment mandate, other major central banks will follow, as indeed the Bank of England has done so already. The Fed expects strong economic growth during 2021 to have only a transitory impact on inflation, which explains why the majority of Fed officials project US interest rates to remain near-zero through to the end of 2023. The key message is still that policy will remain unusually accommodative – with near-zero rates and asset purchases – continuing for several more years. This is likely to result in keeping treasury yields at historically low levels. However, financial markets in 2021 have been concerned that the sheer amount of fiscal stimulus, on top of highly accommodative monetary policy, could be over-kill leading to a rapid elimination of spare capacity in the economy and generating higher inflation much quicker than the Fed expects. They have also been concerned as to how and when the Fed will eventually wind down its programme of monthly QE purchases of treasuries. These concerns have pushed treasury yields sharply up in the US in 2021 and is likely to have also exerted some upward pressure on gilt yields in the UK.

## EU

9. Both the roll out and take up of vaccines has been disappointingly slow in the EU in 2021, at a time when many countries are experiencing a sharp rise in cases which are threatening to overwhelm hospitals in some major countries; this has led to renewed severe restrictions or lockdowns during March. This will inevitably put back economic recovery after the economy had staged a rapid rebound from the first lockdowns in Q3 of 2020 but contracted slightly in Q4 to end 2020 only 4.9% below its pre-pandemic level.

Recovery will now be delayed until Q3 of 2021 and a return to pre-pandemic levels is expected in the second half of 2022.

10. Inflation was well under 2% during 2020/21. **The ECB** did not cut its main rate of -0.5% further into negative territory during 2020/21. It embarked on a major expansion of its QE operations (PEPP) in March 2020 and added further to that in its December 2020 meeting when it also greatly expanded its programme of providing cheap loans to banks. The total PEPP scheme of €1,850bn is providing protection to the sovereign bond yields of weaker countries like Italy. There is, therefore, **unlikely to be a euro crisis** while the ECB is able to maintain this level of support.

### **China**

11. After a concerted effort to get on top of the virus outbreak in Q1 of 2020, economic recovery was strong in the rest of the year; this has enabled China to recover all of the contraction in Q1. Policy makers have both quashed the virus and implemented a programme of monetary and fiscal support that has been particularly effective at stimulating short-term growth.

### **Japan**

12. Three rounds of government fiscal support in 2020 together with Japan's relative success in containing the virus without draconian measures so far, and the roll out of vaccines gathering momentum in 2021, should help to ensure a strong recovery in 2021 and to get back to pre-virus levels by Q3.

### **World growth**

13. World growth was in recession in 2020. Inflation is unlikely to be a problem in most countries for some years due to the creation of excess production capacity and depressed demand caused by the coronavirus crisis.

### **Deglobalisation**

14. Until recent years, world growth has been boosted by increasing globalisation, i.e. countries specialising in producing goods and commodities in which they have an economic advantage and which they then trade with the rest of the world. This has boosted worldwide productivity and growth, and, by lowering costs, has also depressed inflation. However, the rise of China as an economic superpower over the last 30 years, which now accounts for nearly 20% of total world GDP, has unbalanced the world economy. In March 2021, western democracies implemented limited sanctions against a few officials in charge of government policy on the Uighurs in Xinjiang; this led to a much bigger retaliation by China and is likely to mean that the China / EU investment deal then being negotiated, will be torn up. After the pandemic exposed how frail extended supply lines were around the world, both factors are now likely to lead to a sharp retrenchment of economies into two blocs of western democracies v. autocracies. It is, therefore, likely that we are heading into a period where there will be a reversal of world globalisation and a decoupling of western countries from dependence on China to supply products and vice versa. This is likely to reduce world growth rates.

### **Central banks' monetary policy**

15. During the pandemic, the governments of western countries have provided massive fiscal support to their economies which has resulted in a big increase in total government debt in each country. It is therefore very important that bond yields stay low while debt to GDP ratios slowly subside under the impact of economic growth. This provides governments with a good reason to amend the mandates given to central banks to allow higher average levels of inflation than we have generally seen over the last couple of decades. Both the Fed and Bank of England have already changed their policy towards implementing their existing mandates on inflation, (and full employment), to hitting an average level of inflation. Greater emphasis could also be placed on hitting subsidiary targets e.g. full employment before raising rates. Higher average rates of inflation would also help to erode the real value of government debt more quickly.

### Glossary of Terms

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

**COUNCIL**  
**25 NOVEMBER 2021**

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**OVERVIEW OF ADULTS SCRUTINY COMMITTEE**

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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 Committee received a verbal update on the ongoing response to the Covid-19 pandemic, specifically in relation to care providers. Members heard that there were Covid outbreaks at six Older Peoples Care Homes and two Care Homes for Disabled Adults (Mental Health/Learning Disabilities) care homes at the time of the meeting, whereby 24 residents and 26 staff had either had Covid, or were currently Covid positive and these outbreaks were being managed and contained by the closure of the homes to visitors, and the Homes being advised to undertake Risk Assessments in relation to an admission.
3. There was also an outbreak in one of the Extra Care Schemes. This was being contained within the scheme, with a suspension on group activities such as meals in dining room and activities.
4. With reference to vaccinations, it was reported that 97 per cent of staff in Care Homes had received their first vaccination, and 92 per cent of staff had received their second dose. Members heard that residents were being offered their Covid Boosters, and 442 booster jabs had been administered in Old Person Homes. 628 flu vaccines had also been administered across all care homes but it was anticipated that as homes come out of outbreaks this number will increase.
5. We heard of the continued pressures experienced by Local Domiciliary Care Providers operating under Business Continuity Planning arrangements, and the general staffing issues that are being experienced across the whole of Social Care, nationally and regionally. Members questioned what support was being offered to the staff in Care Homes and were advised that Business Continuity Plans were put in place in the Homes with staff shortages to prioritise workload.

**Frailty Pathway System Update**

7. The Committee received a presentation to update Members on the Frailty Pathway System. The presentation outlined the four Strategic Plans that had been in place since 2014, namely the Health and Well Being Strategies Priorities for Older People; the Better Care Fund; South Integrated Care Partnership Frailty Pathway; and Ageing Well. Frailty priorities were outlined including strategic outcomes to optimise the quality of care for those people admitted to hospital and the ambition to discharge people as close to home and ensure they had the right support to avoid re-admission.
8. We were advised of the definition of frailty, and the ways in which the Responsive Integrated Assessment Care Team (RIACT) supported people presenting with frailty was highlighted in the presentation, including the wider support to ensure interventions happen at an early stage to avoid admission to hospital. It was also highlighted that enhanced care in Care Homes was also a priority with more direct interventions to promote independence within Care Homes.
9. The presentation provided data to demonstrate the flow and length stay outcomes for patients with frailty at Darlington Memorial Hospital and feedback from patients, and it was also reported that over 2000 referrals had been seen by the Acute Frailty Team between April 2021 and October

2021. We also heard how people were being supported at discharge, including the Trusted Assessment relationships between health and social care within Darlington, and received an outline of the future plans included within the Ageing Well Strategy. Some of the challenges faced were also highlighted, including Covid impact on delivery, and workforce recruitment and retention.

**Quality Standards Monitoring Outcomes 2020-2022: Agreement for the provision of Residential Care for Adults and Older People and Older People with Mental Health Problems 2013-2023**

10. We received a report to inform us of the outcome of the quality standards assessment for 2020-22 and the level of compliance against the quality standards will determine the fee levels for the current year.
11. It was reported that the current agreement for the provision of Residential Care for Adults and Older People with a Mental Health Problem commenced 1 April 2015, and will remain in place until 31 March 2023 due to an extension of the Agreement agreed by all of the providers. It was also reported that the Covid-19 pandemic, which resulted in a national lockdown on 23 March 2020, had a significant impact on the Care Home sector and the monitoring visits into Care Homes was postponed and an alternative process was developed.
12. The Committee were informed that there had been an improvement in the number of homes who had achieved an A Grade, with 15 out of 19 achieving an A Grade, compared to 11 out of 19 in 2019. We were informed that no homes achieved less than eight standards which was an improvement on 2019. It was pleasing to hear that overall, all but one of the previous A Graded homes had maintained this grade, and that five homes had improved on previous gradings.

**Work Programme**

13. 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  
Chair of Adults Scrutiny Committee**

**COUNCIL**  
**25 NOVEMBER 2021**

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**OVERVIEW OF CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE**

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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.

**Adoption Tees Valley Annual Report 2020-21**

2. Vicky Davidson-Boyd, Service Manager, Adoption Tees Valley presented the third Adoption Tees Valley (ATV) Annual Report 2020/21 and outlined the work that had been undertaken across the Tees Valley during 1 April 2020 and 31 March 2021.
3. It was highlighted that this period had been impacted by the National Covid 19 pandemic and adoption activity had to be conducted within the amended regulations and restrictions imposed because of the public health emergency which brought both challenge and opportunity to work differently across Children's Services and the service trialled new ways of working within the permitted adoption services range of flexibilities.
4. We received details of the Early Permanence Strategy which has been collaborative, and has involved key stakeholders with a role in care planning and the placement of children for adoption and the three year review of Adoption Tees Valley which will conclude its findings in September 2021. Members also examined the individual authority performance benchmarking data and analysis of performance.
5. The submitted report also provided details of marketing and recruitment activities; the new initiative to support pathway for prospective adopters; the Quality Assurance mechanisms in place for managing and monitoring the work of the agency, and the quality of work; and provided details of the joint budget and support funding available to the ATV.
6. Members noted in particular the performance of this authority which had seen fewer children adopted than previous years; considered the Moving on To Adoption Model adopted by the ATV as a best practice model in some targeted cases; the challenges facing the ATV; the continued employment of an Education Support Worker co-funded by the five local authority Virtual Schools via Department for Education grant funding for children previously in the care of the local authority and noted that 59 families and children had been supported during this year.
7. We expressed our concern at the delays reported in progressing plans and were given reassurance that this was not a particular concern in Darlington; we discussed the increase in Stage 1 adopters which did not progress to Stage 2 and how this may have been affected by the Covid pandemic; and discussed ways to attract the correct adopters for the children in Darlington.

**Darlington Safeguarding Partnership Annual Report**

8. Members received the Annual Report of the Darlington Safeguarding Partnership (DSP) for the period 2020/21 for our comment.
9. The Local Safeguarding Partnerships are required to produce an Annual Report to account for the Partnerships achievements over the previous year and make an assessment of the effectiveness of multi-agency safeguarding arrangements within the local area and outlines what the Partnership had done over the period 2020/21, drawing upon a range of data and information to outline the progress made and illustrated the effectiveness of multi-agency safeguarding partnership arrangements.
10. Ann Baxter, Independent Chair of the Darlington Safeguarding Partnership attended the meeting to outline the Annual Report and responded to our questions.
11. It was also highlighted that the Covid-19 Pandemic and the challenges posed to ensure children, young people and vulnerable adults were safeguarded had been the main focus throughout the year; and a multi-agency Critical Safeguarding Partnership Group was established in response to the Government's emergency procedures which met weekly to ensure that the most vulnerable were supported and safeguarded.
12. Members were particularly interested to learn about the position in Darlington with regard to domestic violence and the services provided with partners to understand the situation and Anne assured Members that this was a priority area of the Partnership. We also discussed the increase in the number of children looked after in Darlington; and questioned the current position regarding Home Elective Education and if systems were in place to re-introduce those families who have elected to home educate back into schools if they so wished.
13. We also discussed the safeguarding partners and the challenges of ensuring that all groups other than health, police and the local authority are heard and Ann acknowledged that the final report of this Scrutiny on the effects of the pandemic on our children and young people 'voice of the child' had been noted by the Partnership.

#### **Independent Reviewing Officer Annual report 2020-21**

14. Members received an overview and noted the work of the work by the Independent Reviewing Officer Service and the Annual Reports of the Independent Reviewing Officer for 2020/21 and the Child Protection Conference Chair for 2020/21.
15. It was highlighted that for the the whole of the period April 2020 – March 2021 the work undertaken by the Children's Safeguarding Unit had been under Covid-19 arrangements and in line with guidance, and all formal meetings, which in previous years had been face to face, had been conducted using virtual platforms.
16. Our questions were in relation to how the rising caseloads as a result of the increase in the number of Looked After Children was being managed and also expressed our concerns for the welfare of the workforce and the impact of home working. We were assured that the workforce had shown great resilience and adaptability during the pandemic and that the LAC numbers had shown some reductions as the Courts had moved back to a more normal routine.

#### **Learning and Skills Annual Report 2020-21**



17. Members received an update on the performance of the Learning and Skills Service for academic year 2020/21 to allow Scrutiny challenge of the performance of this externally funded service.
18. It was highlighted that the pandemic had impacted on the Learning and Skills service and delivery in a number of ways over the last two academic years, however staff had responded magnificently and continued to deliver throughout that time, making a very successful transition to online teaching and learning.
19. We discussed with the Head of Skills and Employability the low take up of apprenticeships and the possible reasons for this; how the Service had been affected by the pandemic and the challenges faced; and Members expressed their concerns for the Learning and Skills service with the impact of the pandemic and the potential uncertainties of the Tees Valley Combined Authority devolved funding model diverge from what the rules and requirements were under the Education and Skills Funding Agency and agreed that these concerns be forwarded to Cabinet.

#### **Performance Indicators Quarter 1 2021/22**

20. Children's Services Quarter 1 (April 2021 to June 2021) performance information was presented to the October meeting which highlighted the following areas of good practice:
  - (a) 10.1 per cent of the children referred during Q1 had been re-referred to Children's Social Care within 12 months of a previous referral below the internal target of 18 per cent;
  - (b) Social workers completed 90.8 per cent of the Children's and Families assessments within timescale, which remains higher than statistical neighbours, regional and national average benchmarks;
  - (c) 89.7 per cent of Initial Child Protection Conferences were held within 15 working days from the strategy meeting / section 47 being initiated, excluding transfer-in conferences which was below internal target however remained higher than our statistical neighbour, regional and national average benchmarks;
  - (d) 100 per cent of children with a Child Protection (CP) plan and 100 per cent of Children in Care (CiC) have an allocated social worker;
  - (e) During Q1 no child had ceased to be subject to a CP plan who had been subject to the plan for two or more years and we continue to positively perform below the target of 5 per cent;
  - (f) the number of Children in Care (CiC) has decreased to 264 by the end of June 2021 (end of June 2020 (302)) and work continues to safely reduce the number of children coming into care;
  - (g) 90.5 per cent of statutory CiC visits were completed within timescale in line with the target of 90 per cent;

- (h) 9.8 per cent of our Children in Care, as of June 2021, had three or more placements within the previous 12 months below internal target, our statistical neighbour, regional and national average benchmarks;
- (i) 69.1 per cent of our Children in Care aged under 16 (who have been looked after for at least 2.5 years) have been in their current placement continuously for at least two years;
- (j) 8.8 per cent of our Children in Care have been placed 20 or more miles away from home as of June 2021 below the target of 10 per cent;
- (k) 86.4 per cent of the children, newly into care, were seen by CDDFT within 20 working days for an initial health assessment;
- (l) 86.4 per cent of children due a review health assessment year to date had one completed; and
- (m) 21.7 per cent of Care Leavers were not in employment, education or training (NEET) which was positivity below target of 30 per; and 100.0 per cent were in suitable accommodation.

21. Areas highlighted for focus were in respect of :

- (a) Referrals screened and completed within 1 day during Q1 2021/22 which was below the target of 90 per cent at 68.5 per cent and 9 per cent of the referrals took over three days to complete;
- (b) at the end of June 2021, the percentage of children becoming subject to a CP plan for a second or subsequent time within two years of the previous plan ending was 14.3 per cent above the 6 per cent target, however, related to one family;
- (c) 87.3 per cent of children received a statutory CP visit within 10 working days during Q1 below the target of 90 per cent; and
- (d) 55.8 per cent of children due a dental check assessment year to date had one completed.

**Work Programme**

- 22. Members gave consideration to the Work Programme items scheduled to be considered by this Scrutiny Committee during 2020/21.
- 23. Regarding the proposed joint review of Youth Unemployment, I have attended a briefing, along with Councillor Renton, Chair of Economy and Resources to discuss the position regarding youth unemployment in Darlington and were advised that a piece of work had already been commissioned by the Chief Executive which Seth Pearson, Chief Executive of Darlington Partnership was leading on. This will be brought to a future meeting.

24. We concluded from the briefing that there did not appear to be a lack of opportunity for young people but there was a lack of enthusiasm and motivation among young people to seek employment or an apprenticeship, which could be a consequence of the pandemic.

**Councillor Paul Crudass**  
**Chair of Children and Young People Scrutiny Committee**

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**COUNCIL  
25 NOVEMBER 2021**

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**OVERVIEW OF COMMUNITIES AND LOCAL SERVICES SCRUTINY COMMITTEE**

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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.

**Waste Management**

2. Scrutiny welcomed a PowerPoint presentation from the Assistant Director Community Services updating Members on Waste Management, and in doing so, informed Members that responsible waste management was everyone's business.
3. Reference was made to the Tees Valley Joint Waste Management Strategy 2020-2035 which aims to deliver a high quality, accessible and affordable waste management service and Members were informed of the strategy objectives in relation to waste generation, reuse and recycling and waste recovery and landfill diversion.
4. Scrutiny were provided with details of the services delivered in Darlington and the trends for waste management. We noted in particular the impact of the covid-19 pandemic on the percentage of household waste sent for reuse, recycling or composting, percentage of household waste sent for energy recovery and percentage of municipal waste sent to landfill.
5. We were advised that the Council was in the procurement process for the Tees Valley Energy Recovery Facility (TVERF). The TVERF is designed to take 450K tonnes and have 40-year lifespan. This will provide a secure, sustainable, reliable and affordable solution for residual waste and will help Darlington and other Local Authorities to work towards achieving zero-waste to landfill. In relation to food waste, it is anticipated that separate food waste collections will be introduced weekly from 2024/25.
6. Particular discussion ensued on the transfer of waste to the TVERF, we were assured that the capacity of the existing transfer station was more than adequate to manage the waste collected by this Council and the waste would be transported to Teesside by road.
7. We also noted the work being undertaken by Officers to review best practices in other local authority areas to assist with the introduction of food waste collection in Darlington in 2024/25.

**Darlington Rail Heritage Quarter**

8. Scrutiny also received a presentation from the Assistant Director Community Services updating Members on the Darlington Rail Heritage Quarter (DRHQ).

9. We were provided with details of the social values of the DRHQ and we were informed of the timeline for the works to the DRHQ, with work anticipated to start on site in Quarter 1 2022 and a completion date of Quarter 2/3 in 2024.
10. The presentation provided Members with a number of graphics, including the Goods Shed, plaza and outside spaces, virtual reality experiences and rides, the carriage works and an archive and study centre. We were also informed of the intention for a Darlington/ Stockton themed play area.
11. Members look forward to receiving further updates at a future meeting of this Scrutiny Committee.

### **Management of Grass Verges**

12. Scrutiny Committee received a report updating Members on the progress of the Management of Grass Verges Task and Finish Group which was established to assist the development of a new operational policy in relation to the management of grass verges. Members also gave consideration to the most appropriate way to progress the work required to develop the operational policy.
13. The Task and Finish Group was established following receipt of a report at the meeting of this Scrutiny Committee on 25 February 2021 which set out the current position adopted by the Council in relation to the management of grass verges.
14. An initial meeting of the Task and Finish Group was held on 9 April 2021 where Members agreed to undertake a table top exercise to trial the draft verge damage assessment form, however this planned work did not proceed.
15. As this Scrutiny Committee had agreed to continue with the Task and Finish Group we gave consideration to two options available to Members progress the work required to develop a new operational policy in relation to the management of grass verges.
16. Members agreed that, in order to progress the work required to develop a new operational policy in relation to the management of grass verges, this Scrutiny Committee proceeds with Option 1 – Member led approach, with Officer involvement.
17. A further meeting of the Management of Grass Verges Task and Finish Group was held on 12 November 2021 to progress this work.

### **Work Programme 2021/22**

18. 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.
19. We have agreed that following the All Members Briefing in respect of the Back Lanes Project, that the item on Back Lanes be removed from the work programme for this Scrutiny Committee.

20. In addition, the item on Indoor/Outdoor Market has also been removed from the work programme of this Scrutiny Committee as this falls within the remit of the Economy and Resources Scrutiny Committee.

**Councillor Steven Tait**  
**Chair of Communities and Local Services Scrutiny Committee**

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**COUNCIL  
25 NOVEMBER 2021**

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**OVERVIEW OF ECONOMY AND RESOURCES SCRUTINY COMMITTEE**

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

**Climate Change Action Plan**

2. We received the Climate Change Action Plan which was considered by Cabinet at its meeting held on 5 October 2021.
3. Due to Officer illness on the day of our meeting, we had a separate briefing from the Sustainability and Climate Change Officer on 9 November 2021.
4. We did, however, discuss how we could scrutinise the Action Plan going forward and we felt that it was important for this to be a standing item on future agendas for our Scrutiny Committee, with those Officers having ownership of some of the actions within the Plan being invited to meetings to discuss the progress and be accountable for those actions assigned to them.

**Council Tax Support – Scheme Approval 2022/23**

5. Members will see from elsewhere on this agenda, that Council is being asked to approve the Council Tax Support Scheme 2022/23.
6. Following discussion, we supported the recommendation to Cabinet that up to 100 per cent Council Tax support should continue to be provided for care leavers up to the age of 25 and that up to 80 per cent support for all other working age people should continue.

**Project Position Statement and Capital Programme Monitoring – Quarter 2**

7. We received the quarter 2 information in relation to the capital resource and commitment position of the Council's capital programme. The Council currently has 46 live projects being managed with an overall projected outturn value of £138.692 million.
8. The majority of the Council's projects are running to time, cost and quality expectations but are being monitored given the current pressures on resources in the construction sector nationally.
9. Officers reported that it was now necessary for the drainage works at Ingenium Park, which were going to be undertaken in phases, to be constructed at the same time and we were advised that Cabinet were being requested to approve the transfer of £652,000 which had originally been set aside as contingency for the early phases of Central Park, to cover the delivery of a larger drainage system for future phases of Ingenium Park. In understanding the reasons for the need to complete these works in one phase, we

supported the recommendations to Cabinet and had no further comments to make.

### **Revenue Budget Monitoring – Quarter 2**

10. We received the quarter 2 revenue budget outturn report prior to its consideration by Cabinet.
11. The Council's projected reserves at the end of 2021-21 are £29.536 million, a £4.610 million improvement on the initial 2021-25 MTFP position. Of those projected reserves there is a risk reserve balance of £5.350 million and a commitment to use £15.838 million to support years two to four of the current MTFP, leaving a surplus of £8.348 of unallocated reserves.

**Councillor Mike Renton**  
**Chair Economy and Resources Scrutiny Committee**

**COUNCIL**  
**25 NOVEMBER 2021**

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**OVERVIEW OF HEALTH AND HOUSING SCRUTINY COMMITTEE**

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

**Better Care Fund**

2. Scrutiny welcomed an update report on the progress of the 2021/22 Better Care Fund (BCF) Programme.
3. The BCF is a programme spanning the NHS and Local Government which seeks to join up health and care services, so that people can manage their own health and wellbeing and live independently in their communities for as long as possible. It requires clinical commissioning groups and local government to agree a joint plan which is owned by the Health and Wellbeing Board.
4. We were informed that the 2021/22 BCF Policy Framework was published on 18 August 2021 and that given the ongoing pressures across all systems, there would be minimal changes to the framework.
5. We were advised that planning guidance for the 2021/22 Programme had been delayed, with publication of the guidance and submission requirements confirmed in early October. We were provided with details of the key priority areas of the Darlington Plan 2021/22. Reference was also made to the four national conditions that the Plan must comply with along with the and key metrics that the Plan should focus on.
6. Scrutiny noted the contents of the policy framework for 2021/22 and have agreed to virtually review and provide comment on the draft plan for Darlington.
7. We questioned discharge planning and scenario planning and were assured that scenario planning was being undertaken for all schemes, this included funding implications and impact on services. Members look forward to receiving an update at a future meeting of this Scrutiny Committee.

**Preventing Homelessness and Rough Sleeping Strategy Update**

8. We received an update from the Assistant Director Housing and Revenues on progress against the Preventing Homelessness and Rough Sleeping Strategy, noting that of the 28 actions in the strategy 19 had been completed, seven were progressing and on track to meet timescales but that due to Covid-19 two were progressing but not on to meet the timescale for delivery.

9. Members were also updated on the homeless and housing options service provision during the Covid-19 pandemic, noting the significant increase in demand as a result of the pandemic.
10. Members were pleased to note that despite the significant challenges of the Covid-19 pandemic, everyone in need of emergency accommodation had been provided with somewhere to stay.

### **Health and Safety Compliance in Council Housing**

11. A further update was received from the Assistant Director Housing and Revenues updating Members on the role of the Regulator of Social Housing (RSH), particularly relating to requirements for social housing providers to meet health and safety standards for their tenants. The update also explained how the Council meets those standards, how compliance is currently monitored and proposed how Members would scrutinise performance against those standards.
12. We were provided with details of the three economic and four consumer regulatory standards which social housing providers must comply with, with particular reference made to the Home Standard which sets expectations for social housing providers to provide tenants with good quality accommodation and cost effective repairs and maintenance service.
13. The report provided Members with details of the role of the RSH in monitoring the performance of social housing providers. We noted that whilst the RSH has not yet determined an inspection regime, the Council already has well established and robust processes in place to monitor health and safety compliance in relation to its Council housing stock.
14. Members have agreed to receive annual update reports on health and safety compliance in Council Housing at this Scrutiny Committee.

### **Childhood Obesity Planning Options in relation to Hot Food Takeaways**

15. We received a report updating Members on the available planning powers that could be used to support the Councils objectives of achieving the targets set in the Childhood Healthy Weight Plan for Darlington.
16. The report informed Members that planning could influence the built environment to improve health and reduce obesity and excess weight in local communities and local planning authorities could consider bringing forward, where supported by an evidence base, local planning policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required.
17. We raised concern regarding the obesity problem across the whole population but were informed that the direct link to hot food takeaways and obesity, which was required to change planning policy, had not been demonstrated. We were assured that the Childhood Healthy Weight Plan had a number of actions to ensure Darlington residents were able to

make healthy choices and noted that a system wide approach was required to tackle this issue

### **Childhood Healthy Weight Plan**

18. We also received a report updating Members on the progress made against the Childhood Healthy Weight Plan, which was developed in 2019. We noted that the pandemic had impacted on the delivery of the actions within the plan.
19. The report provided Members with details of the scope and vision of the Childhood Healthy Weight Plan and the key objectives were outlined.
20. Members were informed that five separate Action Task Groups (ATGs) had been established in January 2021 to identify and leverage changes to local environments in which children and young people live play and socialise. We were provided with details of the progress made within each of the five ATGs.

### **Healthwatch Darlington Annual Report 2020 2021**

21. Members welcomed a presentation from the Chief Executive Officer, Healthwatch Darlington on the Healthwatch Darlington Annual Report 2020 2021 and recognised their valuable work.

### **Work Programme 2021/22**

22. 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.
23. We have agreed that the item 'Primary Care (to include GP access to appointments) be brought forward to the next meeting of this Scrutiny Committee.

**Councillor Ian Bell**  
**Chair of the Health and Housing Scrutiny Committee**

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