



DARLINGTON

Borough Council

Cabinet Agenda

5.00 pm

Wednesday, 22 June 2022

Council Chamber, Town Hall, Darlington DL1 5QT

Members and Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting.
2. Declarations of Interest.
3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.
4. To approve the Minutes of the Meeting of this Cabinet held on 3 May 2022 (Pages 5 - 8)
5. Matters Referred to Cabinet –
There are no matters referred back for reconsideration to this meeting
6. Issues Arising from Scrutiny Committee –
There are no issues referred back from the Scrutiny Committees to this Meeting, other than where they have been specifically consulted on an issue and their comments are included in the contents of the relevant report on this agenda.
7. Key Decision - Darlington Station Improvement Project –
Report of the Group Director of Services.
(Pages 9 - 24)
8. Representation on Other Bodies 2022/23 – Report of the Group Director of Operations.
(Pages 25 - 30)
9. Housing Management Policy – Report of the Group Director of Operations.
(Pages 31 - 66)

10. Disabled Facilities Grant 2022/23 – Report of the Director of People.
(Pages 67 - 80)
11. Public Space Protection Order – Darlington Town Centre –
Report of the Group Director of Services.
(Pages 81 - 112)
12. Closed Circuit Television (CCTV) Replacement Camera Programme –
Report of the Group Director of Services.
(Pages 113 - 118)
13. Proposed Humped Speed Table Newton Lane - Objection –
Report of the Group Director of Services.
(Pages 119 - 128)
14. Land at Blackwell - Proposed Development and Parkland Restoration –
Report of the Chief Executive.
(Pages 129 - 136)
15. Membership Changes - To consider any Membership Changes to Other Bodies to which
Cabinet appoints.
16. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are
of an urgent nature and can be discussed at this meeting.
17. Questions.

EXCLUSION OF THE PUBLIC AND PRESS

18. To consider the exclusion of the Public and Press :- –
RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A of the Act.

PART III NOT FOR PUBLICATION



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 14 June 2022

**Town Hall
Darlington.**

Membership

Councillors Clarke, Dulston, Durham, Keir, Marshall, K Nicholson, Renton and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact Lynne Wood, Elections Manager, 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 (e-mail Lynne.Wood@darlington.gov.uk or telephone 01325 405803).

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**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 16 MAY 2022**

CABINET

Tuesday, 3 May 2022

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

INVITEES – Councillors Curry, Harker and Snedker

APOLOGIES – Councillors Tait

ALSO IN ATTENDANCE – Councillors Mrs Culley and McCollom

C127 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

**C128 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON
ITEMS ON THIS CABINET AGENDA.**

No representations were made by Members or members of the public in attendance at the meeting.

**C129 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY, 5 APRIL
2022.**

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

REASON – The represent an accurate record of the meeting.

C130 MATTERS REFERRED TO CABINET

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

C131 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C132 KEY DECISION - ACCESSIBILITY STRATEGY

The Cabinet Member with the Children and Young People Portfolio introduced the report of the Group Director of People (previously circulated) requesting that consideration be given to the reviewed Special Educational Needs (SEND) Accessibility Strategy 2021/24 (also previously circulated).

The submitted report stated that the Council had a statutory duty to prepare an Accessibility

Strategy in relation to schools for which it was the responsible body; the Strategy must be reviewed every three years; and that due to Covid-19 the review took place in Autumn 2021 and concluded in early 2022. The Strategy set out how the Local Authority would work with maintained settings to increase the extent to which disabled children and young people could participate in the school curriculum; improve the physical environment of schools; and to improve the delivery of information to pupils with disabilities and / or learning difficulties.

Particular references were made to the to the Equality Impact Assessment screening that had been undertaken which had not identified any significant impact on people with a protected characteristic; the positive impact the strategy would have on all children with disabilities; the key change to the strategy which was the inclusion of a key priorities section; the financial considerations; the consultation that had been undertaken; and the outcome of that consultation.

In presenting the report the Cabinet Member with the Children and Young People Portfolio stated that academies had also been consulted on the Strategy.

References were made at the meeting to the delay in the review of the Accessibility Strategy; whether the recent review of the SEND provision had any implications on the Strategy; and on the response from the academies to the consultation. The Cabinet Member with the Children and Young People Portfolio responded thereon.

RESOLVED – (a) That the process undertaken to review the Special Education Needs (SEND) Accessibility Strategy, including consultation, as detailed in the submitted report, be noted.

(b) That the Special Education Needs (SEND) Accessibility Strategy, as appended to the submitted report, be agreed.

REASON – The Strategy is required under the Local Authority statutory duty.

C133 RELEASE OF CAPITAL ALLOCATION IN THE MEDIUM TERM FINANCIAL PLAN (MTFP) - CORPORATE LANDLORD CAPITALISED REPAIRS 2022/23

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the release of funding allocated in the Capital Medium Term Financial Plan (MTFP) 2022/23 to 2025/26 to undertake Capitalised Repairs in corporate buildings.

The submitted report stated that £250,000 had been allocated for 2022/23 in the Capital MTFP for Capitalised Repairs; a condition survey of corporate properties had been undertaken that had identified immediate remedial works and future investment requirements; additional survey and servicing data had been acquired and essential works prioritised; detailed the works to be undertaken; outlined the legal and financial implications; and the advice received from the Corporate Landlord and Procurement.

Particular reference was made at the meeting to the breakdown between corporate resources and prudential borrowing to be used to fund the repairs. The Cabinet Member with the Resources Portfolio and the Director of Operations responded thereon.

RESOLVED - That the £250,000 allocated in the Capital Medium Term Financial Plan for Capitalised Repairs, as detailed in the submitted report, be released.

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

C134 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

**DECISIONS DATED –
FRIDAY 6 MAY 2022**

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CABINET
22 JUNE 2022

DARLINGTON STATION IMPROVEMENT PROJECT

Responsible Cabinet Member –
Councillor Jonathan Dulston, Leader of the Council
Councillor Andy Keir, Local Services Portfolio
Councillor Alan Marshall, Economy Portfolio

Responsible Director - Dave Winstanley, Group Director of Services

SUMMARY REPORT

Purpose of the Report

1. To provide an update to Members on the Darlington Station Rail Improvement Project and to seek the necessary approvals for the delivery phase of the project.

Summary

2. The Darlington Station Rail Improvement Project (the Project) has been in development for several years and there have been previous reports to Cabinet outlining the development of the project and the land acquisition strategy.
3. The project has multi-dimensional aspects. It is primarily a strategic transport project that is a fundamental building block in unlocking capacity on the east coast mainline and local rail network delivering the actions in the Tees Valley Rail Strategy. However, it has the potential to deliver numerous priorities including economic, social, and environmental benefits to the Borough, as well as to the Tees Valley region.
4. The project will improve rail capacity for both local and long-distance train services; it will improve facilities at the station and will create two transport interchanges to integrate with other modes of transport. The project will help to deliver the regeneration aspirations of the area including links to the town centre, Central Park, and the regeneration of the former cattle market site.
5. The Council has progressed the design of the scheme and the land assembly through funding from TVCA. Network Rail has progressed design work on the station and rail infrastructure with Department of Transport Funding following the submission of a strong Outline Business Case (OBC). This is a major capital project being delivered in partnership with several organisations and this report outlines the project governance and outlines the agreements required to progress the project. The Final Business Case (FBC) is now being prepared for submission to Government to fund the final scheme and this report seeks Cabinet approval to progress the delivery phase and enter into the necessary agreements required to deliver the project.

Recommendations

6. It is recommended that:

- (a) Cabinet note progress on the project, support the submission of the Full Business Case by TVCA and approve the delivery of the project as outlined in the report.
- (b) Members delegate authority to the Group Director of Services, in consultation with the Leader of the Council and Group Director of Operations, to enter into the following agreements, subject to the matters identified in the report being satisfactorily addressed:
 - (i) A Funding Agreement with TVCA.
 - (ii) Works Contracts for the delivery of the Project.
 - (iii) An Asset Protection Agreement with Network Rail.
 - (iv) A sale agreement to dispose of land on the East side of the current station, in line with paragraph 20(c) of this report, to Network Rail.
 - (v) A Temporary Lease Agreement with LNER to use the former Cattle Market site as a temporary car park.
 - (vi) Station Change Agreement.
 - (vii) Any further agreements relating to the above.
- (c) Members approve the commencement of demolition and enabling works for the Project funded through TVCA ahead of the main contract to ensure the main contract can commence as soon as reasonably practicable upon approval of the Full Business Case.
- (d) Members note that the majority of funding to deliver the scheme will be from the Department for Transport and TVCA, with a contribution from the Towns Fund Programme for the Victoria Road interchange and that Members approve:
 - (i) The release of the funding received from TVCA and DfT to deliver the project, and
 - (ii) The release of £980,000 from the Towns Fund programme.

Reasons

7. The recommendations are supported by the following reason; to deliver a project that contributes to national, regional and local strategic transport and economic objectives that will bring economic, social and environmental benefits to the Borough, as well as to the Tees Valley Region.

Dave Winstanley
Group Director of Services

Background Papers

- (i) Darlington Station Vision (Cabinet 6 February 2017)
- (ii) Darlington Station Improvements (Cabinet 4 February 2021)

S17 Crime and Disorder	The Project seeks to ensure that the station and surrounding areas are accessible and safe for everyone. Measures to reduce and prevent crime have been considered during the design stages.
Health and Wellbeing	Improving connectivity and promoting rail use and active travel options to, from and around the Station are a key objective of the Project.
Carbon Impact and Climate Change	The Darlington Station Improvements Project seeks to enhance access to low carbon transport options and incorporate sustainability in its design and construction.
Diversity	The vision seeks to deliver a scheme that will benefit all station users. Diversity has been considered throughout the design process and continues to be reviewed.
Wards Affected	<p>The Project is located within Bank Top and Lascelles and in Park East wards.</p> <p>Improved train services and improved local connectivity to the station will however have benefits well beyond these wards, benefitting those who live, work and visit the Borough.</p>
Groups Affected	<p>In order to deliver the project several residences and business properties had to be acquired. The Council has undertaken work to support and minimise any negative impacts on these individuals.</p> <p>The new facilities will help all sections of the community.</p>
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	Yes
Urgent Decision	No
Council Plan	The Project makes a significant contribution to “Growing Darlington’s Economy” by improving our transport infrastructure.
Efficiency	The Project will improve access (for both local and long-distance travel), encourages local investment and is being delivered in partnership with Network Rail to maximise the benefits to rail travellers and the community through a single project that aligns to the Council’s Town’s Fund and Central Park investments.
Impact on Looked After Children and Care Leavers	This report has no specific impact on Looked After Children or Care Leavers.

MAIN REPORT

Background and Strategic Case

8. The Tees Valley Strategic Economic Plan (SEP) and Strategic Transport Plan (STP) clearly articulate the need for better transport connections across the City Region, providing businesses and residents with a high-quality public transport network that is frequent, integrated, reliable and offers a real alternative to the private car to provide more sustainable travel choices.
9. The Darlington Station Improvement Project (the Project) is an integral building block in the Tees Valley Rail Strategy and contributes to resolving the capacity issues on the east coast mainline that has an impact on current and future rail services for Darlington and the region.
10. The project will boost the competitiveness of the town and region through improved connectivity across the North, as identified in Transport for the North's (TfN) Strategic Transport Plan, linking key sectors and leading industries with other centres of expertise outside of the Tees Valley.
11. An improved rail network to, from and within the Tees Valley, will also provide more access to global markets, increasing the capacity for growth and creating more jobs for the people. This is particularly important as 70% of major local businesses are internationally owned.
12. The Council Plan – Delivering for Success for Darlington 2020-2023 sets the vision for the borough as “Darlington is a place where people want to live and businesses want to locate, where the economy continues to grow, where people are happy and proud of the borough and where everyone has the opportunity to maximise their potential”. The Project contributes across the Council's Plan Priorities, but specifically:
 - (a) “Growing Darlington's Economy” by directly attracting more jobs, business and improving commercial opportunities. Rail connectivity is key to attracting and retaining business opportunities.
 - (b) “Maximise The Potential of our Young People” by removing barriers to employment and education by improving public transport options.
13. Cabinet and Scrutiny have received previous reports on the project that outlined the components of the scheme, the land acquisition strategy, and the objectives of the scheme. The objectives are summarised below:
 - (a) To align with works by Network Rail that will provide improvements to the local and regional rail network and create a station with greater capacity and a higher quality offer.
 - (b) Providing the opportunity for much-improved bus interchange by the removal of significant existing constraints that currently prevent this.

- (c) Providing much better links to the surrounding pedestrian and cycling networks and improved cycle parking facilities.
- (d) Delivery of the new station shell that is integrated into the new MSCP. Providing a more fit-for-purpose station car park that is much more integrated and consolidated within the Station than the current parking provision.
- (e) Providing a higher quality and more easily accessed new station facility.
- (f) Providing better links between the station and Darlington town centre.
- (g) Providing better links between the station and the adjacent Central Park, a major centre for employment and education.
- (h) Improving the quality of the environment and perceptions of those arriving in Darlington and the potential for regeneration in the surrounding area.
- (i) Increasing the visibility and accessibility of the station from all key approaches.
- (j) Ensuring the new station facility plays a significant role in celebrating the 2025, bicentenary of passenger rail celebrations, complementing the facilities being developed at the Darlington Rail Heritage Quarter.

Project Delivery Arrangements

14. The project has three distinct interlinked areas of activity:

- (a) Operational Railway – the track improvements and new east side platforms (for both local and through services);
- (b) Station Enhancements – the new station building and accessible footbridge, together with internal changes to the existing station;
- (c) East and west of the Station– a new multi-storey car park (MSCP) and multi-modal interchange to the east, the enhancement of the portico and improved interchange to the west, and any amendments to the current approach from Parkgate. More detailed information on the component parts of the project are included at Appendices 1 to 3

15. The project is going to be delivered through a partnership with the Department for Transport, Network Rail, the rail operators, TVCA and Darlington Borough Council. Darlington Borough Council and TVCA are responsible for delivering the new station shell and the improvements to the east and west. The improvements to the existing station and rail aspects are being delivered by Network Rail.

16. Network Rail has engaged Bam Nuttall as a design and build team and Darlington Borough Council has engaged Willmot Dixon through the SCAPE framework as the Design and Build team to deliver the improvements to the east on behalf of TVCA. Darlington Borough Council will also deliver some components of the project internally.

Project Governance Arrangements

17. A significant proportion of the scheme is to be funded by the Department for Transport which means the project must also progress through the Department for Transport and Network Rail governance processes. At Tees Valley level all partners and stakeholders are represented or consulted through the governance structure which consists of:
- (a) **Project Board** – Senior Political representation from TVCA and DBC, Senior DfT, Network Rail, Rail Operator, Transport for the North, TVCA and DBC representation.
 - (b) **Programme Delivery Group (PDG)** – This group is chaired by the Project Lead, the Assistant Director for Transport and Infrastructure at TVCA and is formed of a group of senior officials from each partner authority who provide the strategic direction and are accountable for keeping the project to programme.
 - (c) A number of **Development Steering Groups** report to the Programme Delivery Group and these consist of:
 - (i) Integrated Project Team Meeting – ensuring all components of the project from the rail and interchange elements are progressing to programme and are aligned and coordinated.
 - (ii) Land Assembly, Planning and Consents – ensuring all the necessary approvals are in place and that the land in private ownership has been assembled.
 - (iii) Finance, Legal and Governance – advising on all the contractual arrangements and agreements that need to be in place to deliver the project.
 - (iv) Communications – ensuring the communications on the project are delivered at the right time to the right stakeholders, residents and businesses.

Delivery Approvals and Agreements

18. The overall project budget is currently in the order of magnitude of £114m. The full business case is currently being finalised for submission to the Department for Transport which will finalise the overall project budget and options. The indicative contributions are £80m from the DfT's Rail Network Enhancements Pipeline (RNEP); £33m from TVCA and around £1m from the Towns Fund.
19. Funding has been committed from all parties to progress the project on the strength of the Outline Business Case (OBC) submitted to Government. It is standard practice that funding is released in phases as more certainty on the scheme and costs are developed. The Full Business Case (FBC) is the final stage of the approval process and will seek to secure the remainder of funding for the final scheme. As part of the Full Business Case process the elements of the project identified in **Appendix 1** are all subject to review and value for money checks to establish that they are all required by the funders and that they are elements that they wish to progress. The process will determine the final scope of the scheme. TVCA intend to submit the FBC in early summer 2022 with the outcome expected before mid-September.

20. In anticipation of approval of the Full Business Case and in preparation to commence on site a number of key delivery agreements are required to be progressed to secure the expeditious delivery of the project.

- (a) Most of the funding for this strategic rail project is from national government or TVCA. Darlington Borough Council are delivering elements of the project on behalf of TVCA. A **Funding Agreement** has been in place for the enabling elements of the project, but a new agreement or amendment will need to be entered into for the main delivery phase of the project. The funding agreement will need to ensure that the project costs and risks are covered by the funders. i.e. the Department for Transport and TVCA.
- (b) In delivering elements of the project the Council will need to enter a **Works Contract** for the main works with Willmot Dixon. In doing so, the Council will need to enter into an **Asset Protection Agreement (APA)** with Network Rail. The APA is a standard agreement that all bodies must enter when undertaking work to or close to the railway network. This process does have financial risks that need to be mitigated through the agreement structure.
- (c) The Council and TVCA have acquired land to deliver a strategic rail facility. The transport interchange on the east side and the MSCP will be a rail station facility and be managed by LNER under the current station lease. A **Land Transfer Agreement** is required to set out how land on the East side is transferred to the freeholder Network Rail (NR) and is subsequently developed by the Council and also to ensure that LNER (or their successor) are able to continue their lease and management of the facility post completion.
- (d) Any change to the rail infrastructure requires the **Station Change** process to be followed. Finalisation of who leads on the various elements of station change in the project is being determined and as deliverer of the works to the East, the Council maybe a lead on certain elements for the Station Change process. This means the Council will take responsibility for delivering the agreed scheme to the satisfaction of the Department for Transport. The Council's design will be signed off by Network Rail in advance of works commencing, so as to ensure that it meets the applicable rail industry requirements. This process does have financial risks that need to be mitigated through the agreement structure.

21. This report seeks approval for the Group Director of Services in consultation with the Leader of the Council and Group Director of Operations to be authorised to enter into these agreements.

22. In entering into all these contracts and agreements the Council is committing to the conditions of the contracts and the agreement with the parties. These agreements and contracts have financial implications for the Council, which is why, prior to any commitment, the Council must have the funding agreement or side agreements in place to ensure any financial implications within these arrangements are borne or underwritten by the project and the main funders.

23. Ahead of the main works there is the requirement to undertake enabling works and some demolitions. Land acquisitions have been progressing and demolitions of key properties are scheduled to commence from this summer to facilitate a start on site later in 2022.
24. Cabinet previously agreed to the former Cattle Market site being made available for temporary parking during the construction period and the original funding agreement allowed draw down of funds from TVCA for these works. Planning approvals have been secured and the temporary works are scheduled to commence Summer 2022 to facilitate the start on the East side Interchange later in 2022. Approval is sought to enter into a **Temporary Lease Agreement** with LNER for use of the site as a station car park under the control of LNER (or its successor). The Council's Park Lane Car Park will continue to be operated as a Council Car Park.
25. The former cattle market site will be returned to the Council following handover of the new MSCP. Work will commence on options for the future use of the former Cattle Market between now and completion of the station Project and as this is scoped it will involve consultation and Ward Members. The future use of the Cattle Market will be subject to future reports to Cabinet.

Progress on Land Assembly, Compulsory Purchase and Approvals

26. The Council has secured planning approval and Listed Building Consent (LBC) for the demolition of properties and the construction of the new rail facilities on the east and west of the station and for the temporary car park on the former cattle market site.
27. Since February 2020, the Council and TVCA have been seeking to acquire all land and properties that occupy land on the East and West development sites required for the Project. The priority has been to do this by agreement, but at the same time a CPO (Compulsory Purchase Order) has been progressed in the event that one or more properties could not be acquired by agreement. Currently, agreement or provisional agreement has been reached to acquire most property interests and there are only seven known owners where provisional agreement has not been reached although there are also a number of unknown ownerships. Whilst negotiations continue and support continues to be offered to all of those affected, some may have to be acquired through the CPO.
28. In parallel, the Council has proceeded with the legal process to Stop Up those roads within the area to the east, which will be replaced or built upon to form part of the new station facilities.
29. As part of the CPO and Stopping Up processes, a Public Inquiry was held between 18 and 21 January 2022 where the Planning Inspectorate considered the Council's case to acquire properties and close roads. On 28 February 2022, the Inspector confirmed the CPO to be valid and so the Council is now able to complete all required acquisitions and remove roads in order to deliver the Project.
30. The next stage of the CPO is for the Council to implement the General Vesting Declaration procedure. A Notice of Making of the General Vesting Declaration has been served on most of the plots under the CPO to ensure the acquisition can take place of any remaining ownerships or unknown interests not acquired by agreement. This also gives the Council the ability to override any third party rights affecting the land. All owners and other

interests have been kept informed at each stage of the CPO process and are now notified by the serving of the Notice of Making that their property will become vested in the Council (owned by the Council) on 31st August 2022. Whilst this is the end of an 18 month process involving these interests and the Council, it can be a difficult and upsetting event for some and so the Council will continue to offer assistance to any affected parties up to and potentially beyond the vesting date. This is in the form of payment of compensation which includes professional fees for advising on and identifying alternative accommodation and assistance with moving, for example.

Key Dates

31. The following table shows the key project dates subject to Cabinet and Full Business Case approval:

Activity	Organisation	Current Programme dates
Enabling Works		
Cattle Market Temporary Car Park	DBC	June to September 2022
Demolitions East Side (Neasham Road Side)	DBC	June 2022 potentially to March 2023
Demolitions West side (Victoria Road Side)	DBC	June 2022 potentially to January 2023
Main Project		
Station East Interchange (Neasham Road Side)	DBC	September 2022 to June 2024
Neasham Road Improvements and junction works	DBC	Currently proposed to be between May 2024 and September 2024
Station West Interchange (Victoria Road Side)	DBC	Dependant on other Council and Network Rail project works, but not likely to begin before September 2022.
Rail Track, New Platforms and Station enhancement	Network Rail	Not before September 2022, and completed no later than December 2024
New Train services in Operation	Train Operators	From January 2025

Financial Implications

32. The Council has already invested monies secured from TVCA to develop the Project to its current stage on behalf of TVCA by undertaking the design phase and also by acquiring a number of the required properties.
33. Cabinet is asked to support the securing of additional funds from TVCA, DfT and the Towns Fund to allow the project to be delivered in full and in partnership with NR's elements of the overall Station Project.
34. The land to the east will be transferred to NR as freehold so the Council will have no maintenance costs associated with this development.
35. The land to the west will be/continue to be adopted highway and will be managed as part of the Council's highways assets.

Legal Implications

36. The Council will enter funding agreements with each of the relevant funders and sign up to their respective conditions of grant.
37. The Council will enter into agreements with NR governing the delivery of the East side development, its future ownership and management; and with LNER to provide a lease for a temporary car park.
38. In exercising the delegated authorities requested to be approved in this report legal advice will be obtained in relation to mitigation of the risks outlined in the report prior to entering any agreements.

Valuation Comment

39. In the context of a fully funded strategic transport scheme to provide a significantly improved railway station and meet the aims set out in this report it is considered that, subject to NR/LNER having all maintenance obligations for the completed development, building agreements being in place to facilitate development by the Council and a reservation for surplus passenger parking to be made available to businesses on Central Park, the disposal of the DBC/TVCA jointly owned freehold land to the east side of the Station to NR at a peppercorn represents the best consideration available in line with the provisions of S.123 of the Local Government Act 1972.

Procurement Advice

40. The procurement of works and services are designated as strategic procurements, which under the Contract Procedure Rules, entails contract award decisions being made through the Procurement Board with Cabinet being updated via the procurement plan reports.

Equalities Considerations

41. The project has been designed in a way to make facilities as inclusive and accessible as possible for all users. The Project teams have engaged with Darlington Association on

Disability (DAD) and NR's Built Environment Accessibility Panel (BEAP) through different stages of design development.

Consultation

42. The Council has engaged in a number of consultation processes throughout the development of the Project and is committed to continuing to engage with partners and stakeholders and taking account of concerns and recommendations received. Events and activities undertaken include:

- (a) An initial public consultation drop-in and online opportunity took place in March 2017 seeking all views on the proposal to upgrade facilities. This was followed by providing a room in the station displaying project information and where views could be left.
- (b) A project webpage has been maintained since the feasibility work was undertaken and is updated periodically.
- (c) Updates are periodically provided in the press and in the Council's One Darlington magazine.
- (d) Extensive consultation has been undertaken since February 2020 with those with property interests on the west and east sides and support offered to them to understand the CPO process and where appropriate, to help them in acquiring alternative premises. Public information has also been displayed at key stages of the process on site and when appropriate, for viewing at the Dolphin Centre.
- (e) The Council has engaged with Darlington Association on Disability (DAD) and NR's Built Environment Accessibility Panel (BEAP) through different stages of design development.
- (f) The project has been developed and designed in partnership and consultation with a large number of stakeholders in the region and nationally to ensure it has appropriate political, technical and financial support and remains fit for purpose.
- (g) The plans for the east side were consulted upon online with letterbox drops undertaken in May 2021 with formal planning consultations following in June and July 2021.
- (h) The plans for the west side were consulted upon online with letterbox drops undertaken in May 2021 with formal planning consultations following in June and July 2021.
- (i) The plans for the temporary car park were consulted upon online with letterbox drops undertaken in November 2021 with formal planning consultations following in December and January 2021/22.

The component parts of the Darlington Station Improvement Project

There are several elements to the overall site. Attached at **Appendix 2** and **Appendix 3**, respectively, are the east and west site layouts and the information below provides further detail on each element:

The Eastern Transport Interchange and new station:

- (a) A new station building with platforms serving local and national lines removing the need for trains to cross the ECML to serve Darlington.
- (b) A multi-storey car park
- (c) Transport interchange and cycle facilities
- (d) Landscaped pedestrianised areas
- (e) New footbridge into the existing station building
- (f) Traffic improvements to Neasham Road

The Western Transport Interchange:

- (a) New road layout to improve pedestrian safety
- (b) Drop off points and a redesign of the portico station car park
- (c) A pedestrianised concourse in front of the building entrance.

Enabling Works on Former Cattle Market and Surrounding Roads:

- (a) The former cattle market site will be converted into a temporary station car park, managed by LNER for the duration of the improvement works.
- (b) Temporary signage will be erected in the local area to direct vehicular and foot traffic on where to park and how to access the station whilst work is ongoing.

As stated, the Council's Station Improvement Project is being developed and delivered in partnership with Network Rail's, Rail Enhancement elements of the project. Namely:

- (a) A new platform and tracks will be constructed next to the new station building, serving trains running to London and the south;
- (b) Additional platforms and tracks will be constructed to serve trains running to and from Middlesbrough and Saltburn (services to/from Bishop Auckland will continue to/from Platform 4);
- (c) A new bridge will be constructed linking the new and existing station buildings;
- (d) Improvements will be made to the existing station, providing better access to the new station through the exiting station and to the portico;
- (e) Additional improvements to the portico and Parkgate ramp are also being designed.

Illustrations of the East side Station Developments

- 1. Site Plan of new east side station and interchange located on current station car park



- 2. View of the new station from Central Park towards the new main entrance and concourse



3. View from Neasham Road showing the entrance to the MSCP



1. Site Plan showing the new alignment of Park Lane and interchange facilities



2. Image from Cattlemarket (Park Lane)



3. Image From Victoria Road



CABINET
22 JUNE 2022

REPRESENTATION ON OTHER BODIES 2022/23

Responsible Cabinet Member
Councillor Dulston, Leader of the Council

Responsible Director
Elizabeth Davison, Group Director of Operations

SUMMARY REPORT

Purpose of the Report

1. To consider this Council's representation on other bodies for the 2022/23 Municipal Year, to which Cabinet appoints.

Recommendation

2. It is recommended that the appointments to the other bodies, as detailed in paragraph 6 of the main report, for the 2022/23 Municipal Year, be approved.

Reasons

3. The recommendation is supported to comply with the nominations received from the Political Groups.

Elizabeth Davison
Group Director of Operations

Background Papers

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

Lynne Wood : Extension 5803

S17 Crime and Disorder	The report contributes to the prevention of crime and disorder, in a number of ways, through the involvement of local elected representatives in a number of outside bodies.
Health and Well Being	The appointment of local elected representatives to various outside bodies will enable the health and well-being of the people of the Borough to be highlighted through the work, policies and decisions of those bodies.
Carbon Impact and Climate Change	The appointment of local elected representatives to a range of key local and national bodies, will enable carbon impact and climate change to be considered in the development of policies and other decisions through those bodies.
Diversity	The report contributes to diversity in a number of ways through the involvement of local elected representatives on a range of key local and national bodies, and the development of policies and other decisions through those bodies.
Wards Affected	This report does not immediately affect any wards within the Borough.
Groups Affected	This report does not have any impact on any particular parts of the community.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	This is a not a key decision.
Urgent Decision	This is not an urgent decision.
Council Plan	The report contributes to the delivery of the objectives of the Council Plan in a number of ways through the involvement of local elected representatives on a range of key local and national bodies, and the development of policies and other decisions through those bodies.
Efficiency	There are no direct efficiencies to the Council from the information contained within this report. There is cost to the Council in attendance to meetings of bodies outside Darlington.
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

4. Listed below are details of nominations made to other bodies which have, for ease of reference, been listed in alphabetical order.
5. In accordance with this Council's Constitution, a number of appointments will / have been made by Annual Council, and listed below are those appointments to be made by Cabinet.
6. The details show nominations received from the Conservative, Labour, Liberal Democrat and Independent Groups for the 2023/23 Municipal Year.

Name of Body or Organisation	Conservative and Independent Group Nomination(s)	Labour, Liberal Democrat and Green Nomination(s)
Association of Rail North Partnership Authorities		
Rail North Ltd.	Councillor Dulston (Leader of the Council)	
Transport for the North	Councillor Dulston (Leader of the Council)	
North East Rail Management Unit	Councillor Dulston (Leader of the Council)	
Community Library (Cockerton) Limited		Councillor Cossins (Cockerton Ward Member)
County Durham and Darlington Foundation Trust – Board of Governors	Councillor Tostevin	-
Creative Darlington	Councillor Keir (Cabinet Member with Local Services Portfolio) and Chair of Communities and Local Services Scrutiny Committee as named substitute	
Crown Street Library Trustee Board	Councillor Dulston (Leader of the Council)	
Darlington Cares	Councillor K Nicholson	
Darlington Railway Museum Trust	Councillor Keir (Cabinet Member with Local Services Portfolio)	-

Name of Body or Organisation	Conservative and Independent Group Nomination(s)	Labour, Liberal Democrat and Green Nomination(s)
Darlington Town Centre Deal Board	Councillor Dulston (Leader of the Council)	
Durham County Pension Fund Committee	Councillor Durham (Cabinet Member with Resources Portfolio) and Chair of Economy and Resources Scrutiny Committee	-
Family Help Organisation		Councillors Curry, Crumbie and Newall
Fostering Panel		Councillor Layton
Maidendale Nature and Fishing Reserve (Associate Member)	Councillor Tait (Ward Member)	
North East Ambulance Service	Councillor K Nicholson (Chair of Health and Well Being Board)	
North East Child Poverty Commission	Councillor Clarke (Cabinet Member with Children and Young People Portfolio)	
North East Regional Employers Organisation	Councillor Durham (Cabinet Member with Resources Portfolio), Chair of Economy and Resources Scrutiny Committee and Vice Chair of Economy and Resources Scrutiny Committee	-
Executive Committee	Councillor Durham (Cabinet Member with Resources Portfolio)	-
North East Strategic Migration Partnership	Councillor Clarke (Cabinet Member with the Children and Young People Portfolio) (Councillor Dulston (Leader of the Council as named substitute))	-
Northern Housing Consortium	Councillor K Nicholson (Cabinet Member with Health and Housing Portfolio)	-
Northumbrian Regional Flood and Coastal Committee		Councillor Snedker

Name of Body or Organisation	Conservative and Independent Group Nomination(s)	Labour, Liberal Democrat and Green Nomination(s)
Poor Moor Fund/Charity	Councillor Marshall (Cabinet Member with Economy Portfolio)	
RELATE North East		Councillors Curry and Layton
Teesside International Airport Limited - Board	Councillor Mrs D Jones (to be appointed as Director) (Councillor Culley as named substitute Director)	-
Teesside International Airport Limited - Consultative Committee	Councillor Keir (Cabinet Member with Local Services Portfolio)	-
Tees Valley Local Access Forum	Chair of Communities and Local Services Scrutiny Committee	-
Tidy North Regional Consultative Committee	Councillor Keir (Cabinet Member with Local Services Portfolio)	-

Outcome of Consultation

7. No consultation, other than with the political groups, was undertaken on the contents of this report.

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CABINET
22 JUNE 2022

HOUSING MANAGEMENT POLICY

Responsible Cabinet Member
Councillor Kevin Nicholson, Health and Housing Portfolio

Responsible Director
Elizabeth Davison, Group Director of Operations

SUMMARY REPORT

Purpose of the Report

1. To approve the Housing Management Policy 2022-2026.

Summary

2. Darlington Borough Council provides over 5,300 high quality homes for local residents. To enable us to manage these properties effectively, we need to maximise rental and service charge income from Council tenants to ensure we are able to provide them with a comprehensive range of good quality housing management and support services.
3. The Housing Management Policy 2022-2026 at **Appendix 1** sets out how we will do this and is divided into 2 main sections:
 - (a) Income Management – how we collect rent and service charges and how we will recover arrears and debts from current and former Council tenants.
 - (b) Tenancy Management – how we manage our properties and how we make decisions across a range of issues such as, garage tenancies, mutual exchanges, abandoned properties, lodgers and sub-letting, disability adaptations and mobility scooters.
4. The Tenants Panel has been consulted on the draft policy and the outcome of this consultation is given at paragraph 12. However, the proposals have received overwhelming support.
5. This report was considered by Health and Housing Scrutiny on 27 April 2022, who agreed its onward submission for approval by Cabinet.

Recommendation

6. It is recommended that Cabinet:
 - (a) Consider the contents of this report.

- (b) Approve the Housing Management Policy 2022-2026.

Reasons

7. The recommendations are supported by the following reasons:
- (a) The Social Housing Regulator's Consumer Standards places a duty on social housing landlords to provide their tenants with quality, cost-effective accommodation.
 - (b) The adoption of a formal Housing Management Policy is one of the ways to demonstrate how we will achieve this.

Elizabeth Davison
Group Director of Operations

Background Papers

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

Anthony Sandys: Extension 6926

S17 Crime and Disorder	There is no impact on the Council's Crime and Disorder responsibilities as a result of this report
Health and Wellbeing	Well managed Council homes will have a positive impact on the health and well-being of Council tenants
Carbon Impact and Climate Change	There are no implications on Carbon Impact and Climate Change as a result of this report
Diversity	This policy supports the promotion of diversity
Wards Affected	All wards with Council housing
Groups Affected	Council tenants and leaseholders
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	This report supports the Council plan to maximise rental and service charge income from Council tenants to ensure we are able to provide them with a comprehensive range of good quality housing management and support services
Efficiency	There are no implications
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. Darlington Borough Council provides over 5,300 high quality homes for local residents. To enable us to manage these properties effectively, we need to maximise rental and service charge income from Council tenants to ensure we are able to provide them with a comprehensive range of good quality housing management and support services.
9. The Housing Management Policy 2022-2026 at Appendix 1 sets out how we will do this and is divided into 2 main sections.

Income Management

10. This section covers how we collect rent and service charges and how we will recover arrears and debts from current and former Council tenants, including:
 - (a) The payment options available to Council tenants, garage tenants and leaseholders to pay their rent and service charges.
 - (b) The support available to tenants and leaseholders to pay their rent and service charges and to apply for welfare benefits, through our Tenancy Sustainment Team.
 - (c) The recovery and management of rent arrears and debts, up to including legal action and, where appropriate, seeking possession of the property.
 - (d) The processes for the write-off of unrecoverable debt and the refund of credits.
 - (e) The circumstances where the Council will consider paying compensation, including mandatory compensation through law, quantifiable loss payments and discretionary compensation payments. Details of the amounts payable are given at appendix 1 of the policy.

Tenancy Management

11. This section covers how we manage our properties and how we make decisions across a range of issues, including:
 - (a) How we apply a local lettings policy in certain circumstances, to ensure we make the best use of our housing and improve communities.
 - (b) The processes for the letting and management of our garage tenancies.
 - (c) Our approach and processes in relation to tenancy fraud, hoarding, lodgers and sub-letting.
 - (d) The criteria and processes for mutual exchanges, successions of tenancies and assignment of tenancies.

- (e) The processes for the removal or addition of person(s) to a tenancy, overcrowding and under-occupation, ending a tenancy and the death of a tenant.
- (f) The processes for identifying and dealing with abandoned properties.
- (g) Our approach and processes in relation to responsive repairs, dealing with damp and condensation, and undertaking home visits and property inspections.
- (h) Our approach and processes to a tenant's request to keep pets in their home.
- (i) Our approach and processes in relation to tenants undertaking home improvements, the decoration of properties, requests for aids and adaptations to a property to meet disability needs, the storage and charging of mobility scooters and the availability of the garden tidy scheme.
- (j) Details of our Housing Plus service, which provides intensive housing management to help tenants who may otherwise struggle to maintain their tenancy.
- (k) The processes for dealing with void properties to ensure they are promptly inspected, repaired to an agreed standard and re-let as soon as possible.

Outcome of Consultation

12. The Tenants Panel were consulted in March 2022 and overall, the Panel supported the proposed Housing Management Policy. Examples of the Panel's comments were as follows:

- (a) "I think, although it is a large document, the level of details that has gone into is needed and it explains everything perfectly. Naturally I looked for things that would affect me the most, which is what I think most tenants will do rather than read the whole document. Everything is concise and makes sense to a casual reader. I like that it is all together rather than split over a number of documents and I think that will be preferred."
- (b) "I believe that the document was a little long-winded in place. I understand the need to explain everything but I feel that people would lose interest with such a big document."
- (c) "In general, I thought the document was quite an enjoyable read. Although the document was lengthy, I believe that it was necessary. It may put a few people off because of the size but once the final version has been published, I think it will be a lot more attractive."
- (d) "Although I found it easy to read, there may be people that don't. As this will be a legal document it is completely understandable in the way that it is read but would there be an option for a 'dumber down simple version' that could be posted on social media / website? All in all, I think it is a well thought out, explanatory document."



DARLINGTON
Borough Council

Housing Services Housing Management Policy 2022 – 2026



Introduction

Our aim is to ensure effective, efficient, and accountable management of our properties and tenancies. By providing robust and consistent management, we hope to build vibrant and resilient communities.

This Policy has been designed to be an effective tool to enable efficient management of our housing stock, not only within the context of the legal framework but also with reference to the economic and social issues that are faced by many of our tenants. This policy has been developed to incorporate best practice and strives for continuous improvements.

Policy Aims

- To deliver an efficient and effective approach to housing management.
- To provide an accessible and accountable tenancy management service review.
- To deliver a fair and consistent approach that reflects a commitment to creating sustainable tenancies and which balances enforcement, prevention, and support.
- To ensure that a value for money approach is embedded.
- To continually strive to understand and improve our performance.
- To ensure staff and tenants are aware of the policy and understand its aims.
- To ensure income is maximised for Housing Services and our tenants.
- To comply with legal requirements and the Council's financial and regulatory procedures.

Relevant legislation

The key areas of legislation, reference and statutory guidance material in this policy are:

- Housing Act 1985
- Housing Act 1988
- Housing Act 1996
- Anti-Social Behaviour, Crime and Policing Act 2014
- Localism Act 2011
- Welfare Reform Act 2012
- Protection from Eviction Act 1977
- Data Protection Act 2018)
- Equality Act 2010
- Darlington Borough Council's Code of Practice – Sundry Debtors
- Sales Ledger Procedural Documentation
- General Data Protection Regulations (GDPR)
- Financial Regulations
- Complaints Policy
- Pre-action protocol for Possession Claims by Social Landlords
- Coronavirus Act 2020
- The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020
- Matrimonial Causes Act 1973
- Matrimonial and Family Proceedings Act 1984
- Civil Partnership Act 2004
- Prevention of Social Housing Fraud Act 2013
- National Disability Strategy 2021
- The Charter for Social Housing Tenants – Social Housing White Paper 2021
- Building Safety Bill
- Fire Safety Act 2021
- Microchipping of Dogs (England) Regulations 2015
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
- Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- Homelessness code of guidance for local authorities
- Domestic Abuse Act 2021
- Providing social housing for local people (statutory guidance)
- Land Compensation Act 1973 (as amended)
- Home Loss Payments (Prescribed Amounts) Regulations 2018
- Right to Repair – Commonhold and leasehold Reform Act 2002
- Landlord and Tenant Act 1985
- Housing Act 2004 – Housing Health & Safety Rating System
- Homeless Prevention Act 2017
- Care Act 2014



Policy Scope

This policy applies to all domestic properties managed by Darlington Borough Council. This includes garages and leasehold properties and focusses on managing a tenancy, in terms of tenant's rights and ensuring that tenants are aware of their responsibilities and adhere to them.

The policy covers the following areas:

- Income management:
 - Recovery and management of debt from former and current tenants and leaseholders
 - Approach to income management and support
 - Legal action
 - Debit/Credit write-off
 - Hierarchy of debt
 - Refunds of account credits
 - Compensation
 - **Tenancy management:**
 - Allocation of properties including local lettings, new build, and rural properties
 - Garages
 - Tenancy fraud
 - Succession of tenancy
 - Assignment of tenancy
 - Mutual exchange
 - Addition or removal of person(s) from a tenancy
 - Abandoned properties
 - Lodgers and sub-letting
 - Overcrowding and under-occupation
 - Ending a tenancy
 - Death of a tenant
 - Repairs
 - Home visits and inspections
- Damp and condensation
 - Pets
 - Hoarding
 - Improvements
 - Adaptations
 - Mobility scooters
 - Garden tidy scheme
 - Decoration of properties
 - Housing Plus
 - Void management



Performance

We will continually strive to understand and improve performance. There is an effective performance management framework in place to report, evaluate and review performance. Targets will be challenging, subject to regular review and will contribute to ongoing improvement. We will benchmark our

performance with other housing providers both locally and nationally and use our website to show our performance and through our annual plan.

We will publish our performance online, through the Housing Connect magazine and our Annual Report.

Tenant involvement

Tenants are at the heart of our service. Our Customer Engagement Strategy sets out how our tenants are involved in our policy and decision making, as well as suggesting improvements and better ways of working. We want them to challenge us and help us to meet our community's needs.

We will offer all our tenants the opportunity to be part of our Tenants Panel and will offer appropriate training to assist our tenants to become involved in our service.

We will consult with our tenants to help us to improve our service. We will carry out surveys online, via social media, through the post or by telephone. We will provide feedback on suggestions and surveys.

We will use any complaints as opportunities for learning and will review processes and policies where we recognise we need to improve.



Income Management

Recovery and management of debts from former and current Tenants and leaseholders.

We will provide an accessible and accountable service to assist tenants in various ways to pay their rent and any money owed to us. This will include direct debit, standing order, card payment via telephone, online and cash payments via rent card. We will offer a range of support from specialist teams to assist our tenants who may find themselves in hardship. This will include money advice, budgeting support, Housing Benefit (HB) advice and Universal Credit (UC) support.

Tenants will be informed of changes to rent and other charges at least 4 weeks before these

changes become effective. They will be informed annually on how much their rent and charges will be and for how many weeks this will be charged.

Tenants will also be informed of changes to rent and other charges for garages at least one week before the changes become effective.

On termination of a tenancy, the outgoing tenant will be advised of any rent arrears and other outstanding charges and settlement will be required.

Rent statements will be available online via the self-service portal or can be provided at any time.

Approach to Income Management and Support

Current Tenants

The aim of current rent recovery is to maximise rental income by preventing and controlling rent arrears.

We are committed to help our tenants to maintain a tenancy through prevention, support and debt recovery and will make all reasonable attempts to recover debts and provide practical advice and assistance to tenants facing difficulties with their rent payments.

To prevent arrears and instil a 'rent-first' culture, we will offer robust pre-allocation, affordability and vulnerability checks and procedures at sign-up stage to clarify a tenant's responsibilities including:

- Rent and other payments are being made consistently and regularly.
- Rent is payable weekly, preferably in advance.
- HB or UC is in payment.
- An assessment of the tenant's income and a calculation of benefit entitlement.

- Highlighting that whilst support will be provided, non-payment of rent is taken very seriously, and could lead to tenants losing their home.

Where required, applications for a tenant's housing costs to be paid directly to the landlord will be made via an Alternative Payment Arrangement and, for arrears, payments to be collected via Third Party Deductions in line with Department for Work and Pensions (DWP) guidelines.

The introduction of UC means new relationships with a range of external partner agencies and new support services has been identified, strengthened, and developed as these changes have been implemented.

We will provide a range of support services, both in-house and through partnership working, which cover money and financial inclusion advice. The approach taken to debt recovery will be proportionate and flexible, considering individual circumstances and vulnerabilities.

We will encourage our tenants to use the Darlington Home Online service to access their account and we will provide support to those who are unable to access online services for whatever reason.

Prior to legal action, we will try to contact the tenant in a range of ways, but not restricted to; text messaging, email, telephone, letters, and visits to their home. Tenancy Sustainment Officers will also try to engage with tenants to provide advice and support. If tenants fail to engage, we will seek legal action to recover any debt owed.

Former tenancies

The recovery of former tenant debt is undertaken through the specialised Housing Income Management Team. This approach aims to ensure that recovery action takes account of the individual's whole indebtedness to Housing Services.

Recovery action will be firm but fair and will involve correspondence, telephone, text, email and personal contact where appropriate. Tracing agencies will be

We will work closely with relevant debt agencies and the Insolvency Service when a tenant has applied for the Debt Respite Scheme (Breathing Space), Debt Relief Order, Bankruptcy, or Individual Voluntary Arrangements. We will ensure we meet our responsibilities and where appropriate stop all recovery action related to that debt and apply the relevant protections. In the case of Breathing Space, we will suspend any recovery action during the Breathing Space period. For current tenancies, the tenant must continue to pay any ongoing rent liability or an application to end the Breathing Space will be made.

employed to establish the whereabouts of debtors, where this is not known.

Legal action will be taken to recover former tenant debts owed to the Council where appropriate.

External debt collection agencies will be used for recovery of non-payment.

Leaseholders

Leaseholders are charged annually for the costs incurred by the Council in repairing, maintaining and improving services and structures that are shared, in common with other occupiers in the building.

Recovery action will be taken for non-payment of charges, breach of lease obligations and payment arrangements.

We may apply for a charging order to be placed upon a leasehold property or forfeiture of lease for non-payment.

Garages

Garage tenants are charged rent weekly. Garage rents are VAT exempt for Council tenants unless they rent more than 2 garages.

Recovery action will be taken for non-payment of charges, breach of lease obligations and payment arrangements.

We will deal quickly and effectively on accounts for non-payment of garage rent with evictions being carried out where rent has not been paid regularly and arrears remain.



Sundry Debts

The recovery of sundry debts is undertaken by the Housing Income Management Team in line with Darlington Borough Council's Code of Practice – Sundry Debtors.

Housing Accounts Officers will ensure that invoices are raised promptly following the supply of goods

or services, making agreements to pay, recording payments made and producing reminders to pay.

External debt collection agencies will be used for recovery of outstanding debts, or they may be referred to Legal Services.

Rechargeable Repairs

Housing Services have an agreed rechargeable repair procedure in determining when a recharge should be applied.

The circumstances leading to the need for repair following damage to property are varied, such as:

- When the Police have obtained a warrant to enter a Council property, where access has been refused and or if charges are brought against the tenant or household by the Police, the recharge will be brought against the tenant.
- In cases of alleged criminal damage to a property, the tenant will be recharged unless they can produce evidence that the matter has been reported to the Police and logged as a crime.
- Tenants who vacate their properties leaving items that must be removed will be recharged the cost of removal and where necessary cleaning and disposal including overgrown gardens and unofficial alterations.
- Tenants who misuse the repairs call-out service will be invoiced for the cost of the call-out service. Similarly, Tenants reporting similar repairs for repetitive damage and abuse of the property will lead to action under the tenancy conditions.

Rechargeable repairs for a current tenant will be added to their rent account. Recharges for former tenancies will be included in any other outstanding balance.

Legal Action

We will always seek to assist the tenant and will seek legal action only as a last resort. In the event of all efforts being exhausted, recovery action will be taken, which will include applying to the court for possession of the property, a charging order being placed upon a leasehold property or forfeiture of lease. In the case of ongoing, unpaid garage rent, a legal notice will be served to the garage tenant's last known address and possession taken 7 days later. Any items left within the garage would be stored for a month in line with legislation and disposed of, as appropriate.

Where possession action is required due to arrears on an Introductory Tenancy, we will issue a Notice of

Possession Proceedings. Tenants will have the right of appeal. Introductory Tenancies may be extended by a maximum of six months if we have concerns about the tenancy. These concerns will include but are not restricted to; rent arrears or anti-social behaviour.

For tenants who are made subject to a bankruptcy order or Debt Relief Order, consideration will be given to seeking possession of the property as, although the debt may not be recovered, it remains a breach of tenancy as rent remains unpaid.

Debit/Credit Write-off

The Council has agreed procedures for determining whether and when debts are written-off. Under the current arrangements, the Director of Operations Group is authorised to write-off debts below £500. For debts above £500, Cabinet approval is required.

Write-offs will be authorised on an annual basis.

The Housing Income Management Team will routinely assess all debts for the likelihood of payment and consider the individual circumstances of each debt within a consistent framework for decision making.

Former tenant debts, including rechargeable repairs, may be written-off where recovery is uneconomical

to the Council or the tenant's whereabouts remain unknown for over a year. Any debts written-off will be reinstated at any time if recovery is deemed to be appropriate.

Credit balances following tenancy termination checks may be refunded. Any credit balances will be refunded subject to former tenants producing satisfactory identification within the statutory period of limitations.

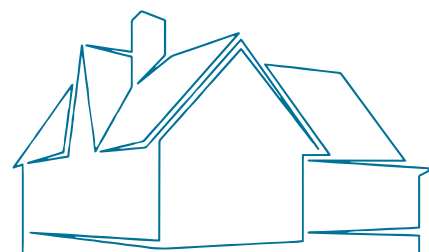
Current rent arrears will only be considered for write-off where the tenant is subject to the Debt Respite Scheme (Breathing Space), Debt Relief Orders, Bankruptcy or Individual Voluntary Arrangements.

Hierarchy of Debt

The range of services provided can sometimes result in a tenant receiving more than one chargeable service owing to Housing Services. In such circumstances the order of debt recovery for current and former tenancies will be:

- Current tenant rent account – dwellings and garages
- Current tenant sub accounts – legal fees, rechargeable repairs, overpayments of HB or UC housing costs
- Former tenant rent arrears – dwellings and garages
- Former tenant sub accounts – legal fees, overpayments of HB or UC housing costs, rechargeable repairs, void, and sanitisation.

The arrangements to pay debts will recognise the multiple types of debt and the allocation of payments made will be in order of the priority as set out above.



Refunds of account credits

Where a tenant has a credit on an account and requests a refund, all other accounts relating to the tenant will be checked before a refund is authorised. Refunds will only be given if the tenant has no other outstanding debts due to Housing Services or Revenues and Benefit Services. If other debts exist, any credits will be transferred to clear or reduce other debts owing to Housing Services using the hierarchy of debt, as shown above.

Where a genuine credit exists, refunds will be actioned in line with our service standards. Refunds will be in the form of a cheque.

Where a credit exists on a former tenant account following tenancy termination, checks will be made for other outstanding debts owed to Darlington

Borough Council and that there is no overpayment of HB or UC housing costs due to be paid back. Any credit due after these checks will be refunded in line with our service standards.

Where no forwarding address is available, or where we are unable to contact former tenants to repay any account credit due, credits will be held on the former account for a maximum of 3 months prior to being recommended for a credit write-on against the bad debt provision.

Where a tenant owes debts to Darlington Borough Council, we will deduct amounts in lieu of payment from any compensation payment, redecoration, disturbance allowance or home loss payment.

Compensation

There may be occasions when tenants may suffer some disadvantage, inconvenience, or loss as a result of our actions or mistakes, and that in some instances compensation may be appropriate.

Through compensation, we aim to provide redress to restore a tenant to the position they were in had a service failure not occurred. There are several remedies available to put a situation right, but we recognise that in some instances financial compensation may be the only and appropriate form of redress.

We will offer compensation payments that are fair and proportionate, and each case will be considered on a case-by-case basis. We will also consider compensation when the damage or any detriment has been caused by a third party (contractor) working on our behalf.

There are 3 categories of compensation payments:

- Mandatory through law (such as home loss or disturbance)
- Quantifiable loss payments (where people can demonstrate actual loss)
- Discretionary payments (for time and trouble/distress and inconvenience)

We will not consider compensation in the following situations:

- Claims for personal injury.
- Claims for damage or service failure caused by circumstances beyond a landlord's control (such as, through storm, flooding or pandemic).
- Problems caused by a third party not working for the landlord.
- Claims that should be covered by a home contents insurance policy; this includes damage through floor or fire to tenants' belongings, furniture, and floor coverings.
- Claims for loss of earnings.
- Where there is impending legal action.
- The loss or damage was caused by a tenant, household member or visitor and includes failure to report a repair promptly or keep an appointment.
- The fault was unforeseeable and/or caused by a third party or we had no control over it, such as a water leak from a neighbouring property.
- Possessions are lost, stolen or damaged through no fault of Housing Services.

- Items which have been unavoidably damaged by improvement works, such as when the installation of central heating has unavoidably left holes in flooring to accommodate pipework.
- Damage was caused by condensation due to lifestyle.
- The damaged items were removed or replaced before we have inspected them.
- Loss of the supply of gas, electricity or water is outside our control.

Mandatory though law

- Home loss payments
- Disturbance payments
- Improvements
- Right to Repair
- Damage to personal belongings, furniture and decoration following negligence

Home Loss Payments

The home loss payment compensates tenants who have lived in their property for a minimum of 12 months and are required to move home permanently because of redevelopment or demolition of their home.

Displacement must be of a permanent nature or where the works are so extensive that the dwelling has lost its original identity, for example, following works the property has more, or less bedrooms than prior to the works.

We usually make the payment after the date a tenant moves out, however in some circumstances we may release monies early to allow a tenant to pay a bond or deposit for new accommodation.

Lodgers or other people living in a property, who are not the named tenant are not eligible for a home loss payment.

The amount of home loss payment is set by the Government each year.

- Tenants should ensure they have sufficient home contents insurance to cover damage to their property. Compensation is not intended as a substitute for home contents insurance.

We will offset any payment of compensation against any rent or service charges arrears owed to us where it is fair to do so.

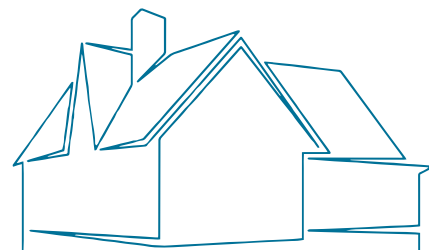
Disturbance payments

Disturbance payments are made to compensate a tenant for moving to another property temporarily or to people who have lived at the property for less than 12 months and are required to move home permanently.

The situations in which a disturbance payment can be made are broadly the same as those for home loss payments. Lodgers and other persons living in the property who are not the named tenant are not entitled to a disturbance payment.

Disturbance payments cover reasonable expenses incurred by the entitled person during moving. We will consider each claim on a case-by-case basis but in general we would class the following as reasonable expenses:

- Expenses that relate strictly to the move such as, removal firm costs.
- Expenses reasonably incurred as a direct and natural consequence of the displacement such as redecoration, re-connection of landline phones, redirection of post, re-fitting, or replacement of carpeting because carpets from a former dwelling do not fit, removal and refitting of gas or electric cookers and washing machines.



Improvement payments

Tenants may claim compensation for improvements they have carried out to their homes when they are leaving.

Prior permission from us must have been obtained for a 'qualifying' improvement and tenants can claim for the cost of materials and labour costs, but not for appliances or their own labour.

The amount payable can be up to £3,000 though claims under £50 will not be considered.

Payments will be adjusted for undue wear and tear or if any defects to the improvement exist at the end of the tenancy.

Any claims for compensation for improvements must be made in writing between 28 days before the actual end of the tenancy or up to 14 days after the tenancy has ended. Tenants must be able to provide the original receipts or proof of financial transactions to be eligible for the compensation. The improvement must still be in good condition and full working order. A full list of qualifying improvements is available in **Appendix 1**.

Quantifiable loss payments

Examples of quantifiable loss include:

- Increased bills due to electric heaters provided whilst a repair is carried out on a heating system.
- Alternative accommodation costs.

Discretionary payments

Discretionary payments for compensation may be made where there has been a loss of facilities, such as heating or hot water.

Goodwill payments may also be made when there has been a failure of service, which has caused delay or distress.

Examples of discretionary payments include:

- Failure to handle complaints appropriately.
- Unreasonable delays in providing a service, such as delays for repairs.

Right to Repair

The Right to Repair Scheme covers specific repairs which cost less than £250 and should be done within a set time limit. If we do not carry them out within that time, the tenant may be entitled to compensation. A full list of qualifying repairs is available in **Appendix 1**.

Damage to property/belongings

Housing Services has a responsibility to insure our buildings and tenants are responsible for insuring the contents of their home. If damage has occurred to a property which was our fault, the tenant may be able to make a claim to our insurer for compensation.

- Payments towards cleaning or removals where we have failed to meet our obligations.

Any such costs must have been reasonably incurred and tenants will be asked to provide evidence of such loss.

- Failure to provide a service that has been charged for (more than 10 working days) and due to Housing Services failures.
- Temporary loss of amenities (within Housing Services control).
- Failure to meet published response times.
- Loss of use of part of a property.
- Failure to follow policy and procedures.
- Full details of how discretionary payments are decided is available in **Appendix 1**.

Tenancy Management

Allocation of properties including local lettings

Allocations of properties are made with reference to the Tees Valley Common Allocation Policy (external link) to ensure fair and transparent allocations across the Tees Valley Partnership.

We may apply a local lettings policy when appropriate, to ensure we make the best use of our housing and improve communities. To ensure transparency and fairness, some local letting criteria will require the agreement of the appropriate Cabinet Member.

We operate our lettings scheme through an agreed band quota system to allow social mobility and to meet housing need.

Local lettings criteria may include (please note this is not exhaustive):

- **Rural properties** - applicants with a local connection to an area may be awarded a higher priority over those that do not (see Appendix 2 for areas this applies to).
- **Age restricted** - some properties may have an age criterion applied, such as sheltered schemes and adapted ground floor accommodation.
- **New build properties** - additional checks and criteria may be applied to ensure affordability and to ensure balanced communities.
- **Sustainable communities** – some properties may have stricter criteria applied to, for example, where there has been previous anti-social behaviour or criminal activity within the area.
- **Areas of concentration** - where there are areas of over concentration of, for example, children and youths creating the potential for management problems, some properties may be under-occupied, or the age criteria changed, or additional criteria applied at next let. Where this is applied, prior agreement will be sought from the Assistant Director and Cabinet Member for Housing.

It will be made clear on our adverts which properties our local letting policy applies to.

In the following circumstances an applicant may not need to meet the local connection criteria to qualify (not exhaustive):

- Members of the Armed Forces where the application is made within 5 years of discharge (includes bereaved spouses, civil partners and unmarried partners leaving service family accommodation following the death of their partner).
- Persons moving area to escape violence or harm, as well as enabling those who need to return, such as homeless families and care leavers and those who need support to rehabilitate and integrate back into the community.



Garages

We have a number of garages, which both council tenants and other residents living in the private sector can rent. Garage rents are VAT exempt for Council tenants unless they rent more than 2 garages.

Applicants should have no outstanding debt to Housing Services and a maximum of one garage can be rented by a household at any one time. In some exceptional circumstances, we may allow an applicant or household to rent more than one garage but this will be on a case by case basis. Any household that already rents more than one garage will not be expected to return their additional garages until the tenancy is terminated.

If a garage is situated within the garden of a property, the tenant of that property has first priority when the garage becomes empty, if they have an active garage application at the time of notice being given on the garage.

Those applicants that do not rent a garage from us will have next priority for empty garages over those that do, even if they have had an application registered for longer.

On application, applicants will be expected to provide documents to prove their identity and current address. These may include documents such as (list not exhaustive):

- Proof of current address.
- Photo ID.
- National Insurance Number (NINO).
- Valid driving licence.
- Proof of date of birth.

Tenancy fraud

We will take appropriate action in relation to possible social housing fraud including:

- Unauthorised sub-letting.
- Non-occupation by the tenant.
- Anyone fraudulently obtaining a social housing tenancy or garage.

We will use these personal identifiers to allow us to carry out security checks with tenants, to ensure we do not inadvertently divulge data such as rent arrears to incorrect person(s).

Tenants are expected to update us if they change their address to ensure we hold accurate records.

Garages should not be used for the following purposes and may be classed as a breach of tenancy:

- To run a business or to trade from.
- The storage of flammable or hazardous equipment.
- Illegal purposes.

We will make all garage offers in writing and will be held for 3 working days. If an applicant fails to respond within this timescale the offer will be retracted.

We will cancel any garage application after 3 no responses to offers.

Garage tenancies are a legal contract and must be ended in writing.

We require one week's written notice and all keys should be returned upon termination as agreed by us. Garages should be left clean and tidy and empty of personal belongings and items. Tenants will be recharged for any removal costs or repair costs which are not due to fair wear and tear. Any items left within the garage will be stored for a month in line with legislation, disposed of and tenants recharged.

- Anyone wrongly claiming succession or unauthorised assignment of a tenancy.
- Key-selling – where a tenant passes the keys for a property on to someone else in return for a payment or favour.

We will request personal information that is relevant and adequate to ensure we can carry out appropriate ID and security checks before, during and after a tenancy.

When we contact tenants, we may use confirmation

of personal identifiers such as date of birth, NINO, normal payment method etc. to ensure we are talking with the right person and to avoid any disclosure of personal information to the wrong person.

Succession of tenancy

Succession allows for a tenancy to be passed on to certain qualifying people when the tenant dies. The Housing Act 1985 provides the legislation for the right to succeed.

The law allows only one statutory succession to each tenancy. Consequently, on the death of the tenant there can be no further right of succession where the deceased tenant is classed as a successor. A deceased tenant is classed as a successor where:

- They became the tenant by succession.
- The tenancy was assigned to them as a potential successor.
- They previously exchanged from another property and had been a successor there.
- They became the tenant under a court order and the previous tenant was a successor.

Where a joint tenant dies, the tenancy passes to the surviving joint tenant/s automatically, regardless of the relationship between the joint tenants. This is called survivorship and counts as one succession. There can be no further statutory succession.

If a deceased tenant is not classed as a successor, an applicant will qualify to succeed to the tenancy if they were occupying the property as their main home at the date of the death and either:

- They are the tenant's wife, husband, civil partner, or partner (this includes same sex couples) provided he or she lived with the tenant in the home as their principal home prior to the death of the tenant; or
- They are another member of the tenant's family and they have lived with the tenant as a permanent resident for the preceding 12 months. Members of the family means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, or niece.

Statutory succession overrides any other claims to the tenancy (such as, under the deceased tenant's will).

Where there is more than one person qualified to succeed, the tenant's spouse or civil partner is to have priority. If there are two or more family members entitled to succeed, then they must agree between them which one is to be the successor. If they cannot agree, a management decision will be made as to whom the tenancy should pass to.

A person who succeeds to a tenancy is granted a continuation of the existing tenancy, not a new one.

There may be circumstances where a property would be more suitable for other individuals rather than a successor, for example if the successor is significantly under or over occupying, or the property is adapted for a disabled person. In such circumstances, we may look to rehouse the successor into a more suitable property. The successor would be considered for a direct match to an available and suitable property.

If the successor refuses to move voluntarily then we may serve a notice on the successor between 6 and 12 months after the previous tenant's death.

If no succession right exists, we may consider the granting of a discretionary tenancy of the current property. This will be an introductory tenancy and will be let in accordance with the Tees Valley Common Allocation Policy.

We will consider each case on its merits following receipt of a written request to remain in the property, which must be received no later than two months after the tenant's death.



Assignment of tenancy

Assignment (passing on a tenancy) is only possible for secure tenancies in the following circumstances (as set out in the tenancy agreement):

- As a mutual exchange.
- Where a court orders it as part of divorce or judicial separation proceedings on a termination of a civil partnership under the Matrimonial Causes Act 1973, Matrimonial and Family Proceedings Act 1984 or the Civil Partnership Act 2004.

- Where a court orders it in exceptional circumstances.
- To a potential successor, for example, someone who would have had the right to succeed to the tenancy on the death of the tenant. This is only possible if there has been no previous assignment or succession.

Assignment is not possible under any other circumstances and is not applicable to introductory tenancies.

Mutual Exchange

Requests for a mutual exchange can be accepted from any public sector tenant who has a secure tenancy. It is not applicable for introductory tenancies.

We will only refuse consent on the same grounds available for secure tenants and outlined in Schedule 3 of the Housing Act 1985. Where the tenant is in breach of their tenancy, including being in rent arrears, we can impose a condition requiring the breach to be put right. If a condition is imposed, the exchange cannot take place until the breach has been remedied.

We will give or refuse consent within timescales as dictated by legislation from the date the application is received.

We will carry out comprehensive inspections of Council owned properties where the tenant has requested a mutual exchange.

Permission for an exchange will normally be subject to all the tenancies concerned having been conducted satisfactorily and we will expect that all properties are in a good state of repair and decoration. All monies owed to Housing Services should be repaid in full before the exchange is agreed. Any alterations made to the property by the outgoing tenant will become the responsibility of the new tenant and Housing Services will not be responsible for any repairs that are the tenant's responsibility.

Requests for exchanges will be assessed in line with current Housing legislation and any reasons for refusal will be provided in writing.

When tenants have undertaken a mutual exchange without the consent of Housing Services it is known as an unauthorised mutual exchange.

If an unauthorised mutual exchange has taken place, Housing Services will visit the occupiers immediately and we will advise the occupiers that legal action will be sought by the council if they fail to return to their previous property. Housing Services will also advise on any implications related to welfare benefit claims for the property.

The occupier is responsible for paying full rent on their previous property.

A Notice to Quit (NTQ) will be issued to both parties and the tenants will be given 4 weeks to return to their previous property. If the tenants fail to return to their previous property, we will take legal action and commence possession proceedings.

We will recharge for any costs involved in gaining possession of a property through the Courts and for any associated costs in removals, gaining access and returning a property to a lettable standard.

Addition or removal of person(s) from a tenancy

Sole to joint tenancy

There is no automatic right to the creation of a joint tenancy from an existing sole tenancy.

We will consider a number of conditions before allowing the addition of a joint tenant including (not exhaustive):

- Proposed joint tenant is the existing tenant's husband/wife/civil partner/partner.
- Proposed joint tenant is residing at the property at the time of application.
- Proposed joint tenant has been residing at the property for a period of at least 12 months immediately prior to the application.
- The rent account is up to date.
- Proposed joint tenant must not at any time have been evicted due to anti-social behaviour.
- Proposed tenant must not own a property in the UK or abroad.
- Is the property suitable for the joint tenants' needs in terms of its size and/or adaptations?

If a joint application is made for a transfer, it will be at our discretion whether to convert the sole tenancy into a joint tenancy, considering the above listed conditions.

If we agree to convert a sole tenancy to a joint tenancy, a termination of tenancy notice should be completed by the sole tenant to end their current tenancy. The new joint tenancy will need to be signed by both joint tenants and will start the day after the sole tenancy ends.

The existing sole tenant will be advised about the implications of creating a joint tenancy before it is entered into such as:

- A new tenancy agreement will be signed.
- The type of tenancy may change to a flexible tenancy.
- Rent charges may increase.
- Either party will be able to terminate the tenancy at any time.

Joint to sole tenancy

Either party within a joint tenancy can terminate the tenancy by giving 4 weeks' notice. However, there is no automatic right for the remaining tenant to take over the tenancy as a sole tenant.

A termination notice, in writing, must be provided to us by the outgoing tenant and the proposed date they are leaving the property must be provided.

We will consider a number of conditions before allowing the remaining tenant to take on a new sole tenancy for the property including the following (not exhaustive):

- Proposed sole tenant must be residing at the property at the time of application.
- Proposed sole tenant must have been residing at the property for a period of at least 12 months immediately prior to the application.

- The rent account is up to date and all sundry debts or Housing related debts should be cleared.
- The proposed sole tenant must be able to afford the tenancy (an affordability check will be carried out to confirm this).
- The proposed sole tenant must not at any time have been evicted due to anti-social behaviour or be involved in any current anti-social behaviour complaints.
- The proposed tenant must not own a property in the UK or abroad.
- The property must be suitable for the proposed sole tenant's needs in terms of its size and/or adaptations.



Abandoned properties

Tenants may be away from their homes for an extended period for several reasons. If a tenant leaves a property, this does not necessarily mean they have abandoned the property. Legally it is only when the tenant breaches the “only and principal home” requirement that the tenancy loses its security (section 81 Housing Act 1985).

We expect Tenants to notify us of any periods of absence as set out in the Tenancy Agreement.

We will ensure that we:

- Provide a consistent approach when dealing with suspected abandoned properties.
- Commence investigations promptly to:
 - a. help reduce rent loss,
 - b. reduce additional costs to tenants,
 - c. reduce the risk of criminal activity,
 - d. reduce the risk of damage to the property, and
 - e. prevent unauthorised occupation.

The law states that a tenancy may only be ended in the following ways:

- By the tenant leaving the premises after giving the landlord notice.
- By the tenant leaving the premises after a court order has granted possession.
- By the tenant failing to live in the property and therefore forfeiting their security of tenure.

When Housing Services are aware of a potentially abandoned property, we will make enquiries to establish if the tenant intends to return and will consider all individual circumstances. Examples of occasions when an un-occupied property may not have been abandoned include:

- When a tenant is in prison - the length of time is immaterial if they have the intention to return.
- When a tenant has gone on a long holiday.
- When a tenant is in hospital and has not had the time to let us know.
- When a tenant is in long-term care or rehabilitation.

At the first sight or report of abandonment, the Housing Officer will act promptly to substantiate the details of the case. We will arrange to secure, if appropriate, suspected abandoned properties within one working day of a report being received.

Where we believe that the tenant may have abandoned the property (including anonymous notification) we will take appropriate action, in accordance with the legislative requirements and our abandonment procedure. This may include:

- Changing of locks and securing of the property.
- Legal action to repossess the home.

We will take a multi-agency approach when investigating a potential abandonment and will ensure a thorough investigation is carried out. We will carry out checks to establish occupation or abandonment including (not exhaustive):

- Attempt to contact the tenant using all telephone numbers previously supplied by the tenant.
- Visit the property at various times of the day.
- Check if there a key on the other side of the lock, as this could indicate someone is inside the property.
- Check if there a car or other vehicle on the property.
- Check if there is condensation on the windows.
- Check if there is washing on the line.
- Check if there are any animals at the property.
- Check the condition of the garden.
- Check if the rubbish been taken out, or if the recycling box is full.
- Look through the letterbox and windows.
- Check if there is furniture inside the property (if this is visible).
- Speak with neighbours/family/next of kin.
- Check if there is a pile up of letters in the hallway (if this is visible).
- Take utility meter readings (gas/electric/water) if there are external meters.
- Check the rent account for the last payment.

- Check if recent repairs have been carried out by Building Services.
- Check if they are in prison, hospital or other care accommodation.

If, following on from any investigation, it is evident that the tenant is no longer residing at the property, a NTQ will be served on the property. This notice will warn the tenant that the property may be repossessed after 28 days unless the tenant makes contact. If it is a joint tenancy, then separate notices for each tenant will be served.

If the tenant returns before the NTQ has expired, then the NTQ becomes invalid and the security of the tenancy is regained. A Housing Officer will carry out a follow up visit to the property to confirm occupation.

On expiry of the NTQ, if no response has been received and the property remains empty, security of tenure has ended and access will be gained to the property and the locks will be changed.

Once Officers have completed all appropriate checks and authorisation has been given by a Senior Officer, and all are satisfied that the property has been abandoned, the tenancy may be terminated. There may be occasions where a court order will be required, and Senior Officers and Legal Services will work together around this.

We will recharge for any costs involved in gaining possession of a property through the Courts and for any associated costs in removals, gaining access and returning a property to a lettable standard.

On completion of the lock change, two members of staff will inspect the property and complete an inventory. The inventory will detail all contents left in the property and photographs may be taken. Both members of staff will agree and sign the inventory form.

Any items of value will be stored for 31 days in a suitable location and any damage to the items will be noted on the inventory.

Items in storage will be kept for a period of no less than 31 days, after which Darlington Borough Council will become the owner of the belongings and they may be disposed of. Any perishable items will not be stored and will be disposed of immediately.

Once the belongings have been placed in storage, the tenants forwarding address may be obtained or the tenant may make contact. In the case of a forwarding address being received, a letter will be sent to the tenant advising of the disposal date of their belongings. The letter will also explain that all costs incurred since the property was abandoned will be recharged to the tenant and this will also include any outstanding rent.



Lodgers and sub-letting

Under the terms of the tenancy agreement, Introductory tenants may not sub-let their property and must use it as their principal home. We may, however, allow a secure tenant to sub-let part of their home with our written agreement.

Tenants must request written permission from Housing Services before sub-letting part of their home.

The legal relationship between the tenant and the landlord remains the same. The tenant's responsibility for payment of rent and charges, and adherence to the tenancy terms remains unaffected.

Overcrowding and under-occupation

We recognise that in some instances, accommodation may, due to family circumstances, become too small or too large for the household's needs.

Where such issues arise, we will work with the tenant, if they wish to be rehoused, to find the most

suitable housing option available to them through the Tees Valley Common Allocation Policy. We will also inform prospective tenants of the potential impact on their benefits if they under or over occupy their property, according to the government's definition of this.

Ending a tenancy

When a tenant wants to end their tenancy, they must give four weeks' notice in writing, except in the case of the death of the tenant.

Once completed, the termination of a tenancy is a legal binding document and the decision to accept a written withdrawal of the notice to terminate is discretionary.

We will assess each request to withdraw a termination notice on a case-by-case basis and individual circumstances, and information available regarding the conduct of the tenancy will be used to make this decision.

A joint tenant may unilaterally bring a joint tenancy to an end by completing a termination notice. We will contact both tenants to advise the tenancy will be terminated and the date it expires.

Where one tenant wishes to remain in the property, we will work with them and assess their circumstances. We may offer them a new tenancy however, each case will be assessed on an individual basis, considering things such as (not exhaustive):

- Affordability.
- Size of the property.
- Conduct of the joint tenancy.
- Condition of the property.

All keys for properties and garages are due to be returned on the date and location as agreed with us. If all keys are not returned, the outgoing tenant will be recharged for any works involved in accessing the property or garage and replacing the locks.

Properties, gardens, outbuildings, and garages should be cleared of all personal belongings and furniture, and the property should be left in a clean and well decorated condition. We will recharge for any removal, cleaning or repair costs involved in returning a property, garden, or garage to a lettable condition.

Any items left will be stored for a period of no less than 31 days, after which Darlington Borough Council will become the owner and they may be disposed of. Any perishable items will not be stored and will be disposed of.

Death of a tenant

When a tenant dies, their executor or administrator of their estate can end the tenancy by surrender (returning the keys to Housing Services) or by giving notice to quit. If we do not receive a termination notice or keys are not handed in, we may serve a Notice to Quit on the Personal Representative and the Public Trustee.

Until a tenancy is formally ended, rent and service charges continue to be charged to the estate. Charges will also be made for any costs incurred

for clearance, cleaning, securing and storage of any items left within a property. Any items will be stored for a period of no less than 31 days after which Darlington Borough Council will become the owner and they may be disposed of. Any perishable items will not be stored and will be disposed of.

Should court action be required, we will recharge all costs related to this to the estate of the former tenant.

Repairs

We will carry out remedial repairs to a property or garage before a new tenant moves in, but this does not include internal decorating.

We expect that any subsequent repairs should be reported by the current tenant in a timely manner to reduce any further damage to the property such as, reporting a leak as soon as identified to reduce water damage. We may recharge for the cost of repairs if a repair has not been reported in a timely manner.

We operate an emergency repairs service out of hours 365 days per year. This service is for emergency repairs only and full details can be found in the Repair's Booklet at **www.darlington.gov.uk/housing/repairs**.

We will recharge for any repairs which are not due to fair wear and tear. We will also recharge for any repairs which are non-emergency but have been reported and attended to on an emergency basis.

We will carry out regulatory checks, assessments, and servicing to the following:

- Gas appliances (such as boilers and fires but excluding tenants' cookers).
- Electrics (excluding tenants' own appliances).
- Stair lifts (where fitted).
- Fire risk assessments (to communal areas).

Tenants must allow us access to carry out these checks for Health and Safety compliance. We will take legal and enforcement action to gain access if required.



Home Visits & Inspections

We will carry out a full inspection of your home within the first 6 months of an introductory tenancy. We will contact you before this appointment to arrange a suitable date and time. If we identify any issues, such as damage caused by the tenant, we will highlight these and will expect the tenant to resolve these.

We may extend the introductory tenancy period to allow issues to be resolved.

In line with our tenancy agreement, we may carry out inspections of our properties at any time throughout a tenancy. Appropriate notice will be given to the

tenant (normally 24 hours) wherever possible, however some visits such as those around non-payment of rent cannot be pre-arranged, and we will visit without an appointment.

We will always carry appropriate identification with us to assist tenants in identifying us as Council employees.

We may also, from time to time, carry out inspections to verify the occupants of a household as part of our anti-fraud and sub-letting measures (see above).

Damp and Condensation

Dealing with damp and mould is a high priority and we will always take reports seriously. We recognise that it can cause tenants distress and inconvenience, so we aim to take a proactive stance through improvements to ventilation and improving the energy efficiency of our properties.

Every home will get condensation at some point and is usually at its worst during the winter, when windows and doors are shut and it's cold outside and warm inside. Tenants may notice condensation in bathrooms, kitchens, and bedrooms most regularly.

Condensation is not necessarily a problem, if the surface has time to dry out each day. Damp occurs when the moisture collects but does not have chance to dry out.

We will take a proactive stance to reports of damp, mould, and condensation from our tenants. When a property is empty, we carry out full inspections, looking for any signs of dampness so we can carry out repairs before a new tenant moves in.

We recognise that a number of our properties are older, so when we carry out improvements to our properties, we will improve ventilation to assist with reducing condensation.

We will offer advice to tenants as well as carrying out any necessary repairs to our properties. We will assess each report on an individual basis.

We recognise that tenants may struggle to maintain the warmth of their property due to financial issues. We will refer tenants, where appropriate, to our Tenancy Sustainment team for budget advice to assist with managing fuel bills. We may refer tenants to their energy suppliers direct or signpost to external agencies such as Citizens Advice when appropriate.

We expect that any repairs or signs of damp should be reported by the current tenant in a timely manner, to reduce any further damage to the property, for example, reporting a leak as soon as identified to reduce water damage. We may recharge for the cost of repairs if a repair has not been reported in a timely manner.

Pets

We allow pet(s) within most of our properties. Tenants at some of our sheltered schemes have voted to not allow pets; this is reviewed regularly and is based on the majority decision of tenants.

Should a tenant wish to have a pet within their home, they must first seek written permission from us, and we will assess each application on its own merit.

We will take the following into account when assessing:

- Number of pet(s) within the property.
- Style and size of the property.
- Condition of the property.
- History of managing the tenancy.
- Type and number of pets.
- If the scheme allows pets.

Successful applicants will be required to sign the “Responsible Pet Owners” contract and are responsible for ensuring their pet does not cause any nuisance or annoyance. They must ensure that their property, garden, and pet(s) are kept clean and pest free. Dogs must be microchipped, and the information kept up to date as required by the Microchipping of Dogs (England) Regulations 2015.

We may request that a tenant re-homes their pet(s) should we substantiate any complaints about the pet(s), the condition of the property or garden.

Hoarding

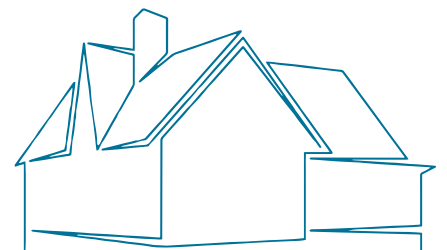
Hoarding has been classified as a mental disorder. As a clinical symptom, it can occur in many psychiatric disorders such as dementia, schizophrenia, depression, eating and personality disorders and post-traumatic stress disorder.

People who hoard may keep things for the same reasons as anyone else, including sentimental value or utility value (item is/could be useful). The hoarder may view their behaviour as a lifestyle choice, and to some extent this is the case.

We will take a multi-agency approach and work with the tenant, partner agencies, support agencies and statutory services in relation to hoarding issues.

We will take decisive action where hoarding causes a health and safety or safeguarding risk to the tenant, to other tenants, the property or Council operatives.

We will use a combination of intervention and enforcement measures, such as applying to Court for an injunction or possession proceedings.



Improvements

Should a tenant wish to carry out improvements to their home and/or garden they must first seek written permission from Housing Services.

We assess each application case by case, and no work should be carried out prior to written permission being granted.

We will carry out post inspections on all improvement works to ensure they are completed to a satisfactory standard.

If improvements are carried out without permission, tenants will be asked to return the property to its original condition or will be recharged for any works carried out by Housing Services to return the property to its original condition.

Some works may require permission from Building Control or Planning Permission, as well as Housing Services and work should not be started before this is granted. Tenants are responsible for applying and paying for any charges or application fees.

Adaptations

The Council is committed to ensuring that aids and adaptations are accessible to all residents, including our tenants.

We are committed to ensuring that we do everything reasonably possible to ensure that our tenants can live independently in their homes for as long as possible. We aim to ensure that tenants are aware of the range of options if we are unable for any reason to adapt their current home and to deliver a cost-effective service.

We will work in partnership with agencies including Occupational Therapists, NHS, Housing Asset Surveyors, GPs to ensure that we carry out effective, long-term adaptations that meet tenant's current and future needs and provide value for money.

It is not always possible for us to adapt a tenant's current or prospective home and we will work closely with them to find suitable, alternative accommodation when this occurs. We will do everything we can to support tenants through the re-housing process.

Applications for adaptations are assessed on a case-by-case basis and we will take the following into account:

- Availability of other suitable accommodation within the Borough.
- Individual circumstances and local connections.
- Future needs of the tenant.
- Location of the property.
- Type of property.
- Suitability of property for adaptation.
- Accessibility.
- Cost of adaptation.



Mobility Scooters

We will assess each application for an access ramp for mobility scooters on a case-by-case basis. We will consider (not exhaustive):

- Location of property.
- Size of scooter.
- Accessibility.
- Type of property.
- Space for suitable turning.
- Medical reasons for request.
- Extent of work required, including whether any structural work will be required.

It is not always possible for us to adapt a tenant's current or prospective home for a scooter, and we will work closely with them to find suitable,

alternative accommodation when this occurs, or we will look at alternative solutions for their scooter storage in their current home. We will do everything we can to support tenants through the process.

Mobility scooters should be stored in a safe manner and not cause obstruction or a trip hazard either inside or outside the property. Mobility scooters are not to be stored in internal or external communal areas.

All mobility scooters should have appropriate insurance and be in good working order.

Some of our sheltered schemes have limited space for scooter storage. There may be a waiting list for a space and therefore, tenants should not purchase a scooter before seeking permission from Housing Services to ensure there is available space.

Garden Tidy Scheme

We offer a limited garden tidy scheme for tenants who cannot look after their own gardens. The scheme covers up to 6 cuts of grass each year and hedges are trimmed twice a year. The scheme does not include weeding or planting. This is a free service to all eligible tenants.

Tenants may be eligible for the scheme if:

- They are of state pension age; or
- They receive high-rate disability living allowance or enhanced level Personal Independence Payment; and
- They do not have anyone under the state pension age of 60 (or able bodied) living with them.



Decoration of properties

Tenants are responsible for the internal decoration of their homes and are responsible for repairing internal decoration due to damage caused by the tenant or household members, such as a leak following DIY.

We may provide a contribution towards the cost of decoration in the following circumstances:

- At the start of a new tenancy to assist tenants to improve their new home.

- Following damage which was caused by our negligence.
- Following improvement works carried out by us, such as new kitchens, bathrooms, or central heating.

Tenants are recommended to take contents insurance to assist with claims for damage to decoration.

Housing Plus

We offer an intensive, pro-active housing management service to help tenants who may otherwise struggle to maintain their tenancy. For a weekly charge, tenants have a dedicated Housing Plus Officer who will carry out regular home visits and is on hand for assistance around:

- Managing the digital tenancy.
- Assisting with welfare benefit claims.
- Helping to set up bank accounts and budgeting skills.
- Advice on sustaining a tenancy appropriately.
- Assisting with any issues with neighbours.
- Signposting to relevant specialist agencies.
- Providing advice and intervention to help manage a tenancy.
- Offering relevant advice and taking enforcement action where necessary.
- Referring for tenancy support when required.
- Setting up repayment plans for rent arrears.

The service is available to new and existing tenants and referrals can be made by tenants or other agencies. We expect tenants to engage with the service and it may be withdrawn if there is a lack of engagement.



Void management

We are committed to the efficient re-letting of empty properties and work in partnership with internal and external contractors to ensure that all voids are promptly inspected, repaired to an agreed standard, and provide value for money for our tenants.

We will carry out pre-termination inspections of our properties within 5 working days of a notice of termination being received. We will discuss at that inspection any remedial repairs that are required by the outgoing tenant and will provide information on recharges, clearance, and cleaning costs.

Tenants must allow prospective tenants to view their property before moving out.

Tenants are expected to ensure that all personal belongings, furniture, and rubbish are removed from the property, outhouses and gardens prior to handing the keys in and will be recharged for any repairs, clearance and cleaning that we deem as required.

We will recharge for any alterations which either the tenant has not had permission for, or which do not meet a good standard.

All keys for the property, windows and outhouses should be handed in promptly once the tenant has vacated the property. We will recharge for any lock changes required.

We will carry out a comprehensive inspection of the property once the keys have been returned to Housing Services within 3 working days. Where major works are required to bring the property up to a lettable standard, we may request further inspections by appropriate contractors for specialist advice outside of this timescale.

We will take meter readings for all utilities at the inspection and forwarding details will be passed onto utility companies for any outstanding debt. If a meter has been tampered with, we will refer this onto the Police and utility company.

Internal decoration is a tenant's responsibility; however, we may provide a decorating allowance if the decoration is particularly poor. This will not be provided until the tenancy agreement has been signed.

We will ensure that a property is at a lettable standard prior to the new tenant signing a new tenancy agreement. We will not provide keys prior to this for Health and Safety purposes.

This policy will be reviewed every 4 years or when a change in legislation dictates.



Appendix 1

Discretionary Payments

The Head of Service may authorise compensation, up to a maximum of £500 where it is clear that a tenant has suffered serious inconvenience, or financial loss, due to our or a contractor employed by Housing Services.

Higher payments must be authorised by a Director or Assistant Director.

Compensation will be based on the level of responsibility for their loss or inconvenience and the impact on the tenant.

Level of responsibility	No Impact on resident	Low impact on resident	Medium Impact on resident	High Impact on resident
None	£0	£0	£0	£0
Partial	£0	£25	£175	£250
Full	£10	£50	£250	£500

Low impact

The complaint has been upheld but there has not been significant inconvenience or distress caused. Impact has been no more than a reasonable person could be expected to accept and the compensation is a token in acknowledge of our responsibility.

Medium impact

Inconvenience and/or distress has clearly been caused because of a failure in service. A repeated failure of a low impact event could result in the impact being increased to a medium impact.

High impact

A serious failure in service has taken place. This could either be due to the severity of the event or a persistent failure has occurred over a prolonged period or an unacceptable number of attempts to resolve the complaint have failed. Payments should consider the level of stress, anxiety, frustration, uncertainty, and inconvenience caused. This will include the severity, length of time, number of people affected and their individual circumstances.

Goodwill gestures

Any member of staff can offer a goodwill gesture to tenants who have received a poor service or have suffered inconvenience without the need for the formal complaints process to be followed.

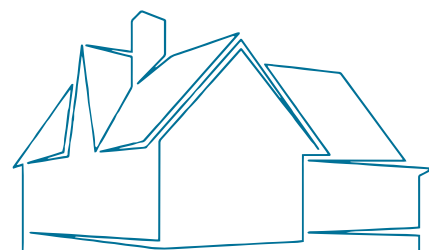
Goodwill gestures are generally in the form of a token, usually flowers or a gift voucher, and would not normally exceed £50 in value.

Right to Repair

Tenants will be eligible for compensation under the Right to Repair if we fail to carry out the repair within the specified time, and after a further request again fail to complete the work within the specified time period.

A maximum of £50 compensation can be claimed if any of the repairs listed below are not completed within the specified time. The actual amount will be £10, plus a daily rate of £2. In some cases, we may exceed the maximum allowed under this scheme.

Repair Type	Response Time (working days)
Total loss of electric power	1
Partial loss of electric power	3
Unsafe power of lighting socket or electrical fitting	1
Total loss of water supply	1
Partial loss of water supply	3
Total or partial loss of gas supply	1
Blocked flue to open fire or boiler	1
Heating or hot water not working between 31 October and 1 May	1
Heating or hot water not working between 1 May and 31 October	3
Blocked/leaking foul drain, soil stack or toilet	1
Toilet not flushing (only one in the property)	1
Blocked sink, bath or basin	3
Tap cannot be turned	3
Leak from water pipe, tank or cistern	1
Leaking roof	7
Insecure external window, door or lock	1
Loose or detached banister or handrail	3
Rotten timber flooring or stair tread	3
Door entry phone not working	7
Mechanical extractor fan not working	7



Right to Compensation for Improvements

Compensation for improvements will only be paid where the cost has been fully borne by the tenant and not if the work was grant funded.

Compensation is worked out based on the notional life of the improvement, divided by the cost of the improvement, minus the number of years left.

For example, the improvement costs £500, the notional life is 10 years and the tenant is moving out after 2 years. $\text{£}500 / 10 \text{ years} = \text{£}50$ each year; 2 years = £100. £500 cost less £100 = £400 compensation.

Time	Improvement Carried Out
20 years	Loft and/or cavity wall insulation Double glazing or other external window replacement of secondary glazing
15 years	Rewiring Provision of power and lighting or other electrical fitting (including smoke detectors)
12 years	<ul style="list-style-type: none">• Bath or shower base Wash-hand basin Toilet• Central heating
10 years	<ul style="list-style-type: none">• Kitchen sink• Cupboard Storage in Bathroom or Kitchen• Work surfaces for food preparation• Insulation of pipes, water tank or cylinder• Any object which improves the security of the dwelling, excluding burglar alarms
8 years	Draft proofing of external doors and windows
7 years	Thermostatic radiator valves

Appendix 2

Local Lettings

Areas that rural lettings policy applies to:

- Hurworth
- Middleton St George
- Neasham
- Stainton
- Summerhouses
- Bishopton
- Sadberge
- Piercebridge
- Killberby
- High Coniscliffe
- Brafferton
- Walworth
- Heighington

Local connection includes, (please note written proof will be required):

- Childcare, after or before school is already provided.
- Already reside in the area.
- Work (full/part/fixed contract) in the area.
- Need to move to provide support or care.
- Child within household already attends school in the village.
- Have a proven close family connection to the village where close family member has resided for 5 or more years (close family as defined in the Common Allocation Policy)

Ground floor apartments are restricted to people aged 55 or older or people with a disability where Lifeline equipment is fitted.

Applicants over the age of 18, whose housing need is met by the offer of an apartment, can bid for any apartment above ground floor, except for the following schemes designated for people aged over 55:

- Branksome Hall Drive
- Dinsdale Court
- Linden Court
- Rockwell House
- Roxby Court
- Ted Fletcher Court
- Windsor Court

The following Extra Care Housing Schemes are also excluded:

- Dalkeith House
- Oban Court
- Rosemary Court





CABINET
22 JUNE 2022

DISABLED FACILITIES GRANT 2022/23

Responsible Cabinet Member
Councillor Lorraine Tostevin, Adults Portfolio

Responsible Director
James Stroyan, Group Director of People

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to advise Members of the capital resources available for Disabled Facilities Grants (DFG) during 2022/23 and to seek members approval for the release of these resources to be utilised in accordance with Darlington Borough Council Disabled Facilities Grant and Regulatory Reform Order Policy 2021-2023.

Summary

2. DFG's assist people to live independently by helping to fund suitable adaptations to their properties. They are means tested and are available to owner-occupiers, tenants of private rented properties and Housing Association tenants.
3. DFG's are governed by housing legislation and have set conditions for payment, within these regulations. The Council has a shared service agreement in place with Durham County Council to provide a Home Improvement Agency service to provide guidance and practical assistance to people who are older, disabled or on low incomes to claim a DFG to repair, improve or adapt their homes. They also provide support to people until the work is completed and the contractor has been paid.

Recommendation

4. It is recommended that Cabinet:
 - (a) Note that the sum of £1,063,345 has been allocated to the Council to use for Disabled Facilities Grant adaptations in 2022 -2023.
 - (b) Release this capital funding to enable it to be allocated in accordance with Darlington Borough Council Disabled Facilities Grant and Regulatory Reform Order Policy 2021-2023.

Reasons

5. The recommendation is supported by the following reason; to enable the adaptations for those individuals who are eligible to receive a DFG for 2022-23 to proceed.

**James Stroyan,
Group Director of People**

Background Papers

- (i) Department for Levelling Up, Housing and Communities – Letter to LA Chief Executives - £573 Million for Disabled facilities Grant (DFG) in 2022/23. 10 May 2022
- (ii) Darlington Borough Council Disabled Facilities Grant and Regulatory Reform Order Policy 2021-2023
- (iii) Home Adaptations for Disabled People - A detailed guide to related legislation, guidance and good practice- Home Adaptations Consortium

Jeanette Crompton: Extension 5855

S17 Crime and Disorder	This report has no implications for Crime and Disorder.
Health and Wellbeing	Adaptations funded by Disabled Facilities Grants will improve the health and well-being of residents of Darlington.
Carbon Impact and Climate Change	The installation of more efficient equipment via DFG will reduce energy usage and provide higher levels of thermal comfort for dwellings benefitting from these measures thus reducing carbon emissions.
Diversity	The adaptations provided via Disabled Facilities Grants will improve the accessibility of owner occupied, privately rented and social housing.
Wards Affected	All wards within the Borough of Darlington are affected equally.
Groups Affected	Disabled Facilities Grant applicants living in owner occupied, privately rented and social housing.
Budget and Policy Framework	This report does not recommend any changes to the budget and policy framework.
Key Decision	This is not a key decision. The Grant is received from NHS England for the sole purpose of providing adaptations for individuals.
Urgent Decision	For the purpose of the 'call-in' procedure this is not an urgent matter.
Council Plan	The provision of DFG's contribute to supporting the most vulnerable in the borough. In particular:

	<ul style="list-style-type: none"> • Providing care and support when needed • Working with people to build on their strengths to maximize their potential.
Efficiency	Adaptations enable people to remain independent in their homes for longer and therefore reduce the need for larger packages of support or admission to residential care.
Impact on Looked After Children and Care Leavers	Looked After Children or Care Leavers may also be eligible for a DFG.

MAIN REPORT

Information and Analysis

6. The purpose of DFG is to fund adaptations to owner-occupiers, tenants of private rented properties and Housing Association tenants to enable people with a disability to remain in their own home and live independently across the Borough. Adaptations can include ramps, stair lifts and suitable heating systems. The DFG, which has run for more than 30 years, became part of the Better Care Fund (BCF) in April 2015.
7. DFG are national mandatory grants and are available to adults and children with a disability people. The maximum grant payable is £30,000 per application and is subject to a statutory means test to determine if the individual is able to contribute to the cost of the works. (Means tests do not apply to grant applications for disabled children or for adaptations costing less than £5,000).
8. Under the Councils' Disabled Facilities Grant and Regulatory Reform Order Policy 2020-2023 a further grant of up to £30,000 can also be awarded where significant alterations or extensions are required.
9. Durham County Council Home Improvement Agency is commissioned by Darlington Borough Council to provide support to individuals applying for a DFG. This service includes the completion of the grant application, the seeking of quotes for the necessary works, selection of a suitable contractor, oversight of the works up to completion and payment of the grant. The agency will also support individuals to source charitable funding where the client is required to make a contribution to the costs of the works but is unable to do so.

Financial Implications

10. For 2022-2023 the allocation made to Darlington Borough Council via the Better Care Fund is £1,063,345, the same amount as was allocated in 2021-22.
11. Members are required to formally release the monies available to the Council for DFG for 2022-23 as it is a capital resource.

Outcome of Consultation

12. Whilst no formal consultation has taken place with regard to the request to release the capital funding for the DFG to be awarded for 2022-23, consultation did take place in 2020 as part of the development of the Disabled Facilities Grant and Regulatory Reform Order Policy 2020-2023. The release of the capital funding will enable DFG to continue to be made in accordance with the approved policy.

Equalities considerations

13. An Equality Impact Screening Assessment (**Appendix 1**) was carried out in relation to the introduction of the DFG and RRO Policy which was approved by members in 2021. The outcome of this screening was that the introduction of the RRO Policy will not have any adverse effects on people with the protected characteristics and officers did not identify any potential disadvantage to these groups. The policies provide additional support to eligible individuals in the form of grants/ reduced contributions and as such have a positive impact for all recipients.
14. As the funds which are requested to be released will be used in accordance with this policy, no further EIA is required.

Initial equality impact assessment screening form

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

Directorate:	Children and Adult's Services
Service Area:	Commissioning and Contracts
Activity being screened:	Disabled Facilities Grants
Officer(s) carrying out the screening:	Jeanette Crompton
What are you proposing to do?	Implementation of a revised Disabled Facilities Grants Policy and introduction of a Regulatory Reform Order Policy
Why are you proposing this? What are the desired outcomes?	To maximize the use of the Disabled Facilities Grant
Does the activity involve a significant commitment or removal of resources? Please give details	There is an annual allocation of dedicated funding for Disabled Facilities Grants included within the Better Care Fund. Since 2017 this annual allocation of funding has increased, and a review of the existing policy and the introduction of a new policy using the Regulatory Reform Order (Housing Assistance) (England and Wales) 2002 is required to ensure that the use of the grant is maximised.

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

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

- **To what extent is this service used by particular groups of people with protected characteristics?**

- Does the activity relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the activity relates to?

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

Protected characteristic	Yes	No	Don't know/ Info not available
Age		√	
Disability		√	
Sex (gender)		√	
Race		√	
Sexual Orientation		√	
Religion or belief		√	
Gender reassignment		√	
Pregnancy or maternity		√	
Marriage or civil partnership		√	
Other			
Carer (unpaid family or friend)		√	
Low Income		√	
Rural Location		√	
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	The introduction of the policies will cover all areas of the borough equally irrespective of known inequalities etc.		
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	The activity will not have a significant effect on how other organisations operate. However, there is the potential that by providing individuals with adaptations to their homes, this may reduce or delay the needs for services commissioned from Adult Social Care.		
Decision (Please tick one option)	EIA not relevant or proportionate:		Continue to full EIA:
Reason for Decision	A full EIA is not recommended as the updating of the existing DFG Policy and the introduction of the RRO Policy will not have any adverse effects on the above protected characteristics. Officers have not identified any potential		

	disadvantage to any of the above protected characteristics. The policies seek to provide additional support to eligible individuals in the form of grants/ reduced contributions and as such will have a positive impact for all recipients. As part of the implementation of the policies, officers will monitor for any potential negative effects and will review this decision and if required will undertake a full EIA.
Signed (Assistant Director)	Christine Shields
Date	9 September 2020



Equality Impact Assessment Record Form

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

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

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

Title of activity:	
---------------------------	--

Name of Directorate and Service Area:		
Lead Officer and contact details		
Assistant Director accountable for this EIA		
Who else will be involved in carrying out the EIA:		

When did the EIA process start?		
--	--	--

Section 2 – The Activity and Supporting Information

Details of the activity (describe briefly - including the main purpose and aims) (e.g. are you starting a new service, changing how you do something, stopping doing something?)
Why is this being proposed? What are the aims? What does the Council hope to achieve by it? (e.g. to save money, meet increased demand, do things more efficiently)
What will change? What will be different for service users/ customers and/ or staff?
What data, research and other evidence or information is available which is relevant to the EIA?
Engagement and consultation (What engagement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)
What impact will this activity have on the Council's budget? (e.g. cost neutral, increased costs or reduced costs? If so, by how much? Explain briefly why this is the case)

Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Age				
Disability (Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)				
Sex (Gender)				
Race				
Gender Reassignment				
Sexual Orientation				
Religion or belief				

Pregnancy or maternity				
Marriage or civil partnership				
How will the activity affect people who:	No impact	Positive Impact	Negative Impact	Why will it have this effect? (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Live in a rural location?				
Are carers?				
Are on a low income?				

Section 4: Cumulative Impacts

Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc)

Are there any other activities of which you are aware which might also impact on the same protected characteristics?

Section 5: Analysis

a) How will the activity help to eliminate discrimination, harassment and victimisation?
b) How will the activity help to advance equality of opportunity?
c) How will the activity help to foster good relations?
During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed	Name:	
	Date:	
	Job Title:	
Assistant Director:		
Signed	Name:	
	Date:	
	Service:	

Section 7 – Reporting of Findings and Recommendations to Decision Makers

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

Section 8 – Action Plan and Performance Management

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

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

Performance Management	
Date of the next review of the EIA	
How often will the EIA action plan be reviewed?	
Who will carry out this review?	

CABINET
22 JUNE 2022

PUBLIC SPACE PROTECTION ORDER - DARLINGTON TOWN CENTRE

Responsible Cabinet Member -
Councillor Mike Renton, Stronger Communities Portfolio

Responsible Director -
Dave Winstanley, Group Director of Services

SUMMARY REPORT

Purpose of the Report

1. This report is to highlight the potential benefits from renewing the Public Space Protection Order (PSPO) in Darlington Town Centre.

Summary

2. In 2019 a PSPO was granted for Darlington Town Centre to assist in dealing with issues such as nuisance behaviour, begging and anti-social drinking. The order can be introduced for a period of 3 years and expired in February 2022 after which it must be reviewed to consider whether to renew or not. The PSPO has been effectively used over the last three years, however there are still ongoing issues that need to be addressed and the renewal of the PSPO can assist the Council, Police and partners in dealing with some of these issues.
3. A PSPO can place restrictions on behaviour and if individuals breach these conditions, they could be liable to punishment by a fine of up to £1,000 (or £500 in the case of consumption of alcohol) or a Fixed Penalty Notice (FPN) of up to £100.
4. Consultation on the renewal of the PSPO in Darlington Town Centre was undertaken from 7 March 2022 to 2 May 2022. There was only one public response which was received from Liberty. Further details of the responses are detailed in paragraphs 35, 36 and 37.
5. Upon review of the evidence and requirements for considering renewing the order it can be justified and it is recommended that the order is renewed for a further 3 years. However, it should be noted that the issue of dealing with obstructions to public buildings included in the original order is not considered to be required and therefore proposed to be removed from the new order.
6. The renewal of a PSPO potentially could have negative impacts on certain groups more than others. Consideration has been given to better understand the potential impacts and the appropriate steps that need to be taken to mitigate and ensure that the PSPO is used proportionately, reasonably and fairly. Members are asked to read the Equality Impact Assessment at **Appendix 1** before making a decision.

7. A copy of the draft PSPO is attached at **Appendix 2**.

Recommendation

8. It is recommended that Members:
- (a) Note the consultation that has taken place and consider the feedback received.
 - (b) Approve the PSPO for Darlington Town Centre as set out in Appendix 2 to enable it to be formally made.

Reasons

9. The recommendations are supported by the following reasons:
- (a) To enable officers, including Police, PCSOs and Civic Enforcement Officers, to effectively deal with various types of anti-social behaviour with an extended range of powers.
 - (b) To improve the quality of life of persons visiting and working in the area covered by the PSPO.

Dave Winstanley
Group Director of Services

Background Papers

- (i) ASB, Crime & Policing Act 2014
- (ii) ASB, Crime & Policing Act 2014 (Publication of Public Space Protection Orders) Regulations 2014 No 2591
- (iii) ASB, Crime & Policing Act 2014, Anti-Social Behaviour Powers, Statutory Guidance, updated December 2017
- (iv) Public Spaces Protection Orders, Guidance for Councils, Local Government Association 2018

Ian Thompson/Anna Willey : Extension 6628/6756
CD

S17 Crime and Disorder	A PSPO will have a positive effect on crime and disorder in the town centre.
Health and Wellbeing	Anti-social behaviour within the town centre can impact negatively on the health and well being of individuals.
Carbon Impact and Climate Change	There is no impact on carbon as a result of this report.
Diversity	No particular group is impacted differently as a result of this report.
Wards Affected	Park East
Groups Affected	No particular group will be impacted differently as a result of this report.
Budget and Policy Framework	No impact on the Budget or Policy Framework.
Key Decision	No
Urgent Decision	No
Council Plan	An attractive, vibrant, safe town centre is an important part of the Perfectly Placed agenda in the Sustainable Community Strategy.
Efficiency	There is no impact on the Council's Efficiency agenda as a result of this report.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

MAIN REPORT

Information and Analysis

10. PSPOs are a key element of the Anti-Social Behaviour, Crime and Policing Act 2014 which came into force in October 2014.
11. PSPOs are intended to limit and restrict activities which cause nuisance or lead to problems for a community, and as such allow Councils to make restrictions on activities which are judged to have a detrimental effect on the quality of life in an area. By design the orders are planned to allow people to enjoy open public spaces free from nuisance and anti-social behaviour.
12. The responsibility for making a new PSPO rests with the Council. The Council must, prior to making an order, be satisfied, on reasonable grounds, that activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the activities:
 - (a) Is or is likely to be persistent or continuing;
 - (b) Is or is likely to be such as to make the activities unreasonable; and
 - (c) Justifies the restrictions imposed.
13. Before making a PSPO, the Council must carry out consultation with the local Police, the Police and Crime Commissioner, the owners and occupiers of any land included in the PSPO which is not in Council ownership and wider consultation with representatives from

the local community. It must also publish the draft PSPO in accordance with Statutory Regulations.

14. Where a PSPO is in force, a Police Officer or Council Officer witnessing behaviour that breaches its conditions may challenge the individual(s) concerned and ask them to comply. If the individual does not comply with the request, an offence is committed.
15. An offence involving failure to comply with a PSPO is punishable by a fine of up to £1,000 (or £500 in the case of consumption of alcohol) or by a fixed penalty of up to £100.
16. In practice an offence is only committed if a person refuses to stop carrying out a prohibited activity when asked to do so by an authorised Council officer or police officer. If the person follows the instruction then no further action would be required. Any failure to comply with the instruction to desist from the prohibited activity would generally in the first instance lead to a FPN being issued rather than a court appearance.
17. A new PSPO if introduced would be for another 3-year period, at which time it must be renewed again, or it would cease. The Council would have the power to remove specific prohibitions or end a PSPO early, for example if an activity no longer existed. If significant new issues arose during the PSPO then the Council can modify prohibitions. The obstruction of public access to buildings was something that was included in the first order but from both the review and evidence this is no longer considered necessary and will not be included in the proposed order.
18. The draft order is attached at Appendix 2 and includes the following restrictions:
 - (a) Persons acting in an anti-social manner who continue to drink alcohol in public places, which are not licensed premises, after they have been asked to stop.
 - (b) Persons acting in an anti-social manner who fail to surrender any alcohol in their possession in public places, which are not licensed premises, when asked to do so.
 - (c) Begging.
 - (d) Threatening behaviour.

Local Intelligence

19. The Police figures for the Town Centre are documented at **Appendix 3**. Although Table 1 shows that Anti-Social Behaviour figures in Darlington Town Centre for 2021/2022 are lower than 2018/2019 (when the PSPO was obtained), all categories of anti-social behaviour are beginning to increase again following the lifting of restrictions after the pandemic, therefore supporting the need to renew the PSPO. The data covers the main period of the Covid 19 pandemic and therefore needs to be interpreted with this in mind. It is expected town centre footfall will return to previous levels as recovery from the pandemic continues, with an increased focus on events and leisure as town centres continue to adapt and change. It is important that the Police and Councils have a range of tools to manage and address anti-social behaviour.

20. The overall number of FPNs issued throughout the duration of the first PSPO was 95 for begging and 14 for alcohol related nuisance. Fines are used when all other engagement and warnings have failed to rectify behaviour.
21. Begging within the town centre has been tackled successfully by partners over recent years, the PSPO being a key part of this. Graph 1 shows the number of FPNs issued for begging and although the figures seem high, they were issued against persistent beggars when all other methods of warnings, support and engagement had been exhausted.

Youth Nuisance

22. Youth nuisance remains a concern in relation to groups of young people in the town centre who are disruptive, loud and have lack of respect for members of the public, officers, and business owners.
23. Although some good progress has been made across the types of anti-social behaviour, there remains a need for a PSPO renewal to ensure issues continue to be addressed.
24. In relation to issuing an FPN for breach of a PSPO, different arrangements will apply to those under 18 years of age who commit these offences. Those arrangements will be:

(a) 10-13 year olds

FPNs will not be issued to persons under the age of 14 where an offence is witnessed but they should still be requested to stop the activity and both the juvenile and their parent/guardian will be sent a formal warning so that the parent/guardian is aware of the situation.

(b) 14 and 15 year olds

If an offence is committed by a person who is 14 or 15, in the first instance they would be requested to stop the activity. If the request is complied with, a formal warning would be given, verbally at the time, and followed up in writing to both the juvenile and their parent.

If the activity is not stopped then an FPN would be issued to the individual and the parent/guardian informed.

Note: prior to the FPN being issued, consultation will take place with the Youth Offending Service as to whether this is an appropriate course of action. FPNs would only be issued if absolutely necessary and other more appropriate action would be sought.

(c) 16 and 17 year olds

If an individual who is 16 or 17 commits an offence then the individual will be issued with a FPN and the parent/guardian informed. Consultation again will take place with the Youth Offending Service as to whether this is an appropriate course of action, before the FPN is issued.

In every instance where a FPN is issued to an under 18, consideration can be given to reparation, such as a supervised litter pick, as an alternative to payment of the FPN. This option will be communicated to under 18s and their parent/guardian at the time of the FPN being sent out to them.

Threatening and Intimidating Behaviour

25. Table 3 at Appendix 3 shows the Police data for Violence Against the Person crimes and Public Order offences. As previously mentioned in the report, the figures recorded during lockdown are lower than in 2018/19 when the PSPO was implemented, however lockdown figures should not be relied on as a true picture. In current year 21/22, to date there have been 489 Violence Against the person crimes compared to 491 in 18/19 when the PSPO was implemented. Therefore, the evidence supports a renewal of the order inclusive of Threatening and Intimidating Behaviour.

Begging

26. A significant amount of good work has taken place over the last 3 years through the multi-agency begging group to address begging in the town centre providing advice and support to beggars prior to taking any formal action.
27. The PSPO has been an integral part of the multi agencies' response to manage begging in Darlington. Enforcement of begging does not work in isolation and in Darlington, agencies are working together to support individuals who feel the need to 'beg'. The Council have been working with a range of partners, including the 700 Club, NECA Drug & Alcohol Support Services and the Police, and have worked to the Begging Strategy over the last three to four years to deal with begging. The strategy is split into four sections: Empathy, Engagement, Education, and Enforcement. Empathy with the needs of those begging, Engagement with the offenders to offer services and support, Education to the public and then Enforcement only on those who persistently beg and refuse to engage with services. As a result, we have seen significant reductions in those begging by following the strategy. Issuing a fine to someone begging would only be used as a very last resort and only used when all other methods of engagement and support have been exhausted.
28. There is a significant amount of support in place for those individuals who unfortunately find themselves homeless and in need of help from a variety of agencies. The powers within the PSPO will allow the Police and authorised officers of the Council to deal with those individuals who beg simply for financial gain and must be noted that enforcement is used as a last resort.

Nuisance Drinking

29. Table 4 at Appendix 3 shows the number of alcohol related incidents in Darlington Town Centre. Again, as discussed for other offences and crimes within the report, the figures for 20/21 during lockdown are unreliable for reasons previously mentioned. The evidence within the document supports the need for the PSPO, figures for alcohol related incidents are 743 for 21/22 and incidents linked to licensed premises are 382. Although the figures are slightly lower than 18/19 when the PSPO was introduced they remain at a high level, therefore the PSPO is required to assist in dealing with these offences.

Benefits

30. The town centre PSPO was a positive 'tool' enabling the Police to deal with anti-social behaviour within a designated area. It has contributed to making Darlington a more attractive and safer place to live, work and visit and, like the previous PSPO, any new Order will enable the Police and other designated officers to deal more effectively with disorder, for example confiscating alcohol from adults. Darlington is a family-friendly market town and the PSPO will help preserve and encourage development. It can be justified based on the evidence of the review. However, it should be noted that once a PSPO is in place it still requires policing and that requires resources to which the Police give their full support. The Order can only be effective if breaches are acted upon.

Financial Implications

31. No financial implications as a result of introducing a PSPO in the town centre, other than diverting existing resources to the policing and monitoring of the Order.

Legal Implications

32. Under Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 an individual who lives in the restricted area or who regularly works in or visits that area may apply to the High Court to question the validity of a PSPO. The grounds on which an application under this section may be made are either that the local authority did not have the power to make the order, or to include particular prohibitions or requirements imposed by the order; or that a requirement under the 2014 Act was not complied with.
33. If an application under this section the High Court is satisfied that (a) the local authority did not have power to make the PSPO, or to include particular prohibitions or requirements imposed by it, or (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under the 2014 Act, the Court may quash the PSPO or any of the prohibitions or requirements imposed by it. It is therefore important that a thorough consultation exercise is carried out in order to mitigate the risk of such a challenge should a decision ultimately be made to introduce a town centre PSPO.

Consultation

34. An eight-week consultation exercise took place from 7 March 2022 to 2 May 2022. Consultation was undertaken as follows:
- (a) Council web pages
 - (b) Town Centre business consultation
 - (c) Social media
 - (d) Police
 - (e) 700 Club
35. The Police are in full support of a PSPO renewal. Similarly, the 700 Club are also in full support. As mentioned at paragraph 27, the Council have a 'Begging Group' which includes Police, 700 Club, Housing Services, Drug and Alcohol Support, who work collaboratively to address the issue of begging. The group members are in support of the PSPO renewal.

36. Communities and Local Services Scrutiny considered the report on the Public Space Protection Order – Darlington Town Centre, on Thursday 9 June 2022. Members of the committee resolved that:
- (a) Cabinet be advised that the Communities and Local Services Scrutiny Committee support the renewal of the Public Space Protection Order (PSPO) for the Town Centre.
37. Some valid comments have been received from Liberty in relation to the obstruction element of the PSPO. They have expressed concern around peaceful protests and interference with Human Rights. Careful consideration has been given in relation to this and based on little supporting evidence and the lack of use in the previous three years, the decision has been taken to remove it from the proposed order.
38. No other responses have been received in relation to the consultation for the PSPO.

Equalities

39. The renewal of a PSPO potentially could have negative impacts on certain groups more than others. Consideration has been given to better understand the potential impacts and the appropriate steps that need to be taken to mitigate and ensure that the PSPO is used proportionately, reasonably and fairly. Members are asked to read the Equality Impact Assessment at Appendix 1 before making a decision.

APPENDIX 1**Initial equality impact assessment screening form**

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

Directorate:	Services
Service Area:	Community Safety
Activity being screened:	Implementation of PSPO (Public Space Protection Order)
Officer(s) carrying out the screening:	Anna Willey
What are you proposing to do?	Renew the Darlington Town Centre PSPO. The PSPO will equip officers, including PCSOs, Police, Civic Enforcement Officer and any other authorised Council officers, with more powers to effectively deal with anti-social behaviour.
Why are you proposing this? What are the desired outcomes?	PSPOs are intended to limit and restrict activities which cause nuisance and lead to problems for a community, and as such allow Councils to make restrictions on activities which are judged to have a detrimental effect on the quality of life in an area.
Does the activity involve a significant commitment or removal of resources? Please give details	No

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

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

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the activity relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the activity relates to?

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

Protected characteristic	Yes	No	Don't know/ Info not available
Age	•		
Disability	•		
Sex (gender)	•		
Race		•	
Sexual Orientation		•	
Religion or belief		•	
Gender reassignment		•	
Pregnancy or maternity		•	
Marriage or civil partnership		•	
Other		•	
Carer (unpaid family or friend)		•	
Low Income	•		
Rural Location		•	
Does the activity relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the activity have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No – policing the PSPO will be part of daily routine when patrolling the Town Centre.		
Decision (Please tick one option)	EIA not relevant or proportionate:		Continue to full EIA: *
Reason for Decision	Some groups of people with a protected characteristic have been identified as likely to be more affected than others as a result of the implementation of the PSPO.		
Signed (Assistant Director)	Ian Thompson		
Date	11 April 2022		



DARLINGTON

Borough Council

Equality Impact Assessment Record Form

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

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

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

Title of activity:	Renewal of the Town Centre Public Space Protection Order (PSPO)
Name of Directorate and Service Area:	Services Community Safety
Lead Officer and contact details	Anna Willey Ext 6756
Assistant Director accountable for this EIA	Ian Thompson
Who else will be involved in carrying out the EIA:	Luke Swinhoe (original EIA IN 2018).

When did the EIA process start?	February 2022	
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Section 2 – The Activity and Supporting Information

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

It is proposed that a new Public Space Protection Order is implemented in Darlington Town Centre (old one expired February 2022).

Restrictions under the PSPO in Darlington Town Centre would include:

- (a) Persons drinking alcohol in public places which are not licensed premises
- (b) Begging
- (c) Threatening behaviour

Whilst the PSPO is designed to prohibit certain activities it is also designed to enable people to feel that Darlington is a safe and welcoming place for all.

The responsibility for making a new PSPO rests with the Council. The Council must, prior to making an Order, be satisfied, on reasonable grounds, that activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the activities:

- (a) Is or is likely to be persistent or continuing;
- (b) Is or is likely to be such as to make the activities unreasonable; and
- (c) Justifies the restrictions imposed.

Where a PSPO is in force, a Police Officer, Police Community Support Officer or Council Officer witnessing behaviour that breaches its conditions may challenge the individual(s) concerned and ask them to comply. If the individual does not comply with the request, an offence is committed.

An offence involving failure to comply with a PSPO is punishable by a fine of up to £1,000 (or £500 in the case of consumption of alcohol) or by a fixed penalty of up to £100.

In practice an offence is only committed if a person refuses to stop carrying out a prohibited activity when asked to do so by an authorised Council officer or Police officer. If the person follows the instruction then no further action would be required. Any failure to comply with the instruction to desist from the prohibited activity would generally in the first instance lead to a Fixed Penalty Notice being issued rather than arrest or court appearance.

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

The PSPO aims to address certain types of anti-social behaviour in the town centre which has a detrimental impact on the public and businesses. The Council have worked closely with partners, particularly the Police and implemented a series of actions to tackle these problems some of which have had a positive impact, however, there are still ongoing issues that can be addressed more effectively through a PSPO.

The PSPO provides local authorities with the necessary powers to introduce restrictions upon activity and behaviours deemed to be anti-social and occurring in “public spaces”. It is designed to restrict and prohibit certain behaviours, within the designated area, where evidential tests are satisfied.

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

We know, anecdotally, that there are some sections of the community who currently don’t feel that this is the case (i.e. some older people, disabled people, etc), which could have a negative impact on the individuals and the likelihood that they will choose to visit the town. The implementation of the PSPO could therefore potentially have a positive impact for some individuals.

Results of the Durham Police Call It Out Survey 2021, which was devised as part of the ongoing work in relation to Violence against Women and Girls, suggest 39% of respondents felt safe outdoors after dark, meaning 61% feel unsafe. The implementation of a PSPO may encourage females to feel safer coming into the town centre after dark.

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

Consultation findings from the 2018 Darlington Community Survey

2016 Crisis Survey (<https://www.crisis.org.uk/about-us/media-centre/crisis-reveals-scale-of-violence-and-abuse-against-rough-sleepers-as-charity-opens-its-doors-for-christmas/>)

Police data (refer to Appendix 3 in main report)

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

There is a requirement for a period of statutory consultation to be undertaken before a decision can be taken. It is important for the consultation to be both accessible and engaging with those likely to be affected by the order (positively and negatively). The consultation in relation to this order was live from 7 March to 2 May 2022.

Consultation was undertaken as follows:

- (1) Town Centre business consultation – hand delivered/emailed information
- (2) Social Media
- (3) Council’s web pages – information, map and draft order
- (4) Police
- (5) The 700 Club

There was limited response to the consultation; the Police are in full support and similarly, the 700 Club. The Council have a ‘Begging Group’ which includes Police, 700 Club, Housing Services, Drug and Alcohol Support, who work collaboratively to address the issue of begging. The group members are in support of the PSPO renewal. There were no comments received in relation to the potential impact on individuals with protected characteristics.

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

Cost neutral.

Section 3: Assessment

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Age		•	•	<p>Police statistics show youth nuisance is present in the town centre, therefore there is the likelihood that young people are more likely to be affected by the implementation of a PSPO than older age groups.</p> <p>Conversely, older people have reported as most likely to feel unsafe in the town centre and therefore are likely to be positively impacted by the introduction of a PSPO.</p>
Disability (Mobility Impairment, Visual impairment, Hearing impairment, Learning Disability, Mental Health, Long Term Limiting Illness, Multiple Impairments, Other – Specify)		•	•	<p>There is a correlation between individuals engaging in anti-social behaviour and individuals with substance misuse problems who, in turn, are more likely to suffer from mental health issues and/or learning impairments. Individuals with one or more of these disabilities have therefore been identified as more likely to be negatively affected by the introduction of a PSPO.</p> <p>Conversely, people with disabilities have reported as most likely to feel unsafe in the town centre and therefore are likely to be positively impacted by the introduction of a PSPO.</p>
Sex (Gender)		•	•	<p>There is a higher number of male ‘beggars’ in the town centre and therefore it is likely that males are more likely to be negatively affected by the PSPO more so than females.</p> <p>Conversely, there would potentially be a positive effect on females as a result of this activity: responses to the 2018 Community Survey showed that females are more likely to feel unsafe in the town centre on an</p>

How will the activity affect people with protected characteristics?	No Impact	Positive impact	Negative impact	Why will it have this effect? (refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
				evening. The implementation of a PSPO therefore may make females feel safer thus encouraging them to visit the town centre after dark.
Race	•			There is no anticipated impact upon Race as a protected characteristic group with regard to this proposed activity.
Gender Reassignment	•			There is no anticipated impact upon Gender Reassignment as a protected characteristic group with regard to this proposed activity.
Sexual Orientation	•			There is no anticipated impact upon Sexual Orientation as a protected characteristic group with regard to this proposed activity.
Religion or belief	•			There is no anticipated impact upon Religion or belief as a protected characteristic group with regard to this proposed activity.
Pregnancy or maternity	•			There is no anticipated impact upon Pregnancy or Maternity as a protected characteristic group with regard to this proposed activity.
Marriage or civil partnership	•			There is no anticipated impact upon Marriage or Civil Partnership as a protected characteristic group with regard to this proposed activity.

How will the activity affect people who:	No impact	Positive Impact	Negative Impact	Why will it have this effect? (Refer to evidence from engagement, consultation and/or service user data or demographic information, etc)
Live in a rural location?	•			There is no anticipated impact upon living in a rural location with regard to this proposed activity.
Are carers?	•			There is no anticipated impact upon Carers with regard to this proposed activity.
Are on a low income?			•	Committing offences prohibited by the PSPO could result in a fine which some individuals on a low income would be more likely to struggle to pay. It is recognised that begging can have ties with poverty and social exclusion, with individuals engaging in begging due to insufficient access to financial services. Officers will direct individuals to support services locally.

Section 4: Cumulative Impacts

Cumulative Impacts – will the activity affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men – state what you think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc)

Are there any other activities of which you are aware which might also impact on the same protected characteristics?

As outlined above, individuals who participate in the types of behaviour the PSPO is intending to address are considered to be more likely to be younger, male and potentially suffering from poor mental health and/or a learning impairment. Individuals affected by the PSPO are not anticipated to be more affected if they have more than one of the protected characteristics identified as:

- It would be their behaviour, rather than any one or combination of protected characteristic(s), which would cause them to be affected by a PSPO.
- Officers enforcing a PSPO will be trained in identifying any vulnerable circumstances in the course of discharging their duties and ensure that these are considered and, where applicable, mitigated against i.e. by referring individuals with a mental health issue to relevant local support services.

Officers are not aware of any other activities currently underway which are likely to impact on the same protected characteristic groups identified during this exercise.

Section 5: Analysis

a) How will the activity help to eliminate discrimination, harassment and victimisation?

If the PSPO is implemented it will be important for authorised officers to consider the needs of the individual and their personal circumstances in order to make an informed decision as to the appropriate action to take (i.e. recommendation for support, advice, fine, criminal justice approach etc). It will also be important for authorised officers to ensure that any action taken is proportionate to and balanced against any risks posed, either to the individual or the wider community. This includes the seriousness of the offence, past history, the consequences of non-compliance and the likely effectiveness of the various enforcement options. It has outlined the need for a consistent yet flexible approach to the application of the PSPO, which must be tailored to the individual's needs and circumstances.

A survey of homeless people by Crisis in 2016 found that people who sleep rough are 17 times more likely to face public attacks than the rest of the UK public. Whilst all beggars are not homeless, they are likely to be more vulnerable to both physical and verbal attacks and therefore it is hoped that the implementation of a PSPO will assist in protecting them in relation to this.

b) How will the activity help to advance equality of opportunity?

A number of community services aiming to advance equality of opportunity are located in the town centre, including the Central Library and Dolphin Centre. By seeking to make the town centre feel safer for residents, the PSPO will encourage more families to visit these venues and others more regularly.

c) How will the activity help to foster good relations?

Findings from both the 2018 Community Survey and 2018 MTFP Consultation indicated that a significant proportion of the population do not always feel safe in the town centre, particularly women, older people and those with disabilities, with many respondents commenting on large groups, intimidating behaviour, and beggars as reasons as to why they did not feel safe. The PSPO, in conjunction with a wide range of other community safety activities, by addressing these issues, will help foster good relations by supporting residents to feel safer in the town centre and therefore more likely to visit and socialise there.

During the engagement/ consultation process were there any suggestions on how to avoid, minimise or mitigate any negative impacts? If so, please give details.

There were a number of suggestions made by respondents to the consultation, which have been considered by officers.

Section 6 - Sign-off when assessment is completed

Officer Completing the Form:		
Signed	Name:	Anna Willey
	Date:	25 April 2022
	Job Title:	ASB & Civic Enforcement Manager
Assistant Director:		
Signed	Name:	Ian Thompson
	Date:	25 April 2022
	Service:	Assistant Director – Community Services

Section 7 – Reporting of Findings and Recommendations to Decision Makers

<p>Next Steps to address the anticipated impact (Select one of the following options and explain why this has been chosen – remember we have a duty to make reasonable adjustments so that disabled people can access services and work for us)</p>
<p>b) Negative impact identified – recommend continuing with the activity (Clearly specify the people affected and the impacts, and providing reasons and supporting evidence for the decision to continue. The EIA identifies potential problems or missed opportunities. Officers will advise to change the proposal to reduce or remove these adverse impacts, or the Council will achieve its aim in another way which will not make things worse for people. There must be compelling reasons for continuing with the proposal which will have the most adverse impacts.)</p>
<p>Explanation of why the option above has been chosen (Including any advice given by legal services)</p>
<p>The recommendation to continue with the activity has been chosen because, as outlined during the EIA exercise:</p> <ul style="list-style-type: none"> Those protected characteristic groups identified as being more likely to be affected by the PSPO will only be affected as a result of them engaging in anti-social behaviour, not on the basis of a particular characteristic. Individuals affected will be dealt with effectively and fairly; there will be a warning procedure in place and the enforcement of a PSPO will only be used as a last resort. Under the PSPO, officers will utilise their discretion when dealing with such issues and take enforcement action only when justified. There has been a considerable amount of work undertaken with partner agencies, such as the 700 Club in order to ensure people are offered the necessary support and assistance. This work and detail around the Begging Strategy is referenced in the main report.

- In addition, authorised officers will be trained in identifying and sensitively dealing with any vulnerabilities relating to protected characteristics e.g. learning impairment, in order to mitigate against any negative impacts.

If the activity is to be implemented how will you find out how it is affecting people once it is in place? (How will you monitor and review the changes?)

PSPO has been in place 2019-2022 and was managed effectively. If the PSPO was renewed, a monitoring period would take place, similarly to when the first order was in place.

Section 8 – Action Plan and Performance Management

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

What is the negative impact?	Actions required to reduce/eliminate the negative impact (if applicable)	Who will lead on action	Target completion date
Younger people more likely to be affected	Officers authorised to discharge are fully trained to ensure that where this power is used it is as a result of an individual or group's behaviour, rather than a protected characteristic.	Anna Willey, Anti-Social Behaviour & Civic Enforcement Manager	Within 6 months of the Order being approved
Males more likely to be affected			
People with mental health issues potentially more likely to be affected	Should an individual be affected by a PSPO who feels unfairly targeted or particularly negatively affected due to a protected characteristic, they will be able to appeal by following a formal appeals process.	Anna Willey, Anti-Social Behaviour & Civic Enforcement Manager	For the length of the Order
People with learning impairments potentially more likely to be affected	Where a vulnerability is identified relating to a protected characteristic during the process of a PSPO being made, officers are trained to respond		
		Anna Willey, Anti-Social Behaviour & Civic Enforcement Manager	Within 6 months of the Order being approved

	sensitively and appropriately i.e. by referring to a relevant local support agency.		
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Performance Management	
Date of the next review of the EIA	12 months
How often will the EIA action plan be reviewed?	Until confident all required mitigations and actions required have been identified and completed
Who will carry out this review?	Community Safety Management Team

DARLINGTON BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

**PUBLIC SPACES PROTECTION ORDER – DARLINGTON TOWN CENTRE
Number 1 of 2022**

Notice is hereby given that Darlington Borough Council (“the Council”) in exercise of its powers under sections 59, 63, and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) being satisfied that the conditions set out in section 59 of the Act have been met, make the following order:

PRELIMINARY

1. The Order applies to the land described by the map attached at Schedule 1 and shown edged red, being land in the area of the Council, to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies.
2. The order may be cited as the Darlington Borough Council Public Spaces Protection Order – Darlington Town Centre and shall come into force on..... for the duration of three years. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.
3. The activities identified in paragraph 7 below have been carried out in public places within the Council’s area and have had a detrimental effect to the quality of life of those living in the locality.
4. The Council is satisfied that the conditions set out in sections 59, 63 and 72 of the Act have been met and that it is, in all the circumstances, expedient to make this Order in order to seek to reduce the detrimental effect on the quality of life of those in the locality caused by the activities listed in paragraph 7 below.

5. The effect or likely effect of these activities is, or is likely to be, of a persistent or continuing nature, such as to make these activities unreasonable, and therefore justifies the restrictions imposed by this Order.
6. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

THE ACTIVITIES

7. The Activities covered by this Order are:
 - a) Persons acting in an anti-social manner who continue to drink alcohol in public places, which are not licensed premises, after they have been asked to stop
 - b) Persons acting in an anti-social manner who fail to surrender any alcohol in their possession in public places, which are not licensed premises, when asked to do so
 - c) Begging
 - d) Threatening behaviour
8. The effect of this order is to impose the prohibitions on the use of the land as detailed below at all times.

THE PROHIBITIONS

Alcohol

9. a) Any person acting in an anti-social manner who continues drinking alcohol in a public place, which is not a licensed premises, when asked to stop by a

constable or a person authorised by the Council for this purpose commits an offence.

- b) Any person acting in an anti-social manner who fails to surrender any alcohol in his possession in a public place, which is not a licensed premises, when asked to do so by a constable or a person authorised by the Council for this purpose commits an offence.
- c) For the purposes of sections 9(a) and 9(b) above, acting in an anti-social manner is defined as acting in a manner that is causing or is likely to cause harassment, alarm, or distress to another person.

Begging

- 10. No person shall sit or loiter in any place for the purpose of begging or asking members of the public for money whether by placing an item before them for receipt of money or otherwise.

Threatening and intimidating behaviour

- 11. No person shall use threatening or intimidating behaviour towards any other person.

EFFECT OF FAILING TO COMPLY WITH THIS ORDER

- 12. It is an offence for a person without reasonable excuse to engage in an activity that is prohibited by this Order.
- 13. A person guilty of an offence under paragraph 9(a) or 9(b) above, in accordance with section 63 of the Act, is liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500).

14. A person guilty of an offence under paragraphs 10 or 11 above, in accordance with section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000).
15. The full text of sections 63 and 67 of the Act is set out in Schedule 2 to this Order.

FIXED PENALTY NOTICES

16. A constable, or a person authorised by the Council for this purpose, may issue a fixed penalty notice to any person he or she believes has committed an offence under section 63 or 67 of the Act. The person will then have 14 days to pay a fixed penalty of £100. If payment is received within 14 days they will not be prosecuted.

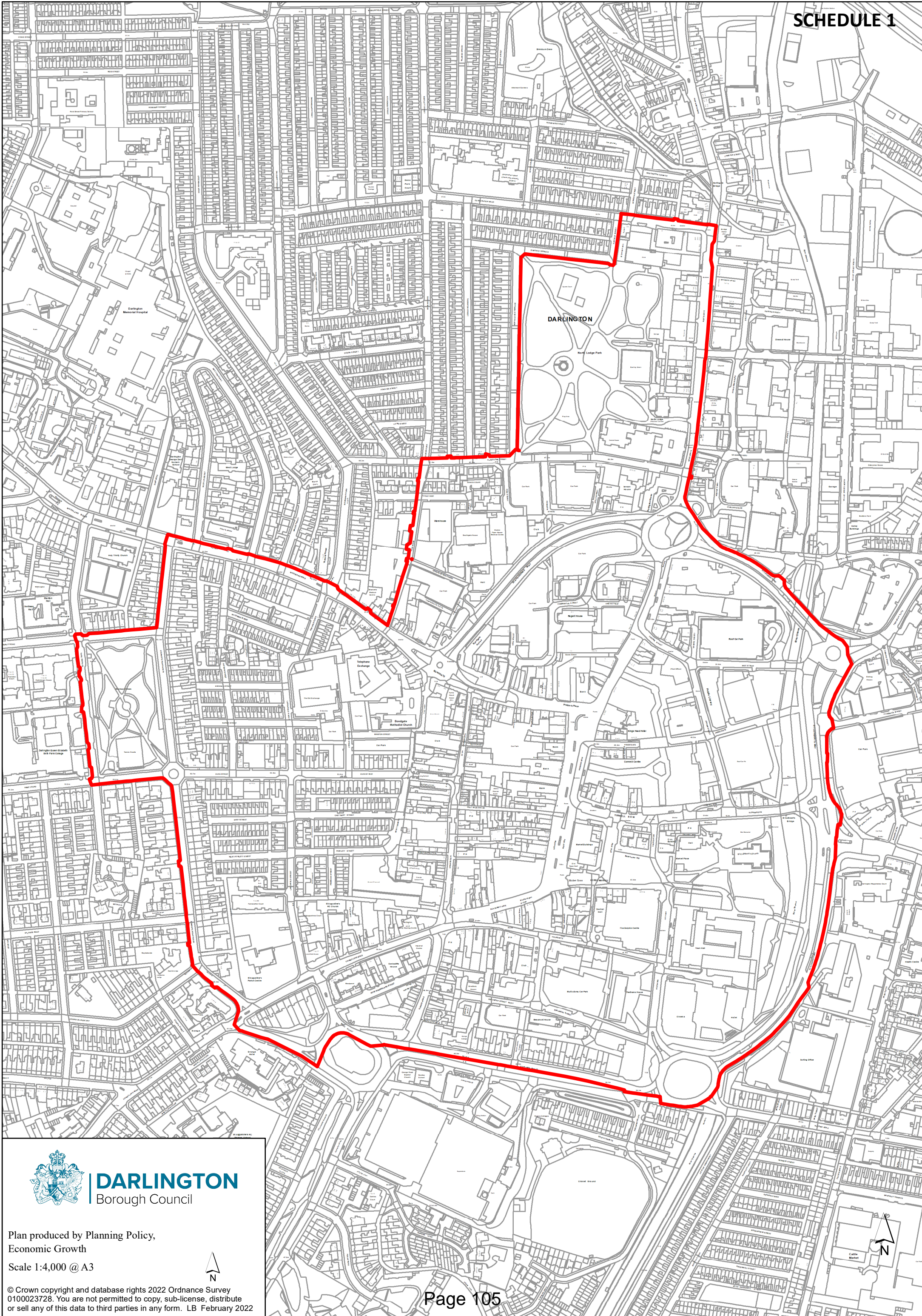
CHALLENGING THIS ORDER

17. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. There is further detail regarding this in Schedule 3 attached.

GIVEN under the common seal of
The Council of the Borough of Darlington

On the
..... day of 2022

THE COMMON SEAL of the
Council of the Borough of Darlington
was hereunder affixed in the presence of :-



DARLINGTON
Borough Council

Plan produced by Planning Policy,
Economic Growth
Scale 1:4,000 @ A3



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Schedule 2

Text of section 63 of the Act

(1) This section applies where a constable or an authorised person reasonably believes that a person (P)—

(a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or

(b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “*authorised person*” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require P—

(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;

(b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

(a) is asked by P to show evidence of his or her authorisation, and

(b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Text of section 67 of the Act

(1) It is an offence for a person without reasonable excuse—

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

Schedule 3

Challenging this Order (Section 66 of the Act)

1. Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This right to challenge also applies where this Order is varied by the Council.
2. Interested persons can challenge the validity of this Order on two grounds: (1) that the Council did not have the power to make the Order, or to include particular prohibitions or requirements; or (2) that one of the requirements of the legislation has not been complied with.
3. When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

PSPO DATA March 2022

Prepared By:	Julie Cuthbert	Request From:	Anna Willey
Request Ref:	Use of the Town Centre PSPO.		

Information provided in this document covers the period 1 March 2018 to 25 April 2022 and is for the Town Centre only.

Table 1 shows the number of Police reports of ASB and Begging in Darlington Town Centre:

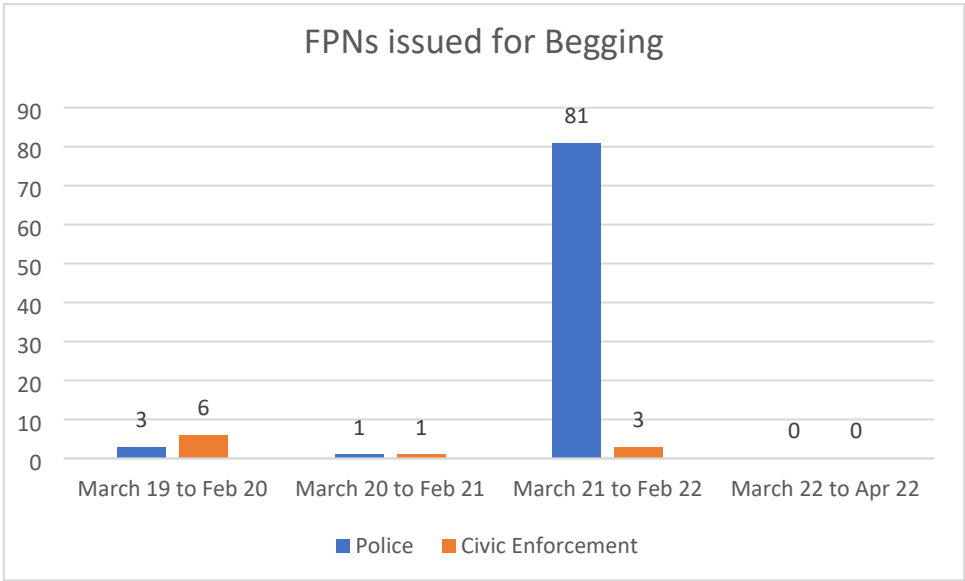
Date	01.03.18- 28.02.19	01.03.19- 28.02.20	01.03.20- 28.02.21	01.03.21- 28.02.22	01.03.22- 25.04.22
Youth Related ASB	116	226	63	72	13
Alcohol Related ASB	71	132	61	83	14
Total ASB	252	489	237	273	44
Begging	35	14	14	11	0

Table 2 shows the number of reports to Civic Enforcement (Uniform) of ASB and Begging in Darlington Town Centre:

Date	01.03.18- 28.02.19	01.03.19- 28.02.20	01.03.20- 28.02.21	01.03.21- 28.02.22	01.03.22- 25.04.22
Youth Related ASB	37	74	80	145	25
Alcohol Related ASB	1	5	16	15	2
Total ASB	191	207	223	550	58
Begging	No data	94	23	161	36

Use of the PSPO

Graph 1-FPNs for begging



Graph 2-FPNs for drinking alcohol in a public space



Area of concern

The period March 2021-Nov 2021 has seen an increase in FPNs being issued for begging. Two nominals are responsible with 69 FPNs issued between them.

Threatening and intimidating behaviour

Table 3 shows the number of reports to the police for the crimes of Violence Against the Person and Public Order offences. (Figures are skewed for the period 01.03.20-28.02.21 due to lockdowns):

Date	01.03.18-28.02.19	01.03.19-28.02.20	01.03.20-28.02.21	01.03.21-28.02.22	01.03.22-30.04.22
Violence Against the Person	491	641	219	489	85
Public Order	179	242	108	202	26

Further analysis was completed for Public Order offences and these were largely due to suspects shouting and swearing in public areas causing the victim to feel alarmed, harassed or distressed.

Tubwell Row was a hotspot for both offences. This is a location that has a high volume of licensed premises, further data relating to incidents connected to licensed premises is below in Table 4.

Alcohol related incidents

Table 4 shows the number of reported alcohol related incidents in the Town Centre. (Again figures are skewed for the period 01.03.20-28.02.2021 due to lockdowns):

Date	01.03.18-28.02.19	01.03.19-28.02.20	01.03.20-28.02.21	01.03.21-28.02.22	01.03.22-30.04.22
Alcohol related incidents	870	906	371	743	131
Alcohol related incidents linked to licensed premises	351	832	219	382	49

The table above shows that it is highly likely that licensed premises can be linked to alcohol related incidents in the Town Centre, with Tubwell Row a hotspot area.

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CABINET
22 JUNE 2022

CCTV REPLACEMENT CAMERA PROGRAMME

Responsible Cabinet Member –
Councillor Mike Renton, Stronger Communities Portfolio

Responsible Director –
Dave Winstanley, Group Director of Services

SUMMARY REPORT

Purpose of the Report

1. This report outlines the outcome of a review of the CCTV system and requests the release capital funding to upgrade the analogue cameras and transmission equipment to improve the quality and efficiency of the system.

Summary

2. Darlington Borough Council operates a Public Space CCTV system throughout the Borough which primarily supports the Council Plan objectives of keeping the Borough safe. The network is linked to a control centre where the range of services provided have developed over the years, including the development of effective partnership working with the Police and other statutory agencies.
3. Since the introduction of the system in the 1990s the system has developed and grown with cameras installed at strategic locations to help reduce crime. The system has expanded from a 30-camera system to 122 public space cameras. The recent success in Safer Streets funding rounds has enabled further development of systems and initiatives to help keep the Borough safe to create the conditions and outcomes in the Council Plan.
4. A key action in the Council Plan was to review the CCTV system, this included a review of the network and transmission system, which identified the need to replace 74 older analogue cameras that are obsolete, quality is poor, and where the images from newer cameras would produce better outcomes. As with all system technology moves forward and the review identified an efficiency opportunity to move to a wireless network to replace the leased fibre circuits. This creates a financial saving that could be reinvested to part fund the proposals outlined in this report.
5. The Community Safety team have built extremely strong partnerships with the Police, including co-location and in 2021/22 the CCTV control room worked with the police on 1345 Police requests, that included providing 565 recordings and 654 requests to view footage. This system is not just a critical tool to help deliver Council priorities but also contributes all four key actions in the Police and Crime Plan; Prevent, Protect, Deter and Pursue. The Police and Crime Commissioner has given an in principal agreement to

contribute £25,000 a year for 10 years to the project in recognition of the outcomes CCTV provides for the community.

6. The upgrades to the system will cost £513,500 and this will be funded by prudential borrowing from savings created by not having to pay lease costs for communication lines and a contribution from the Police and Crime Commissioner.

Recommendation

7. It is recommended that:-
 - (a) Members note the contents of this report, and
 - (b) Release capital of £513,500 to undertake the upgrades to the CCTV system as outlined in this report.

Reasons

8. The recommendations are supported by the following reason, to replace the poor quality remaining analogue cameras and update the transmission network to assist in the detection of crime and ASB.

Dave Winstanley
Group Director of Services

Background Papers

- (i) Review of CCTV
- (ii) Programme for the upgrade of the public space CCTV cameras and transmission equipment

Ian Thompson : Extension 6628
CD

S17 Crime and Disorder	CCTV cameras help prevent and detect crime and anti-social behaviour, supporting the work of both the Council and Police.
Health and Wellbeing	Cameras around the town and in parks and open spaces contributes to these locations being safe places to enjoy and exercise therefore having a positive impact on health and wellbeing.
Carbon Impact and Climate Change	There is no impact on climate change.
Diversity	There is a positive impact on diversity as cameras contribute to the safety of areas.
Wards Affected	Wards that have CCTV cameras.
Groups Affected	No group is affected differently.
Budget and Policy Framework	There is no impact on the budget and policy framework.
Key Decision	No
Urgent Decision	No
Council Plan	CCTV cameras contribute to the Council's vision by preventing crime and anti-social behaviour, helping make Darlington a safe place to live, visit and invest.
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

9. Closed Circuit Television (CCTV) is part of everyday life within our towns and cities in the UK. Councils and law enforcement agencies rely heavily on surveillance as a tool to prevent and detect crime. It is now estimated that there are around 5.2 million CCTV cameras in the UK.
10. Darlington Borough Council operates a Public Space CCTV system throughout the Borough which primarily supports the Council Plan objectives of keeping the Borough safe. The benefits include:
 - (a) They act as crime deterrent.
 - (b) They provide peace of mind.
 - (c) They enable evidence detection.
 - (d) Help create conditions for success.
11. The network is linked to a control centre where the range of services provided have developed over the years, from control of traffic system to the development of effective strategic partnership working with the Police and other statutory agencies.

12. The control room also handles Lifeline calls and in 2021/22 took 91,569 calls providing assistance and reassurance to those vulnerable people needing support in staying independent at home.
13. Since the introduction of the system in the 1990s the system has developed and grown now supports 122 cameras located throughout the Borough (detailed in Table 1 below) of which a significant number are past the expected useful operating life. The quality of the pictures is well below what is expected from a modern camera.

Table 1

Location	Number of cameras
Town centre, Head of Steam, Skerne Bridge, Buckton's Yard, Clarks Yard	60
Town Hall and control room	23
Stanhope Park	6
South Park	7
North Lodge Park, Chesnut Street car park, Nightingale Avenue, Fulthorpe Avenue, Eastbourne Sports Centre, Denes Park play area, Springfield Park, Red Hall play area	8
Firthmoor	14
Abbey Road	4
Total	122

14. Within the Council Plan, one of the key actions is "review our approach to the use of CCTV in supporting community safety and work with partners to enhance the service further."
15. Work has commenced on updating our approach with one of the first actions being the Council has invested in 10 re-deployable cameras to tackle crime, disorder and anti-social behaviour. These cameras can be moved to different locations as and when required.
16. In addition, through the Home Office Safer Streets 2 Fund, the Council were awarded £230,400 to introduce 17 additional cameras in and around Darlington town centre (including subways). Included in this amount was £54,510 match funding provided the PCC. These cameras have only recently been installed.
17. The next phase was to review our fixed CCTV system and Eclipse Research were commissioned by the Council to assess the existing public space CCTV cameras and the transmission network, including the productivity and condition of individual cameras.

18. Of the 122 cameras, a significant number have been replaced over the years, however there are still 74 older style analogue cameras. The images from the analogue cameras are soft and of poorer quality than the newer Internet Protocol (IP) cameras. Therefore, it is proposed to replace all the remaining analogue cameras with IP cameras as detailed in Table 2 below:

Table 2

Location	Number of cameras to be replaced
Town centre, Head of Steam and Skerne Bridge and other cameras	19
Town Hall and control room	20
Stanhope Park	6
South Park	7
5G transmission (North Park, etc)	8
Firthmoor	14
Total	74

19. The second part of the of the replacement programme was to design a wireless network to replace the leased fibre circuits that connect the majority of the cameras to the control room, other than cameras connected wirelessly already. Moving away from leased circuits provides an annual saving that can be reinvested to support the replacement camera programme. In addition, the town centre wireless transmission network was negatively affected by the Council's public Wi-Fi system that has been installed recently. There is also a lack of frequency diversification and misalignment of existing CCTV transmission equipment.
20. A further but unrelated consideration is several of the cameras and remote systems connected via the wireless hub on the roof of Northgate House, which has become a risk because of its uncertain future.
21. The proposed transmission network is to consist of wireless links using the 5GHz, 60GHz and 70-80GHz frequencies, which should have sufficient diversification to avoid the problems that were experienced when just 5GHz was used in the town centre. Where lines of site are not achievable, it is proposed to use either leased fibre circuits or the 4G/5G mobile telephone network.

Financial Implications

22. Currently a significant number of cameras use fibre connections back to the control room or hubs, which are leased at a revenue cost of £42,000 per annum for 44 circuits. By reconfiguring the system and utilising wireless transmission where possible and new fibre connections where required will produce an annual revenue saving of £33,000.

23. The capital cost to replace the 74 cameras including fibre connections and licences is detailed in Table 3 below:

Table 3

Location	Number of cameras to be replaced	Estimated cost (camera, transmission and ancillary equipment)
Town centre, Head of Steam and Skerne Bridge and other cameras	19	£175,500
Town Hall and control room	20	£48,500
Stanhope Park	6	£43,500
South Park	7	£35,500
5G transmission (North Park, etc)	8	£20,500
Firthmoor	14	£84,000
Professional fees		£20,000
Sub-total Cameras	74	£427,500
Contingency and inflation @ 20%		£85,500
Total Cost		£513,500

24. The total cost of the camera replacement programme and revised transmission network, with a combination of wireless transmission and leased fibre circuits is £513,500. This figure includes a 20% contingency and inflation allowance to mitigate the risk of the uncertainty in the current markets.
25. The Police and Crime Commissioner has given in principal agreement to a £25,000 annual contribution to the cost of the CCTV system. This contribution, alongside the annual revenue saving of £33,000, provides a budget of £58,000 to fund borrowing of £513,500 over 10 years with nil impact on the MTFP.

Legal Implications

26. The Council's CCTV Code Assessment Pack for Public Space CCTV and the documentation underpinning it will be updated as necessary to reflect the installation of the replacement cameras. This will ensure the Council's Public Space CCTV continues to comply with the Surveillance Camera Commissioner's Code of Practice and data protection legislation.

Procurement Advice

27. All procurement activity will be in line with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.
28. Where possible, pre-existing approved Contracts or Frameworks will be used in the first instance.

CABINET
22 JUNE 2022

PROPOSED HUMPED SPEED TABLE NEWTON LANE - OBJECTION

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

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

SUMMARY REPORT

Purpose of the Report

1. To advise Members of an objection received to a humped speed table on Newton Lane in relation to a 'Safe Route to School Scheme' and to seek a decision on whether to proceed with the proposal.

Summary

2. The Council has a programme of speed management and Safer Route to School schemes as part of the Local Transport Plan. Mount Pleasant Primary School has been identified as a priority school for a school 20mph zone.
3. The Council consulted on a scheme to introduce a 20mph zone on the Newton Lane frontage of the school with associated changes to the traffic calming measures.
4. A majority of responders were in favour of the proposal and officers proceeded to obtain delegated powers to progress the necessary Traffic Regulation Orders.
5. The statutory legal orders for the proposed 20mph zone were advertised on 14 March for a period of four weeks. No objections have been received.
6. The statutory notifications for the proposed humps were advertised separately on 1 April 2022 for a period of four weeks. One objection has been received.
7. The proposed scheme will improve road safety by managing speeds along the road and improving crossing facilities. The introduction of schemes of this nature are to ensure the infrastructure is in place to encourage more people to make sustainable journeys where possible and provide a safer area in the vicinity of the school.
8. Having assessed the points raised by the objector, officers consider the benefits of the proposed scheme and wider support for the scheme outweigh the potential impact identified by the objector and members are asked to set aside the objection. Further details of the objection and the considerations are provided in the main report.

Recommendation

9. It is recommended that Members consider the objection and considerations by officers, set it aside and authorise officers to proceed and introduce the proposed speed table at the designed location.

Reasons

10. The recommendations are supported by the following reasons:
- (a) The scheme complies with Council policy as set out in the current Local Transport Plan.
 - (b) The Council is committed to providing a safer highway network around schools to reduce the risk of road traffic collisions. The proposed physical measures will increase the safety of the school children and residents in this area and encourage more people to walk and cycle.

Dave Winstanley
Group Director of Services

Background Papers

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

Noel Walecki: Extension 6706

S17 Crime and Disorder	There are no direct implications
Health and Wellbeing	The introduction of a safer route to school is aimed at encouraging more people to walk and cycle to school and create a safer and healthier environment around the school.
Carbon Impact and Climate Change	Introducing the infrastructure and regulations to encourage more people to make sustainable travel choices will have a positive impact on climate change.
Diversity	There are no direct implications
Wards Affected	Cockerton West
Groups Affected	All
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	This decision supports the safe and sustainable themes in the Council Plan.
Efficiency	The decision will allow the road safety scheme to be implemented to assist with achieving objectives set out in the current Local Transport Plan. Should the requested decision not be made the road safety scheme will be redesigned, and consultation process restarted.

	Consequently, new legal orders will need to be drafted and re-advertised. The scheme is currently proposed to be carried out in conjunction with a planned road maintenance scheme during the summer holidays in August. A decision to reconsult would mean that the works could not be carried out at the same time.
Impact on Looked After Children and Care Leavers	There are no direct implications

MAIN REPORT

Information and Analysis

11. Consultation documents for the proposed 'Safe Route to School Scheme' were sent to affected residents and stakeholders in June 2021 with 58 consultation packs hand delivered to residents of Newton Lane and affected properties. A plan of the proposed scheme is included at **Appendix A**. Stakeholders including Ward Councillors, Emergency Services and representatives from Darlington Association on Disability (DAD) were informed via electronic communication.
12. Consultation responses were collated and summarised in a report to the Cabinet Member responsible for Local Services. Over 80% of responses were in favour of the proposed measures. Two responses (18%) were not in favour of the type and location of the traffic calming features. The objector responded to the original consultation and did not agree with the type and location of the proposed traffic calming features
13. The table below provides details of the scheme consultation outcome.

	Question	Yes	No	No Comment/ Not Applicable
1	Do you support the creation of a safer route to Mount Pleasant Primary School?	10 (90%)	1 (10%)	0
2	Do you support the refurbishment of the 20mph speed reduction zone?	10 (91%)	1 (9%)	0
3	Do you approve of the type and location of the traffic calming features?	9 (82%)	2 (18%)	0
4	Do you support the hardening of verges at key locations?	9 (82%)	2 (18%)	0

14. Officers proceeded to obtain delegated powers to progress the necessary Traffic Regulation Orders(TROs).
15. Summary letters detailing the outcome of the consultation were sent to all affected residents on 9 March 2022. Letters included the 'Next Steps' comprising the advertisement of the required TROs. No objections to the order were received.

16. Notifications for the proposed humps were advertised separately on 1 April 2022. and letters were hand delivered to all affected residents. One objection has been received and this is contained at **Appendix B**.
17. There are two speed tables planned in the scheme and an objection has been raised to the feature in the vicinity of numbers 110 to 116 Newton Lane. The table below provides details of the objections and an officer response.

Objection Reason	Officer Response
<i>Basically, the council are using the movement of kids to school as an excuse to hide behind to put these speed tables in and create a 24/7 obstruction. You should be ashamed.</i>	The Council has a policy for introducing 20mph zones outside all schools in the borough. Parents have raised issues regarding safety, particularly in terms of speed of traffic and safe crossing points. The scheme will manage vehicle speed outside of the school and provide better crossing points.
<i>The erection of this speed table outside my property will, in my opinion, severely affect the value of my home as well as make it difficult for the residents of our block to park our cars in an area where parking spots at times are already at a premium.</i>	Road safety is a priority on the highway but the Council will allow parking where it is considered safe to do so. However, residents do not have a right to park outside of their properties. To mitigate the objection the scheme does provide some additional parking in the form of verge hardening in close proximity.
<i>They also cause such disruption to the smooth flow of traffic at a time when we should be trying to be as fuel efficient as possible but these tables cause braking and acceleration therefore wasting fuel.</i>	The speed humps are designed to accommodate traffic travelling at 20mph and are within a 20mph zone therefore driver should be able to driver through the zone at a steady and efficient speed.
<i>They also cause suspension damage to cars which us car owners have to pay to get repaired but we have to suffer statements like Bus Friendly speed table – yeah bus friendly, not car friendly!!</i>	The humps are designed to national standards should not cause excessive damage to vehicles as long as they are driven at an appropriate speed.

18. It is acknowledged that the scheme will remove the opportunity to park outside of the objectors house. It should however be born in mind that road safety is the main priority for the Council and resident's do not have a right to park outside of their property.
19. The proposed scheme will improve road safety by managing speeds along the road and improving crossing facilities and it is considered that the benefits of the scheme outweigh the impact reported by the objector.
20. The scheme complies with the Council's policy as set out in the Local Transport Plan, to introduce 20mph zones outside all of the schools within the borough. The scheme also contributes to the objective of encouraging more sustainable travel choices to support climate change and health objectives.

Equalities Considerations

21. Following a screening an equalities impact assessment was not required. However, Darlington Association on Disability were engaged as a stakeholder and current designs informed by their responses.

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KEY:

- Proposed bitmac footpath.
- Proposed carriageway construction with macadam finish.
- Proposed PCC Verge Hardening
- Proposed buff 'Blister' tactile paving.
- Proposed P.C.C kerb line.
- Proposed P.C.C channel.
- Proposed P.C.C pin kerb edging.
- Proposed Speed Table.
- Proposed Tree.
- Existing properties and boundaries to remain untouched

Notes:

Proposed alterations and new restrictions are shown in Orange.

Newly proposed white lines and existing lines to be refreshed are shown in black

Affected Areas:

Mount Pleasant Primary School
Newton Lane - 23 Dwellings
Newton Lane (Windsor Court) - 34

Rev./Amdt.	Amendment	Date	Approved
<div>DARLINGTON Borough Council</div> <div>17 Allington Way Darlington DL1 4QB</div> <div>Tel : (01325) 405000 Fax: (01325) 388724</div>			
Project No.		Project Title	
001		Mount Pleasant School (Newton Lane)	
Drawing Title			
Consultation Layout			
Drawn By	Date	Drawing No.	Scale
GR	6/5/21	06	1:500
Approved By	Date	Rev./Amdt.	
NW	6/5/21	0/-	

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Noel Walecki

From: Andrew Errington on behalf of Traffic Orders
Sent: 11 April 2022 08:03
To:
Subject: RE: OBJECTION TO 'HUMP NOTIFICATION'

This document was classified as: OFFICIAL

Dear Mr

I acknowledge receipt of your email which I am forwarding to the Council's Highways Services.

Kind regards

Andrew Errington
Lawyer (Planning)

OPERATIONS GROUP

Darlington Borough Council
 Town Hall, Darlington DL1 5QT, Room 316
 Direct Line: 01325 405492, Internal: 5492



From:
Sent: 01 April 2022 20:34
To: Traffic Orders <TrafficOrders@darlington.gov.uk>
Subject: OBJECTION TO 'HUMP NOTIFICATION'

Hello

I send this email to state my continued objection to a speed table being put in place immediately outside my house.

The whole set of plans of what Darlington Council wish to put in on Newton Lane are idiotic – they say these restrictions are required to provide a safer route to school yet at the same time say traffic volumes don't merit the reintroduction of a school crossing patrol, this is totally contradictory. If assistance is required for children to get to school safer then surely plans could be thought off that can be implemented at the required times but leave the road restriction free at other times – putting these speed tables in gives a 24/7 restriction to our road to help with a supposed situation that should only last for a maximum 1.5 to 2 hours in total per day, 5 days per week for 39 weeks of the year.

Basically the council are using the movement of kids to school as an excuse to hide behind to put these speed tables in and create a 24/7 obstruction. You should be ashamed.

The erection of this speed table outside my property will, in my opinion, severely affect the value of my home as well as make it difficult for the residents of our block to park our cars in an area where parking spots at times are already at a premium. They also cause such disruption to the smooth flow of traffic at a time when we should be trying to be

as fuel efficient as possible but these tables cause braking and acceleration therefore wasting fuel. They also cause suspension damage to cars which us car owners have to pay to get repaired but we have to suffer statements like Bus Friendly speed table – yeah bus friendly, not car friendly!!

Please think again as to what, if anything, is actually needed to be put into this street. It should not be for a group of local councillors (who either don't drive or live in the vicinity) or a bunch of school officials to decide what is best – it is us local residents who have to live with the implications of their actions and your decisions. We should not be further victimised just because we live in a street which also has a school in it – we already suffer with the parking (and I use that term loosely as often the cars are just abandoned) from parents dropping kids off or picking them up. I'm also sure part of this issue is also down to our wonderful council giving so much planning permission for the new estates as part of West Park Garden Village and as a result we get hit with the speed tables and restrictions given the extra flow of traffic that will be coming through as the new houses become populated.

Think again, these plans are not wanted or required.



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CABINET
22 JUNE 2022

LAND AT BLACKWELL
PROPOSED DEVELOPMENT AND PARKLAND RESTORATION

Responsible Cabinet Member –
Councillor Scott Durham, Resources Portfolio

Responsible Director – Ian Williams, Chief Executive

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to gain Cabinet approval for the disposal of 5.2 Hectares (13 acres) of land on the former Blackwell golf course. The land is shown as the hatched area on the plan at **Appendix 1** and marked 403 and has been allocated as housing development land in the recently adopted Local Plan.
2. The report also seeks approval for the funding of feasibility work to develop plans for a parkland restoration scheme (shown shaded grey on the plan in Appendix 1) and to engage the services of Esh Homes Limited to develop appropriate plans and designs for a residential planning application for site 403.

Summary

3. The Council is planning to restore the historic parkland on land surrounding the Blackwell Grange Hotel, as shown shaded grey on the plan. Council owned land of circa 5.2 Ha (13 acres) has been earmarked for residential development in the recently adopted Local Plan, as shown hatched on the plan and marked 403. The sale of this land is required to fund the restoration of the parkland.
4. The intention is for Esh Homes Ltd, the Council's joint venture partner to develop the Council owned land and proposals will be brought to Cabinet in due course. To facilitate this development there are several surveys and pieces of feasibility work that will be required to be carried out on the land. The feasibility works and parkland restoration proposals will be jointly procured by Esh Homes Limited and the Council in compliance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.
5. Any development would be of the highest quality and consultations would take place with the local community and other interested stakeholders on the proposals through the planning process. It is currently proposed that one planning application would be submitted to include the residential development and parkland restoration scheme.

6. At this stage it is anticipated that vehicular access to any future residential development will be gained from Carmel Road South. This will mean the demolition of a dilapidated former greenkeepers stone building. The building is not listed and remains unused due to the state of disrepair. There are no services to the building, and it is proposed that once demolished the stonework will be re-used within the parkland restoration scheme.
7. The estimated feasibility costs are identified in Part III (**Appendix 2**) of the report.

Recommendations

8. It is recommended that Cabinet:
 - (a) Declares the land shown hatched on the plan at Appendix 1, marked as 403, surplus to the Council's requirements and is sold to the Council's joint venture partner with terms being reported back to Cabinet for consideration.
 - (b) Approves the costs identified in Part III of the report and authorises the release of funding necessary to appoint Esh Homes Ltd and for the Council to undertake the feasibility and landscape work required to submit a planning application, together with demolition of the former greenkeepers building. The costs to be funded from the Council's Investment Fund and will be paid back on receipt of a capital receipt from the proceeds of the sale.
 - (c) The Assistant Director – Law and Governance be authorised to execute the necessary documents to facilitate future development.

Reasons

9. The recommendations are supported by the following reasons: -
 - (a) To provide a site capable of contributing to the delivery of new housing to satisfy the Borough's housing need and to provide for restoration of the parkland area.
 - (b) To achieve a capital receipt for the Council and increased Council Tax receipts from new homes.

Ian Williams
Chief Executive

Background Papers

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

Guy Metcalfe, Ext 6725

S17 Crime and Disorder	The report has no implications for crime and disorder
Health and Well Being	The report has no implications for health and well being
Carbon Impact and Climate Change	There is potential for any new Building to be easily accessible by sustainable transport modes which will help ensure the carbon footprint of the development is acceptable.
Diversity	No implications
Wards Affected	Park West Ward
Groups Affected	All
Budget and Policy Framework	The resolutions in this report will not make changes to the Budget and Policy framework.
Key Decision	No
Urgent Decision	No
Council Plan	This will help support facilitating development and economic growth for Darlington
Efficiency	The workload resulting from the recommendations in this report assumes resources at existing levels.

MAIN REPORT

Information and Analysis

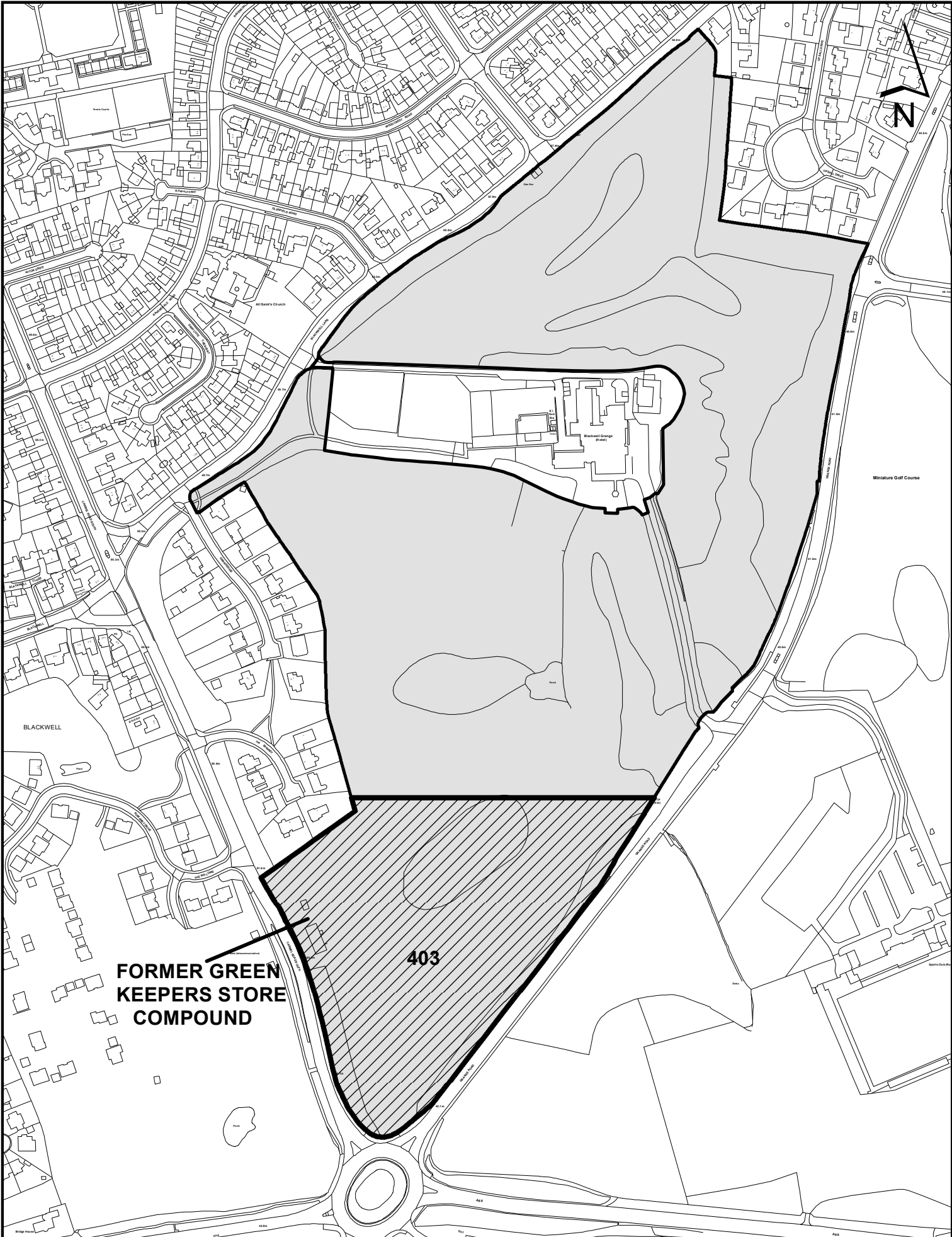
10. ESH Homes Ltd and the Council will undertake the necessary survey work in order that a site layout plan for the residential development on the 5.2 Ha (13 acres) together with a parkland restoration scheme on the land shown shaded grey in Appendix 1 can be compiled.
11. The sale of this land is required to fund the restoration of the historic parkland and its future maintenance. Access to the residential development requires the dilapidated former greenkeepers' stone building is demolished. It is not a listed building and has not been used as such for many years as all services have been removed due to the structure of the building. However, it is proposed that the stone that makes up the building is reused within the scheme.
12. The Parkland proposals will aim to retain the openness and green infrastructure functions so their relationship and importance to the character of Darlington is protected and enhanced.
13. To protect existing habitats and ecosystems the development must show a biodiversity net gain, so that the development leaves the natural environment in a measurably better state than it was before any development takes place.
14. Scheme proposals for the residential development and parkland restoration scheme will be brought back to Cabinet for consideration.

Finance Implications

15. It is proposed that the feasibility works to be undertaken by Esh Homes Limited and the Council as set out in Part III report are to be funded from the Council's Investment Fund and repaid from future capital receipts as the site is developed.

Procurement Implications

16. All procurement activity will be undertaken in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015.



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

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