



DARLINGTON

Borough Council

Cabinet Agenda

5.00 pm

Tuesday, 7 March 2023

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 Tuesday, 7 February 2023. (Pages 5 - 12)
5. Matters Referred to Cabinet –
There are no matters referred back for reconsideration to this meeting
6. Issues Arising from Scrutiny Committee –
There are no issues referred back from the Scrutiny Committees to this Meeting, other than where they have been specifically consulted on an issue and their comments are included in the contents of the relevant report on this agenda.
7. Key Decisions:-
 - (a) Release of Capital Funds - Whinfield Primary Roof and Hurworth Schools Section 106 Funding – Report of the Group Director of People.
(Pages 13 - 16)
 - (b) Local Transport Plan – Report of the Group Director of Services.
(Pages 17 - 48)

8. Housing Services Low Cost Home Ownership Policy – Report of the Group Director of Operations.
(Pages 49 - 68)
9. Housing Services Damp, Mould and Condensation Policy – Report of the Group Director of Operations.
(Pages 69 - 80)
10. Housing Services Allocations Policy – Report of the Group Director of Operations.
(Pages 81 - 110)
11. Equality Policy and Objective Refresh – Report of the Group Director of Operations.
(Pages 111 - 158)
12. Regulatory Investigatory Powers Act 2000 (RIPA) – Report of the Group Director of Operations.
(Pages 159 - 162)
13. Delivery of New Homes at Neasham Road - Land Disposal and Joint Venture Proposal – Report of the Chief Executive.
(Pages 163 - 174)
14. Schedule of Transactions – Report of the Group Director of Operations.
(Pages 175 - 178)
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.



Luke Swinhoe
Assistant Director Law and Governance

Monday, 27 February 2023

Town Hall
Darlington.

Membership

Councillors Bartch, Clarke, Dulston, Durham, Keir, 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 20 FEBRUARY 2023**

CABINET

Tuesday, 7 February 2023

PRESENT – Councillors Dulston (Chair), Bartch, Clarke, Durham, Keir, K Nicholson and Renton

INVITEES – Councillors Curry, Harker and Snedker

APOLOGIES – Councillors Tostevin and Wright

ALSO IN ATTENDANCE – Councillors Mrs Culley, Donoghue, McCollom and Mrs H Scott

C246 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C247 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.

In respect of Minute C254 below, representations were made by members of the public in attendance at the meeting.

C248 TO APPROVE THE MINUTES OF MEETING OF THIS CABINET HELD ON TUESDAY, 10 JANUARY 2023

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 10 January 2023.

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

REASON – They represent an accurate record of the meeting.

C249 MATTERS REFERRED TO CABINET

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

C250 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C251 KEY DECISION - SCHOOLS ADMISSIONS 2024/25

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 Local Authority's admission arrangements (also previously circulated) for the 2024/25

academic year for maintained schools in the Borough.

The submitted report stated that in line with the School Admissions Code 2021, an Admission Authority was required to annually determine the admission arrangements used to allocate places for schools for which it was the admission authority, including the offering of places to children who were resident in the Borough but had stated a preference for a school in another local authority area; outlined the application process; financial and legal implications; and stated that all admission authorities were required to consult on admission arrangements and the co-ordinated scheme every seven years.

RESOLVED - That the admission arrangements, as appended to the submitted report, for the three maintained primary schools in Darlington for entry in 2024/25 and for the administration of in-year applications thereafter, be approved.

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

C252 MEDIUM TERM FINANCIAL PLAN - INVESTING IN AND DELIVERING SUCCESS FOR DARLINGTON

Pursuant to Minute C234/Dec/22, the Leader introduced the report of the Chief Officers Executive (previously circulated) proposing a Medium Term Financial Plan (MTFP) for 2023/24 to 2026/27 (also previously circulated) including setting a budget and council tax increase for 2023/24, to Council on Thursday 16 February 2023, for approval.

The submitted report stated that the current economic climate presented significant challenges to the Council's budgets; rising inflation, interest rates and energy costs and post-Covid demand in social care were putting significant pressures on the Council's finances; and that unless further government funding was forthcoming the Council would need to undertake a fundamental review of its services over the course of 2023 to decide what and how services would be delivered in the coming years.

It was reported that the Local Government Finance Settlement was better than expected with additional funding for Social Care and as a result the Council could set a legal budget in 2023/24; continue to provide the core offer level of services to the residents of Darlington; and could deliver a balanced position until 2025/26 utilising reserves as per the Council Strategy. There was a substantial annual budget deficit that was not sustainable and would need to be addressed, and unless further funding was forthcoming, the Council would need to fundamentally review its services and both reduce expenditure and increase income to ensure a stable position moving forward.

Details of the projected expenditure and income, budget pressures and savings, schedule of fees and charges, assumptions used to prepare estimates, projected Revenue Outturn 2022/23, proposed Capital Programme and the minutes of the Economy and Resources Scrutiny Committee, were also appended to the submitted report.

RESOLVED – (a) That the comments and responses received to the consultation, as detailed in the submitted report, be noted.

(b) That it be recommended to the special meeting of Council scheduled to be held on Thursday 16 February 2023, that the Revenue Medium Term Financial Plan (MTFP) and the Capital Programme, as set out in Appendices 6 and 7 respectively of the submitted report, be approved, including:-

- (i) a Council Tax increase of 2.99 per cent plus a two per cent Adult Social Care Precept to fund social care for 2023/24; and
- (ii) the Schedule of Charges, as set out in Appendix 3, of the submitted report.

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

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

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

(d) To ensure investment in the Council's assets is maintained.

(e) To take account of the views of residents and Members when considering MTFP proposals.

C253 HOUSING REVENUE ACCOUNT - MEDIUM TERM FINANCIAL PLAN 2023/24 TO 2026/27

Pursuant to minute C225/Dec/22, the Cabinet Member with the Health and Housing Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the proposals for the revenue budget, capital programme, rent levels and service charges for the Council's Housing Revenue Account (HRA) for the financial year 2023/24, in the context of the HRA Medium Term Financial Plan (MTFP) to 2026/27 and the 30-year Business Plan.

The submitted report stated that the Council was the largest provider of social housing in the Borough, providing 5,291 homes to local residents; the homes were of a high standard of accommodation that met the Decent Homes Standard; as a result of the high quality of the homes and the services provided they were in high demand; and to meet that demand the Council had an ambitious programme to build new homes in Darlington, funded through capital receipts from the right to buy sales, grant funding and borrowing of £11.7M. The proposed revenue budget expenditure of £26.557M included £5.539M to fund responsive repairs and maintenance and £12.609M contribution to the capital programme. The proposed capital programme of £24.585M included funding for work to current properties and £15.673M to deliver the new build Council housing programme.

It was reported that the key decision to be made regarding the HRA each year was the balance between setting rent and service charge levels that were affordable to the Council's tenants whilst ensuring there was sufficient resources to invest in housing stock, tackle climate change and maintain services; Local Authorities had the discretion to increase rents by the Consumer Prices Index (CPI) plus one per cent; CPI for September 2022 was 10.1 per cent which meant that Members could decide to increase rents by up to 11.1 per cent; a decision was made by the Government to cap social housing rent increases at seven per cent;

and that a number of options had been considered, taking into account the current economic pressures facing tenants and delivering ambitious capital and energy efficient programmes.

RESOLVED - That it be recommended to the special meeting of Council scheduled to be held on Thursday 16 February 2023 that :-

(a) an average weekly rent increase of five per cent for 2023/24 be implemented giving an average social rent of £78.70 and affordable rent of £88.35;

(b) garage rents and service charges be increased, as shown in Table 1 of the submitted report;

(c) the revenue budget, as attached at Appendix 1 of the submitted report, be approved;

(d) the Housing Business Plan, as attached at Appendix 2 of the submitted report, be agreed; and

(e) the capital programme, as attached at Appendix 3 of the submitted report, be agreed, and the funding be released, should the programme be subsequently approved by Council.

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

(b) To adhere to financial procedure rules on the release of Capital funding.

C254 LAND AT BLACKWELL – PROPOSED DEVELOPMENT AND PARKLAND RESTORATION

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the parkland restoration plan (also previously circulated).

The submitted report stated that approval of the plan would enable a planning application to be submitted for the proposals contained therein and for new housing development on site 403, as shown circled in red on the plan (also previously circulated); it was intended to sell site 403 to the Council's Joint Venture vehicle; and that a further Cabinet report would be prepared for Members identifying the net capital receipt for the Council and seeking final approval to establish the new Joint Venture Company and to funding arrangements, for the housing development and the parkland restoration plan.

It was reported that approval was obtained on 22 June 2022 (Minute C147/Jun/22 refers) for the disposal of circa. 5.2 Hectares (13 acres) of land, with the intention that a new Joint Venture company would develop it; approval was also obtained for the funding of feasibility work to develop plans for a parkland restoration scheme and to engage the services of Esh Homes Limited to develop appropriate plans and designs for a planning application; feasibility work and plans for the parkland restoration scheme had now been completed; it was proposed that the new Joint Venture company would be responsible for delivering the parkland restoration plan; the restoration works would be funded from the sale of site 403;

and that once the costs had been finalised this would be included in a subsequent Cabinet report for approval.

It was proposed that a planning application be submitted for site 403 and the parkland and that through the planning process, the public and residents would be able to comment in the normal manner. Initial engagement with local Members and interest groups had commenced with favourable feedback and it was anticipated that local Members would arrange further engagement exercises with residents.

Members of the public in attendance at the meeting addressed Cabinet in respect of the proposals and in doing so referred to a number of positives, including: - the wide range of views and expertise gained through the process; the reversal of biodiversity loss; tree management; footpaths and access; restoration of the pond; provision of interpretations boards; and the natural assets on the site.

Particular references were made to the planning processes and timescales for submission of the planning application; what further consultation and engagement would take place; whether there was a need to demolish the carriage shed; when would the Joint Venture Company become responsible for the site; could the entrance to the site from Grange Road be moved; and where the footpaths would be located as there were concerns around anti-social behaviour if they were too close to the houses on Upsall Drive. The Leader, Cabinet Member with the Economy Portfolio, Cabinet Member with the Stronger Communities Portfolio, Chief Executive and Group Director of Services responded thereon.

RESOLVED – (a) That the submission of the parkland restoration plan and new housing on site 403, within a planning application, as detailed at Appendix 1 of the submitted report, be supported.

(b) That the principle and intention that site 403 would be sold to a new Joint Venture company on the terms and conditions, as outlined in Appendix 3 of the submitted report, be noted, which would be subject to a further Cabinet report on funding once all costs had been determined.

(c) That the Chief Executive be given delegated authority to prepare the terms of the disposal, in consultation with the Portfolio Holders, the details to be reported back in due course.

(d) That the Assistant Director – Law and Governance be authorised to execute the necessary documents to facilitate future development.

REASONS – (a) To contribute to the delivery of new housing to satisfy the Borough's housing need and to provide for restoration of the parkland area.

(b) To enhance a public space for the benefit of residents and wildlife.

(c) To achieve a capital receipt for the Council and increased Council Tax receipts from new executive homes.

THREE 2022/23

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

The submitted report stated that the projected outturn of the current Capital Programme was £277.981M against an approved programme of £279.857M; the investment was delivering a wide range of improvements to the Council's assets and services; the programme, including commitments, remained affordable within the Medium Term Financial Plan (MTFP) for 2022/23 to 2025/26; the Council had 44 live projects, with an overall projected outturn value of £183.507M, the majority of which were running to time, cost and quality expectations, but were being monitored given the current pressures on resources in the construction sector nationally; and that the projects were managed either by the Council's in-house management team, a Framework Partner or by Consultants sourced via an open/OJEU tender process.

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

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

(c) That the adjustments to resources, as detailed in paragraph 21 of the submitted report, be approved.

REASONS - (a) To inform Cabinet of the current status of construction projects.

(b) To make Cabinet aware of the latest financial position of the Council.

(c) To maintain effective management of resources.

C256 REVENUE BUDGET MONITORING 2022/23 - QUARTER THREE

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing a forecast of the 2022/23 revenue budget outturn as part of the Council's continuous financial management process.

The submitted report stated that it was the third revenue budget management report to Cabinet for 2022/23 and that the latest projections showed an overall decline of £0.616M on the 2022/26 Medium Term Financial Plan, however, this was an improvement of £0.735M compared with the previous Quarter Two revenue budget monitoring report (Minute C212/Nov/22refers) which was due to an improvement in the departmental position of £0.412M and the release of the Risk Contingencies budget of £0.323M.

RESOLVED - (a) That the forecast revenue outturn for 2022/23, as detailed in the submitted

report, be noted.

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

(c) That the carry forward requests, as detailed in paragraphs 16 and 17, be approved.

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

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

C257 PRUDENTIAL INDICATORS AND TREASURY MANAGEMENT STRATEGY REPORT 2023/24

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting consideration be given to reviewing the Prudential Indicators and Limits for 2023/24 to 2025/26 relating to capital expenditure and Treasury Management activity; a policy statement relating to the Minimum Revenue Provision; and the Treasury Management Strategy 2023/24, which includes the Annual Investment Strategy for 2023/24.

The submitted report outlined the Council's Prudential Indicators for 2023/24 to 2025/26; set out the expected treasury operations for that period; and reported that the expenditure plans, Treasury Management and Prudential Borrowing activities indicated that they were within the statutory framework and consistent with the relevant codes of practice, were prudent, affordable and sustainable and were an integral part of the Council's Revenue and Capital Medium Term Financial Plans.

RESOLVED - That it be recommended to the special meeting of Council scheduled to be held on Thursday 16 February 2023 that:-

(a) the Prudential Indicators and limits for 2023/24 to 2025/26, as summarised in Tables 1 and 2 of the submitted report, be approved;

(b) the Minimum Revenue Provision (MRP) statement, as detailed in paragraphs 36 to 43 of the submitted report, be approved;

(c) the Treasury Management Strategy 2023/24 to 2025/26, as summarised in paragraphs 47 to 73 of the submitted report, be approved; and

(d) the Annual Investment Strategy 2023/24, as contained in paragraphs 74 to 106 of the submitted report, be approved.

REASONS - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities and the Department for Levelling Up, Housing and Communities (DLUHC) guidance on investments.

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

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

C258 CALENDAR OF COUNCIL AND COMMITTEE MEETINGS 2023/24

The Leader introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the Calendar of Council and Committee Meetings for the 2023/24 Municipal Year (also previously circulated).

RESOLVED – (a) That the Calendar of Council and Committee Meetings 2023/24, as appended to the submitted report, be approved.

(b) That the proposed dates for the meetings of Council be referred to the Annual Council meeting scheduled to be held on Thursday 25 May 2023, for approval.

REASON – (a) To ensure that the calendar of meetings is approved to assist with forward planning.

(b) To enable the meetings of Council to be approved.

C259 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 10 FEBRUARY 2023**

**CABINET
7 MARCH 2023**

**RELEASE OF CAPITAL FUNDS – WHINFIELD PRIMARY ROOF AND
HURWORTH SCHOOLS S106 FUNDING**

**Responsible Cabinet Member -
Councillor Jon Clarke, Children and Young People Portfolio**

**Responsible Director -
James Stroyan, Group Director of People**

SUMMARY REPORT

Purpose of the Report

1. To seek Members' agreement:
 - (a) Release the capital funding for the replacement of the roof at Whinfield Primary School, as agreed in the Medium Term Financial Plan.
 - (b) Release S106 funding for Hurworth Primary and Hurworth Secondary School capital works.

Summary

2. This report seeks Cabinet approval for the release of the £1,124,000, as agreed in the Medium Term Financial Plan (MTFP), to undertake a complete re-roof of Whinfield Primary School.
3. The release of £108,603.69 of Section 106 funding from Miller Homes to enhance educational facilities in Hurworth Schools.
4. All projects will be managed in line with the Corporate Capital Process procedures.

Recommendations

5. It is recommended that Members:
 - (a) Agree to formally release the £1,124,000, agreed in the MTFP, to re-roof Whinfield Primary School.
 - (b) Agree to formally release Section 106 funding of 108,603.69 of Section 106 funding from Miller Homes to enhance educational facilities in Hurworth Schools.

Reasons

6. The recommendations are supported by the following reasons:
- (a) The roof at Whinfield Primary School is beyond economical repair and releasing the funding will enable the roof to be replaced.
 - (b) Release of the Section 106 funding will allow the Hurworth schools to enhance their educational facilities, targeting capital investment in the areas identified as greatest need.

**James Stroyan,
Group Director of People**

Background Papers

No background papers were used in the preparation of this report

Paul Richardson - Extension: 6015

S17 Crime and Disorder	Capital investment to improve facilities and provide better building maintenance will contribute to the reduction of crime and disorder.
Health and Wellbeing	Capital investment to improve facilities and provide better building maintenance will contribute to the reduction of crime and disorder.
Carbon Impact and Climate Change	All work undertaken will be designed and constructed with sustainability in mind and aim to reduce the carbon footprint, and re-use energy and environmental resources.
Diversity	This proposal projects have no specific impact on protected groups.
Wards Affected	Schools located in: Hurworth and Whinfield.
Groups Affected	Children and young people of school age (3-16) in Darlington.
Budget and Policy Framework	This report does not recommend a change to the budget and policy framework.
Key Decision	This is a key decision due to the amount of funding Members are requested to release.
Urgent Decision	For the purpose of the 'call-in' procedure this does not represent an urgent matter.
Council Plan	The Capital Programme is consistent with the Council Plan providing high quality facilities that support modern approaches to education in schools and for lifelong learning.
Efficiency	Defective materials and plant will be replaced with more efficient products e.g. increasing 'u' value on windows, insulation and modern highly efficiency boilers.
Impact on Looked After Children and Care Leavers	The proposed projects have no specific impact on Looked After Children or Care Leavers.

MAIN REPORT

Whinfield Roof

7. Whinfield School has been extended a number of times resulting in a mixture of roofs and gulleys between buildings. Not all of these solutions have been optimal and there have been issues with water ingress going back several years. Access for cleaning gulleys and gutters is difficult and ongoing repairs have been required on a much more frequent basis.
8. An externally commissioned survey in July 2020 highlighted a number of issues with the roof and indicated that a complete re-roof would be needed within the next 1-3 years. We have now reached the end of that term and the roofs are considered beyond economical repair.
9. The local authority does receive a School Condition Allocation from the Department for Education, but this is insufficient to undertake a project of this scale therefore the scheme will be funded through prudential borrowing.

Section 106 Funding

10. The Council has received a Section 106 contribution from the Miller Homes development (17/01194) towards enhancing the education infrastructure at Hurworth Primary and Hurworth Secondary.
11. The Section 106 funding from the Miller Homes development (17/01194) will be split between the two schools based on a proportion of their respective pupil numbers. The Hurworth Secondary share will be £85,487.66 and Hurworth Primary's £23,116.03.
12. Any capital works undertaken using the Section 106 funding will be agreed in consultation with the school's concerned and in line with their identified priorities. As academy's the Council will agree a contract specification with both schools for the use of the funding which will be passported to the school for delivery.

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CABINET
7 MARCH 2023

LOCAL TRANSPORT PLAN

Responsible Cabinet Member - Councillor Andy Keir, Local Services Portfolio

Responsible Director - Dave Winstanley, Group Director of Services

SUMMARY REPORT

Purpose of the Report

1. This report provides Members with an annual update on the Local Transport Plan. It outlines delivery, performance and public satisfaction in 2022/23 and seeks approval for the 2023/24 programme, including the release of funding.

Summary

2. The Tees Valley has secured significant funding from government, including the £310m City Region Sustainable Transport Settlement (CRSTS) programme, which will be delivered over the next 5 years. There has been good progress on the development and delivery of the transport capital programme including working in partnership with Tees Valley Combined Authority (TVCA) to deliver elements of the strategic transport plan.
3. In 2022/23 a new Transport Strategy for the Borough, a Town Centre Transport Plan and Parking Strategy were adopted by Council, and work is underway on implementing the associated action plans. A progress report on the schemes delivered in 2022/23 is included at **Appendix A** and the proposed programme of scheme is detailed in the report and at **Appendix B**.
4. There is a focus by the Department for Transport (DfT) on progressing the Local Cycling and Walking Infrastructure Plans (LCWIP) and the Bus Service Improvement Plans (BSIP). Darlington has started the delivery of one of two priority schemes in the LCWIP with the creation of phase one of a cycling route on Woodland Road. An Enhanced Bus Partnership has been created to deliver improvements to bus services, this will seek to address current performance challenges and improvements despite TVCA not being successful in securing BSIP funding.
5. Transport patterns have changed since the pandemic and a period of re-basing is taking place. The Council continue to monitor transport patterns, highway condition, road safety and public satisfaction to inform investment decisions. Details of the Performance Indicators are included at **Appendix C**. These reflect the challenges being faced by public transport and a continuing requirement to invest in the maintenance of the highway asset.

Recommendations

6. It is recommended that:-
- (a) Members note the progress in delivering the Local Transport Plan and agree to release £0.893m Integrated Transport Block and £2.175m Highway Maintenance Funding, to deliver the 2023/24 transport programme as identified in Appendix B;
 - (b) Members delegate authority to the Group Director of Services, in consultation with the Portfolio Holder for Local Services to agree bidding on external funding opportunities, and if successful, release the funding. This includes:
 - (i) The Bus Service Improvement Plan (BSIP);
 - (ii) Schemes as detailed in the City Region Sustainable Transport Settlement (CRSTS) Delivery Plan;
 - (iii) Capability and Ambition Fund (CAF) – active travel revenue;
 - (iv) Active Travel Fund (ATF) – active travel capital;
 - (v) Tees Valley Combined Authority Levelling up Fund (LUF);
 - (c) Members note the performance data relating to transport services, detailed in Appendix C.

Reasons

7. The recommendations are supported by the following reasons:-
- (a) To continue to deliver Darlington's Transport Strategy as set out in the newly adopted Darlington Transport Plan, Town Centre Transport Plan and Parking Strategy 2022 to 2030, which support the Tees Valley Strategic Transport Plan (STP);
 - (b) To maximise the opportunities to maintain the highway asset for the benefit of all road users;
 - (c) To assist TVCA in the delivery of the LCWIP and BSIP programmes, in line with Government guidance.

Dave Winstanley
Group Director of Services

Background Papers

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

Gill Hutchinson : Extension 6492

S17 Crime and Disorder	Crime and disorder implications were considered in the preparation of the Darlington Transport Plan and will be considered in the development and delivery of specific transport schemes or measures.
Health and Wellbeing	Health and wellbeing implications have been considered in the preparation of the Darlington Transport Plan and its implementation. The transport strategy seeks to achieve better health and longer life expectancy for everyone by reducing the risk of death, injury or illness from transport and by providing travel options to keep people active and independent.
Carbon Impact and Climate Change	<p>Carbon emissions and their impact have been considered in the preparation of the Darlington Transport Plan and its implementation.</p> <p>The transport programme seeks to reduce carbon emissions from transport through a shift towards electric and hydrogen vehicles from petrol and diesel. The programme also seeks to encourage the use of sustainable modes of transport and mass public transport, as well as seeking ways to reduce the need to travel or travel shorter distances.</p> <p>Highway design, construction and asset management all seek to minimise the impact of transport through flood risk management, Sustainable Urban Drainage, recycling highway materials, low energy lighting (LED), low energy processes and electric fleet vehicles.</p>
Diversity	An Equalities and Disability Impact Assessment was undertaken in the preparation of the Darlington Transport Plan. The Plan seeks to achieve a fairer society by enabling people to access jobs, education, training, health, food and green spaces; and to achieve a better quality of life for all by improving the journey experience and minimising the negative impacts of transport such as noise, air pollution and accidents on the natural environment, heritage, landscape and people. As highway schemes have an impact on the built environment, disability groups are consulted to ensure the needs of disabled people are considered.
Wards Affected	All
Groups Affected	There are no proposals that impact on specific groups.

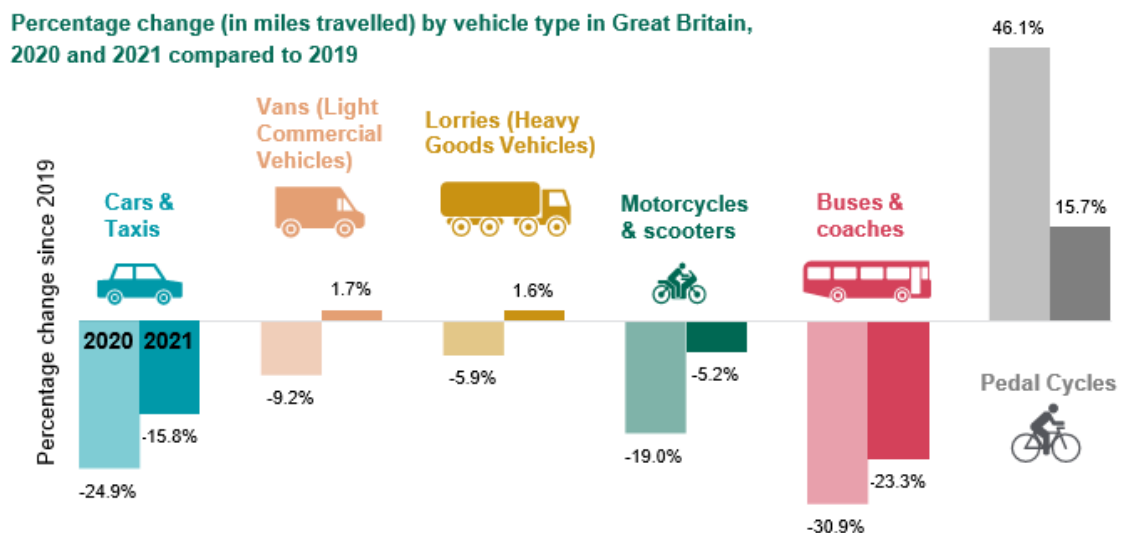
Budget and Policy Framework	<p>This decision does not represent a change to the budget and policy framework.</p> <p>The Tees Valley Strategic Transport Plan was adopted by TVCA Cabinet on 31/01/2020 as the Local Transport Plan for the Tees Valley including the constituent local authorities. The Darlington Transport Plan sets out local priorities and provides an overarching policy framework for other subsidiary documents such as the Asset Management Plan and Rights of Way Improvement Plan.</p>
Key Decision	This is a Key Decision
Urgent Decision	This is not an Urgent Decision
Council Plan	<p>The report demonstrates how the transport programme is supporting delivery of the key actions in the Council Plan, namely reviewing and delivering a revised parking strategy and working with TVCA to deliver improved transport links within Darlington and the Tees Valley.</p>
Efficiency	<p>The Darlington Transport Strategy seeks to implement schemes that demonstrate value for money and/or deliver the greatest outcomes at a local level. Schemes are identified and prioritised to meet the objectives in the Transport Strategy. Maintaining the highway network will reduce traffic disruption in the longer term and improve network management. Vehicle delay has a negative impact on the economy, including logistics and freight.</p>
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

National Context

8. The Covid-19 pandemic had a marked impact on everyday life, including on traffic and the road network. From the first lockdown on 23 March 2020 to the lifting of all restrictions on 19 July 2021, people’s movement were limited to varying degrees.
9. During the pandemic, when there were fewer cars on the roads, there was a surge in active travel, such as cycling. Cycling levels decreased between 2020 and 2021 nationally but have remained above 2019 levels by 15.7%. Although cycling levels have returned from the exceptional levels seen during the pandemic, government investment in infrastructure aims to enable more people to choose walking and cycling for everyday journeys by 2030.
10. One of the biggest impacts on transport and travel resulting from the pandemic was the reduction in passenger transport demand, due to a combination of government lockdowns and fears of contracting and spreading the virus. Nationally, in the immediate aftermath of the pandemic, crisis-induced changes, including hybrid working, have continued to have an impact on travel behaviour and directly impact on public transport usage. Bus operators have also been affected by a national driver shortage. In Darlington, the driver shortage led to Arriva’s passengers facing severe reliability issues. Arriva responded to this by introducing service frequency reductions and carrying out a heavily promoted recruitment drive. Service frequency remains lower than pre-covid levels overall, with individual service usage recovering at varying levels.
11. National impact of Covid-19¹ by vehicle type as shown below:



12. Recovery from Covid-19 has been further exacerbated since late 2021, with the UK experiencing increases in the cost of living. A rapid increase in energy costs, particularly

¹ <https://www.gov.uk/government/statistics/road-traffic-estimates-in-great-britain-2021>

the price of gas, has been a key driver of the increases in inflation, with average petrol prices being at the highest on record in July 2022. These cost of living increases have increased peoples considerations around travel choices and more thought around modal shift to active and sustainable transport, in an effort to reduce costs. Government have introduced a £2 fare cap on a single bus ticket on most services in England outside London, from January to March 2023, to support passengers over the winter months.

13. Increased inflation has had an impact on the infrastructure projects that support change and resilience. Projects have been subject to increased construction inflation², particularly for energy-intensive products/equipment, construction materials and labour.
14. The Climate Change Act commits the UK government by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero emitter) by 2050. Transport is the largest contributor to UK domestic greenhouse gas emissions, responsible for 27% in 2019. Nationally, targets have been set, with a commitment that there will be no sales of petrol and diesel vehicles past 2030, and all new cars and vans to be fully zero emission at the tailpipe from 2035.
15. In March 2022, government published 'Taking Charge: the electric vehicle infrastructure strategy', which sets out the vision and action plan for the rollout of electric charging infrastructure in the UK. The transition to zero emission vehicles will help the UK to meet legally binding climate change targets and Darlington has a crucial role to play at a local level in enabling the transition, in proactively supporting the delivery of the rollout of EVCPs and helping to ensure that the transition is integrated into wider local transport and community needs. The roll out of charging points in car parks has commenced with a Tees Valley wide strategy for on street charging being led by TVCA to ensure a consistent, high quality product is delivered.

Regional Context

16. The Tees Valley Combined Authority (TVCA) is the local transport authority for the Tees Valley. They set the Strategic Transport Plan for the region for the period 2019-2029 with the vision to "Provide a high quality, quick, affordable, reliable, low carbon and safe transport network for people and freight to move within, to and from Tees Valley".

Darlington Transport Policy

17. In November 2022, Council adopted the Darlington Transport Plan, Darlington Town Centre Transport Plan and Parking Strategy 2022 to 2030, following a consultation process. The Darlington Transport Plan sets out how the priorities set out in the Tees Valley Strategic Transport Plan (STP) will be delivered in Darlington and provides the strategic framework to support growth in Darlington, through improved transport infrastructure and the promotion of sustainable and active transport initiatives.

² <https://www.data.gov.uk/dataset/75ee36ed-21f7-4d7b-9e7c-f5bf4546145d/monthly-statistics-of-building-materials-and-components>

18. Investment in transport in Darlington, is closely aligned to the objectives of the Darlington Transport Plan which are to:
 - (a) Reduce transport's impact on the environment and support health and wellbeing;
 - (b) Improve safety for all road users;
 - (c) Connect people to job and training opportunities and link communities;
 - (d) Support a revitalised and transformed Darlington town centre and;
 - (e) Maintain and effectively manage a resilient transport system.

Progress on delivery in 2022/23

19. Over the last 12 months there has been significant capital and revenue investment in transport in Darlington. This includes working in partnership with TVCA on developing transport initiatives that benefit Darlington residents. Details of what has been delivered can be found in Appendix A.

Proposed delivery in 2023/24

20. The Council receives a specific allocation from TVCA each year to deliver local improvement schemes and highway maintenance priorities. In addition, the Council receives additional specific funding allocations to deliver specific schemes within the Borough that contribute toward our transport strategies and the Tees Valley Strategic Transport Plan. This section of the report outlines the schemes proposed to be developed during 2023/24.
21. A programme of highway maintenance schemes will be delivered including structural maintenance of highways (roads and footways) and bridges. The programme is based on condition data and details are included in Appendix B.
22. The Integrated Transport Block programme will be delivered to manage and improve the highway network. Details are also included in Appendix B.
23. Darlington rail station improvements will continue, with the main construction work due to commence in Spring 2023 and continue until Spring 2025. The major works to Darlington rail station and transport interchange will be delivered by Willmott Dixon Construction Ltd (WDC) on behalf of TVCA. BAM (Construction) Ltd are delivering the Station Enhancement Project within the existing station for Network Rail; providing additional platforms and improved facilities.
24. Darlington, Stockton and Durham Councils are working to develop the 26 mile walking and cycling route along the alignment of the Stockton and Darlington Railway (S&DR). A Development Officer based with Durham County Council co-ordinates the work of the three authorities. Darlington is currently investigating funding opportunities for sections of the route.
25. Work is continuing on the design of the Cockerton/Woodland Road roundabout improvement schemes. The schemes will be submitted for planning approval over the coming months.

26. Bus stop improvements will be progressed for a number of new housing sites including Heighington, for which Darlington requested a S106 contribution towards improvements, where the relevant trigger point for the release of funding has been met.
27. 20mph schemes have been designed for St Bede's Catholic Primary School, St. Augustine's Catholic Primary School, Hurworth School (secondary) and Federation of Abbey Schools (schemes on Abbey Road and Cleveland Terrace). A Safer Route to School scheme has also been developed for Reid Street School. Consultation will take place in Spring 2023 with the schools and local residents and subject to support the schemes will be programmed for implementation later in the year.
28. The traffic calmed areas within Firthmoor, Eastbourne and Banktop will be consolidated into area wide 20 mph zones. They are currently a mix of traffic calmed areas and smaller 20mph zones mainly due to the stringent requirements to introduce 20mph zones under the previous guidance in place at the time of their construction. The guidance has changed and we are looking to consolidate these areas into 20mph zones, which will provide a more consistent message to motorists when they are entering these lower speed neighbourhoods.
29. The need for a car club in the Town Centre was identified as part of the Parking Strategy and the Town Centre Transport Plan. It is envisaged that it will support the Town Centre Strategy particularly in terms of encouraging more people to live in the Town Centre. The feasibility for the Car Club will progress with the expectation it be operated by a commercial operator but may initially require some funding for start-up costs.
30. In order to encourage more people to cycle to the town centre, we aim to increase the number of covered, secure cycle parking areas in the town centre, as identified in the Darlington Parking Strategy and Town Centre Transport Plan.
31. In addition to the Darlington Council transport programme we will continue to work in partnership with TVCA on transport initiatives that benefit Darlington residents:
 - (a) The Active Travel Hub programme is set to continue in 2023/24, with further emphasis on local community engagement and public consultation, to support the delivery of the local authority and TVCA's ambitious vision for the LCWIP, with capital funding from Active Travel England (ATE).
 - (b) Wheels 2 Work will continue into 2023 to further promote the opportunity provided by the scheme to support Tees Valley residents to access employment and training opportunities where transport is identified as a barrier. In 2023 RCVDA will be working with Sustrans, the Active Travel Hub operator, to explore how the e-cycle Wheels 2 Work offer and the services provided by the Hubs can be aligned to enhance active travel as a viable commuting solution.
 - (c) Further to the provision of off-street EVCPs, it's been agreed that TVCA will develop an EV Infrastructure Strategy, which will ensure we secure quality and consistency in delivery across Tees Valley, which will consider options for those who don't have residential provision. This work will consider where infrastructure is needed and what the best model is for future phases of delivery.

- (d) TVCA and the local authorities are currently procuring contractors for the maintenance and upgrade of all bus shelters across the Tees Valley. This will ensure a consistency of provision and that all shelters are appropriately maintained.
- (e) Further progress on LCWIP schemes funded through CRSTS and the TVCA Levelling up Fund (LUF) will be made in 2023:
 - (i) Following consultation, it is anticipated that work on the second phase of the walking and cycling scheme on Woodland Road, from the Hollyhurst Road junction westwards to the roundabout junction with Staindrop Road will start following completion of phase one.
 - (ii) Feasibility study on Phase 3, the continuation of the route from Cockerton, along West Auckland Road, linking the economic development site at Faverdale, West Park and Burtree Garden Village.
 - (iii) A feasibility study for a cycling and walking route from Yarm Road to Teesside Airport and Business Park, providing safe facilities for pedestrians and cyclists between Darlington town centre/rail station and the Airport, will be completed by Autumn 2023. This will identify a preferred route that is deliverable and will produce an outline budget cost to enable TVCA to consider its priority in their LCWIP programme and allocate a budget and timeframe for delivery, if it is supported by them.
 - (iv) TVCA have been successful in their LUF bid, which includes improvements to walking and cycling in locations across the Tees Valley. The section identified in Darlington is proposed to link Linear Park in front of Bishopsgate House to the Towns Fund regeneration areas around Northgate. This is ultimately connect the town centre to the RHQ.
- (f) Improvements to the Urban Traffic Management Control System (UTMC) which will enable better management of the highway network and improve the efficient movement of buses will be delivered by TVCA in 2023/24. The delivery programme includes:
 - (i) The upgrade of the UTMC system;
 - (ii) Expansion of traffic signal connectivity to enable further development of a Smart Region approach to traffic management;
 - (iii) The repair, service & reinstatement of traffic counters to enable strategies for traffic management to be implemented;
 - (iv) Additional CCTV cameras linked back to control rooms;
 - (v) Bus priorities module for the prioritisation of vehicles at junctions to reduce delays on buses;

- (vi) Dynamic journey time routes, providing real-time and accurate travel time information of transit vehicles to assist passengers in planning their trips to minimise waiting times;
 - (vii) ANPR (Automatic Number Plate Recognition) cameras to provide journey time data;
 - (viii) Diversion routes for unplanned events and;
 - (ix) VMS signs to support major events, roadworks, incidents, and road safety campaigns around the Tees Valley.
- (g) TVCA will continue to make progress on the bus Enhanced Partnership, delivering benefits for bus and improving the current offer to passengers. This will include:
- (i) Working with operators to understand and seek to influence their decarbonisation plans for the Tees Valley, whilst exploring all grant funding and commercial opportunities to support in decarbonising their fleets;
 - (ii) Improving the efficiency of the highway network and assisting bus punctuality through UTMC improvements on the following key corridors:
 - 1. A68 West Auckland/Woodland Road
 - 2. B6280 Yarm Road
 - 3. A167 North Road
 - 4. B6279 Tornado Way.
 - (iii) Improving the fare offer by, simplifying the current range of zones and enhancing the multi-operator ticketing offer under the existing Smartzone brand, and also the implementation of Tap on Tap off on all buses in the Tees Valley, which will make travelling by bus, for the best price, easily accessible and less confusing to passengers;
 - (iv) Carrying out further feasibility work to ensure that the identified CRSTS bus improvement interventions are deliverable within the allocated budget, managed by TVCA. The impact of interventions will be assessed using various sources, including Analyse Bus Open Data (ABOD), DfT supplied traffic speed/congestion data and open communications with bus operators. By utilising these sources, TVCA will compare bus punctuality before, during and after implementation of the interventions, including in real time through the UTMC system. This will ensure that investment in bus priority is maximised.
- (h) Funding through the CRSTS programme will deliver the Tees Valley Digital Transport Strategy for the next five years from 2022 to 2026. The strategy identifies a number of digital and transport needs of the residents, businesses and key stakeholders in the region. This user-centric approach ensures that digital solutions will be developed that meeting these needs and solve real issues and challenges. This strategy supports the wider Tees Valley Digital Strategy, which sets an ambitious target of becoming the UK's first Smart Region by 2032, covering the three foundations of digital

infrastructure, innovation and inclusions and skills. This digital programme of investment will benefit all road users.

- (i) TVCA are progressing the development the concept of a Tees Valley transport brand which that can be used for multiple purposes from general travel information to the promotion of new infrastructure and campaigns. The objectives of this brand are:
 - (i) To provide timing travel information for users of public transport;
 - (ii) To promote different ways to travel around the region and try to influence consumer behaviour to make sustainable modes first choice, and;
 - (iii) To communicate the transport improvements and investments we are working on around the region.

Performance and Public Satisfaction

- 32. During the year monitoring information is collected and used to measure performance as to how the transport system is operating and being used by the public. In addition to this, each year Darlington takes part in the National Highways and Transport Network Public Satisfaction Survey. This data is set out in Appendix C.

Financial Implications

- 33. In April 2022, the Secretary of State for Transport confirmed that Tees Valley Combined Authority (TVCA) was to receive the full allocation of £310m of City Region Sustainable Transport Settlement (CRSTS) funding to invest in local transport networks.
- 34. CRSTS consolidates funding from previous allocations of the Highways Maintenance Block, Potholes Fund and Integrated Transport Block, to ensure that Local Highways Authorities can carry out their responsibilities under section 41 of the Highways Act 1980 to maintain the highways network.
- 35. TVCA has allocated £3,067,984 to Darlington Borough Council in 2023/24, as part of a long-term settlement until March 2027.
- 36. In January 2023, TVCA were awarded £485k through the Capability and Ambition Fund (CAF) to support capability building activities that enable ambitious and inclusive active travel programmes, and deliver behaviour change initiatives that result in sustained increases for everyday walking, wheeling and cycling. This includes delivery of the Tees Valley Active Travel Hubs and Personalised Travel Planning programme. An announcement on CAF, including bidding guidance for funding beyond March 2023 is awaited, and TVCA will submit the bid as LTA.
- 37. TVCA awaits the bidding guidance from Active Travel England, for the Active Travel Fund Tranche 4. The prioritisation set out within the Tees Valley LCWIP will be used to identify further cycling and walking infrastructure schemes that require investment.
- 38. TVCA have been successful in their LUF bid, which includes improvements to walking and cycling in locations across the Tees Valley. The section identified in Darlington is

proposed to link Linear Park in front of Bishopsgate House to the Towns Fund regeneration areas around Northgate. This is ultimately connect the town centre to the RHQ.

Legal Implications

39. The statutory duty for the Local Transport Plan moved to Tees Valley Combined Authority in 2016, as part of the devolution deal. TVCA produced a Tees Valley Strategic Transport Plan to fulfil this duty, which was approved by TVCA Cabinet on 31 January 2020.
40. The five constituent local authorities were asked to produce a Local Implementation Plan (Darlington Transport Plan). This demonstrates how Darlington Council, as the highway authority will support the delivery of the Strategic Transport Plan at a local level and sets out local priorities, policies and actions. Adopted as part of the Councils policy framework in November 2022, it draws together other local policies on parking, asset management, traffic management, Rights of Way Improvement Plan, and links to other corporate plans, including the Council Plan.
41. The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society pursuant to which the Council is subject to the 'Public Sector Equality Duty'. This requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. This is relevant in the context of transport policy making, where for example the change or cessation of services may disproportionately impact protected characteristic groups. The Council will observe its Public Sector Equality Duty in policy and schemes relating to transport.

Estates and Property Advice

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

Procurement Advice

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

45. TVCA has undertaken a number of procurements some of which require call off contracts by Darlington Borough Council to deliver programmes at a local level. Procurement and legal advice will be provided to ensure that Darlington Council procurement procedure rules are adhered to.

Equalities Considerations

46. The equalities impact of individual schemes and policies is considered as they are developed. As most of the work programme involves changes to the physical environment the main impacts that are considered relate to disabilities, including mobility, visual and hearing impairments and learning disabilities. Regular meetings are held with Darlington Association on Disability and other advisory groups such as RNIB and Guide Dogs are involved for specific issues.

Consultation

47. No consultation has been undertaken for this report. However, the programmes proposed in the report are aligned with the new transport strategies that were subject to public consultation.
48. Consultation continues on individual schemes including the 20mph schemes at school sites, changes to individual bus stops, the Woodland Road walking and cycling route and the major schemes at Woodland Road roundabout and Cockerton roundabout.

Outcome of Consultation

49. Responses to individual consultations are used to propose final scheme designs and are agreed under delegated authority.
50. The Local Transport Plan was presented at the Communities and Local Services Scrutiny Committee on 9 February 2023. The deadline for production of this report prevented comments of the Scrutiny Committee being included.

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Delivery in 2022/23

Active Travel

1. Progress continued on the West Park to Darlington town centre walking and cycling scheme, which is one of the priority routes in the Tees Valley Local Cycling and Walking Infrastructure Plan. The first phase of the route extends along Woodland Road from the Hollyhurst Road junction eastwards and then via Outram Street to Duke Street. Construction of the first section on Woodland Road, from the Hollyhurst Road to Outram Street junction, completed in October 2022.
2. Following a Public Inquiry in March 2022, which considered objections relating to Duke Street, the Inspector concluded that the proposed alterations could go ahead. However, due to due to inflationary pressures hitting the construction industry and the cost of raw materials, it was felt sensible to pause to review options with the funders before proceeding. It is hoped that the scheme can progress in the early part of 2023.

Road Safety

3. We have erected the first tranche of Speed Indicator Devices (SIDs) in locations where we have received speed complaints and where vehicle speeds are high. Eight SIDs have been erected to date and funding has been allocated for a further two tranches. The SIDs will be located on roads with a speed limit of 30mph or 40mph and will be prioritised based on traffic speeds and accidents.
4. Following consultation, Safer Routes to School schemes have been installed at Hurworth Primary School and Mount Pleasant Primary School (schemes on Newton Lane and Whitby Way). The schemes incorporate 20mph speed limits, traffic calming and improved pedestrian crossing points to improve safety outside of these schools.

Bus

5. Raised kerbs have been installed at bus stops in several locations in Mowden and also in Heighington and Middleton St George to aid low floor easy access. Two new bus stops have also been installed on the service 3 route in Mowden, converting hail and ride to fixed bus stop use, which aims to improve bus punctuality and improve passenger safety.

Rail

6. Darlington Borough Council is working with TVCA, Network Rail, LNER and a range of other partners to improve Darlington Railway Station and the immediate area. Over the next three years, work to the station will increase rail capacity, provide much-improved station facilities, improve access and safety; and also regenerate this part of the town. The required land was largely assembled by agreement with the final properties secured by Compulsory Purchase Order in September 2022. The raft of improvements planned will improve capacity on the wider Tees Valley rail network and create better access to the East Coast Main Line, further enhancing regional connectivity. Buildings are being cleared to make way for an extension to the station, with the old and new sites linked by a bridge joining the historic train shed with the modern facility.

7. Funded through CRSTS, the Tees Valley Station Enhancement Programme sets out to review opportunities to improve passenger experience and deliver enhancements at and around stations in the Tees Valley, with the aim of integrating stations more effectively into the local transport system. Following initial engagement, high-level masterplans have been developed by TVCA, for North Road and Dinsdale stations. Work is underway to further develop the masterplans, through more detailed engagement. Improvement works at North Road station will be coordinated with RHQ project delivery.

Road

8. Darlington Northern Link Road remains a strategic priority for both Tees Valley Combined Authority and the Council. We continue to work together to try and secure appropriate funding from Government for this strategic link road.
9. Detailed design is nearing completion on schemes to improve Cockerton, Woodland Road and Carmel Road/Staindrop Road roundabouts. Public consultation took place in January/February 2022 and we have incorporated a number of requests into the final designs, including a signalised crossing outside Cockerton Club, accommodation of parking on West Auckland Road and reduction in the size of two of the roundabouts. We continue to work with residents and businesses to redesign the area in front of Cockerton shops and the greenspace on Carmel Road North. Planning permission will be sought in Spring/Summer 2023.

Maintenance

10. Maintenance schemes completed include surfacing works at A68 Dual Carriageway, A68 Swan House Roundabout, Coniscliffe Road, Faverdale Industrial Estate and Neasham Road. Recycling schemes, which involve reusing the materials from previous schemes, continue at Newbiggin Lane and Prior Street which was an insitu recycling scheme. Footpath schemes at Greenhill Road and Prior Street have also been completed, alongside 68,000m² of micro asphalt surfacing which is a method used to seal and prolong the life of the carriageway.
11. A programme of Micro Asphalt works has been carried out on unclassified roads in 46 residential streets (listed on the Council website). This equates to approximately 9km of road.
12. The number of potholes repaired in the period April to December 2022 was 3,327, a 19% decrease on the same period last year. This suggests an improvement in road condition as we are required to repair any potholes that meet criteria that are reported by the public or identified by Inspectors. In the first full year of the 'Report It' portal (1 June 2021 to 31 May 2022) 1,595 reports were received, of these 938 (59%) were made via the portal rather than telephone/e-mail. In the first year 442 reports (28%) related to potholes/road condition.

Delivered in Partnership with TVCA

13. The Tees Valley Wheels 2 Work scheme is designed to support Tees Valley residents to access employment, training and education opportunities where transport has been identified as a barrier. TVCA has funded a fleet of 75 e-motorbikes and 60 e-cycles for hire through the scheme for up to six months at a subsidised rate of £21 per week for the e-cycle and £30 per week for the e-motorbike, which includes insurance and regular maintenance. The scheme is operated by Redcar and Cleveland Voluntary Development Agency (RCVDA) on behalf of TVCA and has

supported a number of Darlington residents to access employment opportunities they otherwise wouldn't have been able to.

14. In July 2022, Sustrans was appointed as the Active Travel Hub for Darlington by the TVCA. Since then, Sustrans has established a base within First Stop Darlington's offices, in collaboration with Bike Stop Darlington, to deliver support and services to residents and workplaces within Darlington, to enable more people to walk and cycle in their everyday lives. The Active Travel Hub in Darlington is one of five hubs across the Tees Valley run by Sustrans.
15. Installation and commissioning of the electric charge points in Darlington town centre car parks, that comprise the first phase of the Tees Valley network is well underway, following award of the contract by TVCA. Completion in all seven identified car parks is planned for January 2023. TVCA are leading on a communications strategy around the EVCPs, which seeks to update residents on the availability of the chargers.
16. Despite not receiving any Bus Service Improvement Plan (BSIP) funding for the October 2021 Tees Valley submission, TVCA and partners have progressed with forming an Enhanced Partnership and delivering the actions set out in the BSIP that are affordable without additional revenue funding.
17. Tees Flex, the TVCA funded on-demand bus service that started operation in February 2020 concludes its three-year trial period in February 2023 & TVCA are presently reviewing the service.
18. As part of CRSTS, TVCA is investing into a programme of improvements across nine priority bus corridors in the Tees Valley, to enhance the bus offer. The improvements include a co-ordinated programme of on-highway infrastructure improvements, digital upgrades (Urban Traffic Management and Control System improvements), bus priority, bus shelter and passenger information improvements. In Darlington, the following priority corridors have been identified: Darlington to Durham, Darlington to Middlesbrough and Branksome to Red Hall. Detailed assessments have been carried out to understand the issues and identify the required bus priority interventions, which aim to reduce the impact of congestion and journey time variability on end-to-end bus journey times, thereby improving punctuality and overall passenger experience to make bus a more desirable mode choice. As the corridor options develop public consultation will be undertaken on the proposals.

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Local Highway Authority Funding – Transport Capital Programme 2023/24

In April 2022, the Secretary of State for Transport confirmed that Tees Valley Combined Authority (TVCA) was to receive the full allocation of £310m of City Region Sustainable Transport Settlement (CRSTS) funding to invest in local transport networks.

CRSTS consolidates funding from previous allocations of the Highways Maintenance Block, Potholes Fund and Integrated Transport Block, to ensure that Local Highways Authorities can carry out their responsibilities under section 41 of the Highways Act 1980 to maintain the highways network.

TVCA has allocated £3,067,984 to Darlington Borough Council in 2023/24, as part of a long-term settlement until March 2027.

The annual allocation is based on the following breakdown, received in 2021/22 (although there isn't a requirement to maintain the same spending profile):

Pothole Funding	Integrated Transport Block	Highways Maintenance Formula and Incentive	TOTAL
£969,246	£892,986	£1,205,752	£3,067,984

1. Highways Maintenance – funding to maintain the highway network including structures and street lighting.

CRSTS Allocation	£
Highway Maintenance & Pothole Funding	2,000,998
Fees	174,000
Total	2,174,998

The following maintenance schemes have been identified as the current priority based on the condition data surveys. This is a rolling programme and subject to tender returns:

A Roads	A68	West Auckland Road Phase 2 (Woodland Rd to A1m)
	A67	Merrybent (Phase 3)
	Various	Retexturing
B Roads	B6280	Coniscliffe Rd (Phase2)
C Roads	C39	Walworth Road, Heighington
	C38a	Neasham Road (Phase 2)
	C34a	Lime Lane / Lodge Lane (Phase 1) -Recycling
Unclassified Roads	Unc	Firth Moor Estate (Phase 9) Burnside Road
	Unc	Barnes Road Ph 2
	Unc	Summerhouse Back Lane / Blind Lane
	Unc	Back Lane (TBC)
Footways		Shearwater Avenue
		Avon Road Estate, Hurworth Place (Phase 1)

In addition the micro asphalt and patching programmes will include roads across the borough. This continues the investment in unclassified roads, which are predominantly residential streets. Street Lighting, Bridges, Structures and other highway assets will also be maintained.

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

Manage/ Improve	Scheme	2023/24 (£k)	Notes
Network management			
Manage	Traffic monitoring	20	
	Traffic counter replacement programme	10	
Active and sustainable transport			
Improve	Improvements to bus passenger and cycling facilities	80 – bus 20 - cycling	Includes raised kerbs, bus shelters (non-advertising priority corridors) and town centre cycle parking
	Dropped kerbs	50	Improves access for all
	Public Rights of Way	15 25	Improves access for all POW – S&DR
	Walking and cycling routes	80	Building upon existing funding to progress schemes, including: <ul style="list-style-type: none"> • Albert Road/Redmire Close (delivery) • School Aycliffe Lane (feasibility) • S&DR (feasibility)
	Car Club	60	Town Centre Car Club feasibility study
	A68 Corridor Improvements	250	Contribution to transport improvements on A68 corridor
Speed Management and Road Safety programme			
Manage	School speed management and safety schemes	120	Feasibility of Hurworth Comprehensive & Longfield School, including smaller schemes also.
	Area wide 20mph zones	30	Consolidation of 20mph zones
	Subtotal	760	
	Fees	133	
	Total	893	

*The integrated transport block represents a programme of transport improvements. Funding may be moved between elements as detailed design is completed.

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Performance Data

**estimated ** 2019/20 onwards only Northern Rail data is reported*

During the year monitoring information is collected and used to measure performance as to how the transport system is operating and being used by the public. This data informs the asset management programme and plans for speed and traffic management, as well as informing discussions with stakeholders including bus and rail operators and the Police. The data is shown in the table with key points summarized below.

- (a) Walking trips into the town centre fell by 50% during 2020/21 compared to the pre-pandemic levels but are currently on track to recover to approximately 90%.
- (b) The cycling data is mixed. The automatic counters across the town show a possible decline on previous years as of December 2022 but the latest quarterly count of cycling into and out of the town centre show that cycling levels have recovered to pre-pandemic levels (5% increase).
- (c) Bus patronage has reduced due to Covid infections reducing driver availability (and thus reductions in service frequency); people having less reasons to travel due to people working from home, home delivery, vulnerable people continuing to limit contact with others. The number of trips fell from 5.5million pre-Covid in 2019/20 to less than 2million in 2020/21. In 2022/23 there remains an estimated reduction in trips of 35%. Trips by people using a concessionary bus pass have also remained lower than normal (down by 44%). Bus reliability continues to be an issue due to driver availability.
- (d) Vehicle traffic levels reduced significantly during the lockdown in early 2021 to 30% of normal levels. Traffic levels have recovered and are forecast to be at near normal levels by the end of the financial year.
- (e) The road safety statistics show a continuing reduction in casualties on a three year rolling average, with a notable reduction in the number of people slightly injured falling from 104 in 2021 to 59 in 2022 (43%). The number of seriously injured has reduced compared to 2021, at 33 (38 in 2021) of which four were children.
- (f) The road condition data shows that the structural maintenance programme continues to keep the % of principal and non-principal roads requiring interventions at low levels.

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Performance Measures	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Peak period traffic count (average) (data from traffic counters on inner cordon on the approach roads to the Inner Ring Road)	19,528	19,514	20,287	20,419	19,417	19,090	19,524	19,023	14,753	18,460	Available April 2023

24 Hour traffic count (average) (data from traffic counters on inner cordon on the approach roads to the Inner Ring Road)	127,306	125,642	123,847	124,764	126,801	125,519	127,938	125,017	94,007	117,811	Available April 2023
Bus Punctuality % on time	64%	64%	63%	87%	89%	86%	86%	Not available	93%	88.9%	Available Autumn 2023
Bus Patronage (all operators)	6,605,517	6,604,117	6,505,849	6,422,947	6,240,594	5,972,163	5,741,507	5,457,204	1,826,616	3,286,557	3,534,843*
Concessionary fares patronage	2,750,929	2,744,792	2,673,485	2,627,062	2,607,611	2,450,526	2,347,694	2,167,240	628,055	1,094,852	1,224,715*
Rail Patronage (all 4 Darlington stations)**	2,241,390	2,279,159	2,322,927	2,337,809	2,368,780	2,417,328	2,498,158	1,256,241	236,013	799,506	2,249,142*
Number of cycling trips (automated cycle counters)	1224.50	1,450	1,556.50	1,315.75	1,618	1,585	1,650	1,614	1,637	1,581	Available April 2023
No. of walking trips in the town centre	119,163	121,876	133,983	126,687	124,608	120,359	104,825	111,042	48,958	83,124	97,803*

Roads and Footway Conditions											
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
% of principal roads where maintenance should be considered ('A' class)	5%	3.3%	4%	3.4%	1.6%	1.1%	2.2%	3%	1.9%	1.0%	1.29%
% of non-principal roads where maintenance should be considered ('B' & 'C')	12%	14%	11%	9%	6%	6%	7%	6%	6%	5%	5.4%
% of unclassified roads where maintenance should be considered	9%	10%	10%	12%	15%	22%	16%	8%	13%	15.8%	Not available
% of footways which are structurally unsound		10%	9%	9%	9%	9%	9%	11%	17%	19.2%	22%
Cost to restore the highway network and assets to original condition (Accumulated depreciation – Whole of Government Accounts)		£74.2 million	£81.7 million	£92.2 million	£84.0 million	£90.3 million	£88.1 million	£78.3 million	Not available	Not available	Not available
Street Lighting											
% of street lighting columns over 40 years		26%	20%	24%	3.8%	Not available	0	0	0	0	0
% of street lighting columns 20-40 years old		51%	45%	44%	14%	Not available	15%	17%	17.5%	17.5%	18.7%

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Bridges											
Bridge Condition Index (average across all bridges; work programme developed from individual inspection reports)			85%	85%	Not available	71%	75%	81%	82%	Not available	79%
Bridge Condition Index (Critical Elements i.e. relating to structural integrity) (average across all bridges; work programme developed from individual inspection reports)			74.6%	74%	Not available	71%	72%	69%	71%	Not available	69%
Inspections											
Number of potholes requiring repair		9,490	8,004	6,611	6,246	6,582	6,631	5,075	5,942	6,544	3,054 to end Oct
Public Rights of Way											
% of rights of way open and available for use – urban fringe leisure routes	75%	67%	84%	79%	86%	75%	85%	85%	82%	84%	84%

Road Safety and Sustainable Transport (figures in brackets are the three year rolling average)											
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Number of people killed or seriously injured in road traffic accidents	35 (35)	41 (37)	41 (37)	32 (31)	39 (31)	45 (39)	52 (45)	52 (50)	26 (43)	38 (39)	33 (32)
Number of people slightly injured in road traffic accidents	309 (303)	285 (297)	285 (297)	242 (270)	256 (260)	230 (243)	208 (231)	161 (200)	106 (158)	104 (124)	59 (90)
Number of children killed or seriously injured in road traffic accidents	3 (3)	7 (4.6)	7 (4.6)	2 (4)	4 (3)	5 (3)	2 (5)	6 (5)	2 (4)	4 (4)	4 (3)
Number of children slightly injured in road traffic accidents	45 (37)	34 (37)	34 (37)	32 (43)	27 (41)	24 (28)	28 (26)	13 (22)	12 (18)	7 (11)	16 (12)
% of children taking part in pedestrian training from participating schools	85	91	91	86	90	87	86	86	78	92	Not yet available
% of children taking part in cycle training (Year 5) from participating schools	54	56	56	50	52	66	63	63	95	60	Not yet available

Public Satisfaction - NHT Satisfaction Survey Results

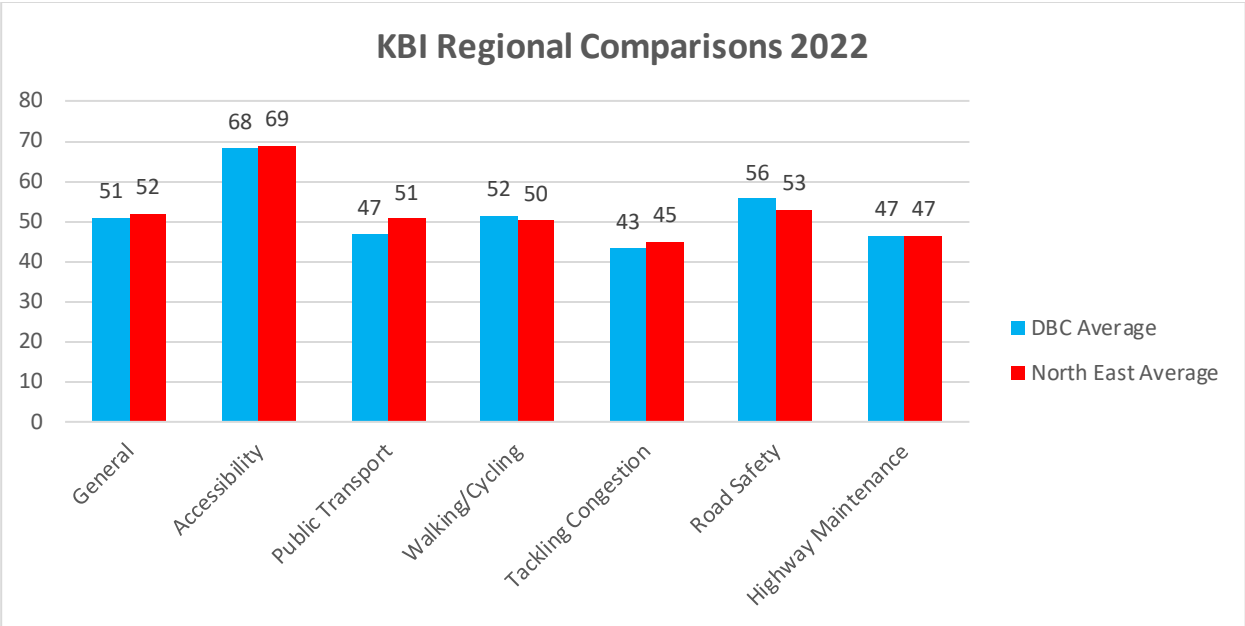
Each year Darlington takes part in the National Highways and Transport Network Public Satisfaction Survey. In 2022/23 overall satisfaction was down from 53% to 50%. Whilst the reduction in satisfaction is disappointing it reflects the national trend.

Public Satisfaction – National Highways and Transportation Survey (NHT)											
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Overall public satisfaction	55.7	54.9	55.1	56	56	54	54	55	55	53	50
Public transport overall	54	-	-	59	59	60	62	64	58	55	48
Local bus services	54	58	60	60	62	60	62	63	63	58	52
Local bus services (BVPI 104)	47	53	55	60	61	64	66	62	59	56	44
Public Transport (BVPI 103)	39	41	48	48	51	47	51	51	41	39	31
Taxi/Mini cab services	67	68	70	69	67	66	68	69	69	64	52
Community Transport	57	57	58	56	55	55	55	59	62	59	55
Walking & Cycling overall	58	57	55	57	58	56	56	56	53	53	52
Pavements and footpaths	56	55	55	55	55	54	53	54	53	51	52
Pavements and Aspects (footpaths)	57	58	57	61	61	58	58	60	56	55	51
Cycle routes and facilities	59	55	53	54	55	55	54	53	50	51	50
Cycle routes and facilities (aspects)	60	57	55	58	58	55	59	55	49	52	52

Rights of Way	57	60	58	58	60	57	58	59	58	56	53
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Rights of way (aspects)	56	55	52	58	56	56	56	56	54	53	51
Tackling congestion overall	52	54	53	53	51	48	49	50	49	48	45
Traffic levels and congestion	49	49	44	47	46	44	46	45	49	49	44
Management of Road works	54	53	51	56	50	51	53	55	54	53	47
Traffic management	55	54	54	56	56	55	57	56	42	40	39
Overall road safety	59	57	57	62	58	57	60	59	56	55	56
Road safety locally	62	59	61	63	60	57	58	59	58	55	56
Road safety environment	58	56	57	61	57	57	59	59	57	56	56
Road safety education	58	57	56	61	58	58	61	59	54	54	55
Overall highways maintenance	50	46	47	52	53	50	49	51	49	46	47
Condition of highways	34	28	31	34	38	34	30	35	35	31	33
Highways maintenance	48	48	48	54	53	51	51	53	51	43	48
Street lighting	69	69	71	70	69	66	65	65	65	65	62
Highway enforcement & obstructions	49	49	48	51	50	48	49	52	46	45	43

The chart below compares Darlington's results with the North East Average.



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CABINET
7 MARCH 2023

HOUSING SERVICES LOW COST HOME OWNERSHIP 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 Services Low Cost Home Ownership Policy.

Summary

2. Housing Services are committed to building sustainable communities and offering low-cost homes both to rent and buy. For residents who would like to own their own home but are unable to afford to purchase a property outright from the open market, we offer a range of low cost options to them.
3. The Housing Services Low Cost Home Ownership Policy at **Appendix 1** explains the range of home ownership options available for our Council properties.
4. The Tenants Panel has been consulted on the draft policy and the proposals have received overwhelming support.
5. This report was considered by Health and Housing Scrutiny on 14 December 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 Services Low Cost Home Ownership Policy.

Reasons

7. The recommendations are supported by the following reasons :-
 - (a) The Government's Social Housing White Paper, "Charter for Social Housing Residents" published in 2020, introduced a new Right to Shared Ownership and aims to ensure

that 50% of new homes delivered by the Affordable Homes Programme, and supported by grants through Homes England, will be for affordable home ownership.

- (b) This policy sets out the low cost home ownership products that will be offered to residents, to meet the Government's aims.

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	This report has no implications for crime and disorder
Health and Wellbeing	There are no issues which this report needs to address
Carbon Impact and Climate Change	There are no issues which this report needs to address
Diversity	There are no issues which this report needs to address
Wards Affected	All wards with Council housing
Groups Affected	All residents wishing to purchase a Council property
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 provide good quality, affordable Council housing
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. Housing Services are committed to building sustainable communities and offering low-cost homes both to rent and buy. For residents who would like to own their own home but are unable to afford to purchase a property outright from the open market, we offer a range of low cost options to them. This Policy explains the range of home ownership options available for our Council properties.
9. The policy covers the following areas:
 - (a) **Right to Buy** – this section sets out the statutory right for Council tenants to purchase their Council property, the criteria they must meet and the discounts that are available.
 - (b) **Rent to Buy** – this section set out the scheme that allows residents to move into one of our new properties straight away and pay a reduced rent, allowing them extra time and money, to save towards a mortgage deposit. Tenants will be given a fixed-term tenancy, at the end of which the Council can either continue to offer the property on a Rent to Buy basis, sell the property on an outright basis or convert the home to rented housing on either an affordable or market rent basis. This section explains the criteria the applicants must meet to be accepted on the rent to buy scheme and the costs of this option.
 - (c) **Shared Ownership** – this section sets out the scheme for Council tenants to purchase an initial share of their home worth between 10% and 75% of its market value and to pay rent on the remaining share of the property. This section also explains how tenants on the shared ownership scheme can increase their share of the property, known as “staircasing”. This section also explains the criteria the applicants must meet to be accepted on the shared ownership scheme, the costs of this option and the application process.

Social Housing White Paper

10. The Government’s Social Housing White Paper, “Charter for Social Housing Residents” published in 2020, sets out to raise the standard of social housing and meet the aspirations of tenants. One of the 7 key expectations for social housing tenants in the charter is “to be supported to take your first step to ownership”.
11. The charter introduced a new Right to Shared Ownership and aims to ensure that 50% of new homes delivered by the Affordable Homes Programme, and supported by grants through Homes England, will be for affordable home ownership.
12. On our Neasham Road new build development, 20 of the 150 new homes will be offered as rent to buy.

Outcome of Consultation

13. The Tenants Panel were consulted in November 2022 and overall, the Panel supported the proposed Housing Services Low Cost Home Ownership Policy.



DARLINGTON
Borough Council

Low-Cost Home Ownership Policy 2022



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Introduction

Housing Services are committed to building sustainable communities and offering low-cost homes both to rent and buy. As a Council, we have a strategic ambition to deliver a range of tenure models to improve and diversify the supply of low-cost housing within the Borough.

For residents who would like to own their own home but are unable to afford to purchase a property outright from the open market, we offer a range of low-cost options to them. This Policy explains this range of home ownership options available for our properties.

The Policy has been designed to be an effective tool to enable us to explain the available options for residents and to incorporate best practice and the legal framework around low-cost home ownership. The options covered in this policy are:

- Right to Buy
- Rent to Buy
- Shared Ownership

Policy Aims

Through the promotion and operation of our low-cost home ownership policy Darlington Borough Council Housing Services aim:

- To promote the options that are available for low-cost home ownership of our properties.
- To support people that would otherwise struggle to purchase a property on the open market.
- To deliver a fair and consistent approach that reflects our commitment to creating sustainable communities.
- To deliver an efficient and effective approach to low-cost home ownership.
- To ensure staff and residents are aware of the policy and understand its aims.
- To comply with legal requirements and regulatory procedures

There are a number of other home ownership schemes. This policy does not cover all of these; only those being offered by Housing Services.



Relevant legislation

In offering low-cost home ownership products, Housing Services will meet all legal and regulatory requirements including money laundering and anti-fraud practices:

- Housing Act 1980
- Housing Act 1985
- Housing & Planning Act 1986
- Housing Act 1988
- The Leasehold Reform, Housing & Urban Development Act 1993
- Housing Act 1996
- Housing Act 2004
- Deregulation Act 2015
- Localism Act 2011
- lordslibrary.parliament.uk/right-to-buy-past-present-and-future
- Data Protection Act 2018
- Equality Act 2010
- General Data Protection Regulations (GDPR)
- Financial Regulations
- Complaints Policy
- Prevention of Social Housing Fraud Act 2013
- The Charter for Social Housing Tenants – Social Housing White Paper 2021
- Landlord and Tenant Act 1985
- www.gov.uk/government/publications/right-to-buy-a-guide-for-local-authorities
- www.gov.uk/shared-ownership-scheme
- www.gov.uk/council-housing
- www.gov.uk/guidance/capital-funding-guide/2-rent-to-buy
- Affordable Homes Programme 2021-2026 (AHP)
- www.gov.uk/rent-to-buy
- www.helptobuyagent1.org.uk/
- www.gov.uk/right-to-buy-buying-your-council-home
- 2004 – Housing Health & Safety Rating System
- Homeless Prevention Act 2017
- Care Act 2014

Useful Information

Before applying to purchase a property, we recommend that tenants consider all the costs involved in being a homeowner. It is important to be aware that applicants cannot claim Housing Benefit to help towards mortgage costs.

Costs involved in purchasing a home include (not exhaustive):

- Solicitors' fees.
- Stamp duty.
- Mortgage fees.
- Any surveys or checks required by the mortgage provider.

Ongoing costs include (not exhaustive):

- Mortgage repayments.
- Buildings & Contents Insurance.
- Service charges (apply to leaseholders only).
- Repairs and maintenance.
- Annual gas services.
- Water charges.
- Life Assurance.
- Income Protection Assurance.

Right to Buy

Right to Buy for Council tenants was introduced through the Housing Act 1980 and gives local authority secure tenants the right to buy their current home at a discounted amount.

Eligibility

To be eligible to apply for the Right to Buy the following criteria must be met:

- It's their only or main home.
- It's self-contained.
- They are a secure tenant.
- They have had a public sector landlord (for example, council, housing association or NHS trust) for 3 years - it does not have to be 3 years in a row.

Discounts & Valuations

In line with legislation, we offer discounts on the market value of our homes when purchased. The amount of discount offered is based on the number of years a person has held a qualifying tenancy (details are set out in s.129 of the Housing Act 1985). The maximum discount allowed increases each year in April in line with the consumer price index (CPI).

The discount may be reduced by a rule called the cost floor. This may apply if your home has recently been purchased or built by the Council or we have spent money on repairing or maintaining it. Under the cost floor, the discount you receive must not reduce the price you pay below what has been spent on building, buying, repairing or maintaining it. If the cost of works carried out over the 10-year period is greater than the market value of your home, you will not receive any discount. This period is 15 years if your home was built or acquired by the Council after 2 April 2012.

Any discount is based on:

- The length of tenancy with a public sector landlord.
- The type of property (i.e. flat or a house).
- The value of the property.

Each property is valued individually according to the market values at the time of application. We do not hold records of property values and will only value a property once a tenant makes an application for the Right to Buy to ensure it is up to date.



A qualified valuer will inspect the property once an application has been accepted, there is no charge for this valuation. We employ an independent valuer who is RICS registered and valuations are carried out in accordance with RICS Valuation Standards (Red Book). Valuations will not include any improvements applicants have made to the property; however, applicants must notify us of such improvements when making their Right to Buy application.

Valuations include:

- An inspection of the property by a surveyor.
- An overview of the property, its construction, location and accommodation.
- Overview of the property's general condition (with photographs).
- Sale prices of comparable properties.
- Valuation of the property, with a description of the evidence and assumptions made.

If an applicant disagrees with the valuation price, they can ask for the District Valuer to carry out an independent valuation, this is a "determination of value" under Section 128 of the Housing Act 1985. Applicants must let us know of this request within 3 months of receiving the section 125 notice (the offer notice) and then have a further 4 weeks to put their

case to the District Valuer.

Re-sale of properties bought under the Right to Buy scheme

Right to Buy buyers have to repay some or all of the discount if they sell the property within 5 years and may get a smaller discount if they have used Right to Buy in the past. They also have to pay back all of the discount if they sell within the first year. After that, the total amount they pay back reduces annually and depends on the value of the property when sold.

Properties re-sold within 10 years of buying through Right to Buy, must firstly be offered back to Darlington Borough Council. The Council can nominate another registered social landlord to buy the property

The property would be sold at the full market price (the seller would still be expected to pay back the required amount of discount if bought back within 5 years). Properties can be sold to anyone if we or another social landlord does not agree to buy within 8 weeks.

Properties exempt from Right to Buy

Some of our properties, such as those built specifically for the elderly are not available to purchase.

Further details, including full details on timescales and the process for Right to Buy can be found at:

www.darlington.gov.uk/housing/your-home/your-tenancy/right-to-buy and

www.gov.uk/government/publications/your-right-to-buy-your-home-a-guide--2



Rent to Buy

Rent to Buy allows residents to move into a new property straight away and pay a reduced rent, which allows them extra time, and money, to save towards a mortgage deposit. Tenants that access Rent to Buy products will not be entitled to exercise Preserved Right to Buy, even where these rights may have existed from previous social housing tenancies.

Rent to Buy properties are let on an assured shorthold tenancy, on an intermediate rent, which is 80% of the market rent value and above social rent values, for a fixed term. Tenants are expected to save for a deposit during the length of the tenancy.

At the end of the fixed term tenancy, we will either:

- Continue to offer the property as Rent to Buy.
- Sell the property on an outright basis with the current tenant being given the right of first refusal.
- Retain and convert the home to rented housing on either an affordable or market rent basis.

Eligibility

The eligibility criteria to apply to be a Rent to Buy tenant include the following:

- Applicants must be of working age and in employment and have a household income sufficient to be able to make rental payments and save for a deposit for outright purchase. We will conduct affordability / credit checks and will require proof of income for lead tenants and any joint tenants. A non-refundable charge for each applicant will apply for this service which, must be paid upfront before applications are processed.
- Applicants are not expected to have the financial capacity to be able to afford a mortgage deposit on the open market or purchase outright at the point of application.
- Applicants should be first time buyers or returning to the market following a separation and would need to prove they have no legal interest in any properties.

- Applicants must not have been excluded for any reason from local housing registers, such as, for former arrears above specified levels with no arrangement to pay, serious anti-social behaviour or unspent criminal convictions.
- Applicants and household members must have sufficient leave to remain in the UK and are eligible to rent properties.
- The total household composition must not exceed the available bedrooms and lead to statutory overcrowding (that would require enforcement or intervention action from local authorities). Where there is more than one party interested in a rent to buy property, preference may be given to a household that would not breach overcrowding definitions. Similarly, Housing Services may consider under-occupation in rent to buy properties where there are no other interested parties but will give preference to households that more closely match the property size to make best use of resources.

We will allocate Rent to Buy properties to applicants that meet the above eligibility criteria on a first-come, first-served basis (except where preference is given to households that more closely match the property size, to make best use of resources, as outlined above).

Costs

Rent to Buy properties are subject to an annual rent increase in April and tenants will be given one calendar month's written notice of this increase. The maximum increase will be Consumer Price Index figure (calculated the previous September) plus 1%.

Tenants can purchase the property within the 5 years period but at our discretion. They must meet all shared ownership eligibility, affordability, and sustainability requirements.

Rent to Buy homes are sold at the market value at the point of applying to purchase and tenants wishing to buy their home will need to obtain a mortgage to do so. Homes are sold on the basis of the new model of Shared Ownership introduced by Government from 1 April 2021.

Valuation of properties

Each property is valued individually according to the market value at the end of the fixed term tenancy. We do not hold records of property values and will only value a property once a decision is made at the end of a fixed term tenancy to sell. This ensures that the valuation is accurate and up to date.

A qualified valuer will inspect the property, there is no charge to the tenant for this valuation. We employ an independent valuer who is RICS registered, and valuations are carried out in accordance with RICS Valuation Standards (Red Book).

Valuations include:

- An inspection of the property by a surveyor.
- An overview of the property, its construction, location and accommodation.
- Overview of the property's general condition (with photographs).
- Sale prices of comparable properties.
- Valuation of the property, with a description of the evidence and assumptions made.

Allocation of properties

Rent to Buy homes are not subject to the nomination process and there are no local or prioritisation criteria applied, other than on rural properties as set out in section 106 agreements.

We will advertise Rent to Buy properties in a number of ways such as:

- Direct forms of marketing on development sites (via billboards and in sales offices)
- Through our website
- Through external internet-based property lettings companies
- Local estate agents

We will hold a register of all eligible applicants and will advise them of any additional Rent to Buy opportunities on our sites that may become available in future, trying where possible to meet their property type preferences and areas of choice.



Tenancy Deposit and Advance Rent Payments

Applicants who wish to access the Rent to Buy option are required to pay before signing-up for the property, a deposit equivalent to one month's rent and the first month's rent in advance. Depending on when the tenancy commences, they may also have to pay rent due until the end of the month until a direct debit has been set up.

Housing Services are registered with the Government backed Deposit Protection Scheme (DPS) which ensures the tenant's deposit is held securely and independently for the duration of the tenancy. Housing Services will register the deposit with the DPS and provide the tenant with the prescribed information within 30 days of receipt.

On termination of the tenancy, the deposit is repayable to the outgoing tenant, less any costs owed to Housing Services in respect of:

- Rent owed (inclusive of service charges)
- Damages to the property or other rechargeable items
- Costs of any enforcement actions by Housing Services, such as court applications.

Tenancy management and tenancy rights

Tenants of Rent to Buy properties can expect the same level of housing management services as is provided to all other tenants, including:

- Full repairs and maintenance service.
- Housing management support including arrears management, investigation of complaints, responding to reports of anti-social behaviour etc.

These services will be available up until the point where tenants give notice of intention to purchase in which case all repairs and maintenance responsibilities will be suspended, and all housing management functions would cease when the sale is completed. In addition to the housing management services, Rent to Buy tenants will also have an annual review in which they will be provided with an up-to date estimate of sale valuations (based on desk top assessment and comparable sales from the same development site).

At this annual review which would normally take place face-to-face in the home, Rent to Buy tenants will be expected to provide evidence of savings towards mortgage deposits. This will be supplemented by a mid-year progress check conducted by telephone.

Responsibilities

Rent to Buy tenants are required to abide by the terms of the tenancy agreement but will also be obliged to inform us of any change in circumstances that may impact on their ability to proceed with the eventual purchase or ability to meet rental payments, at the earliest opportunity.

Rent to buy tenants must ensure that their rent and other charges are paid on time. We will ensure financial viability is maintained at all times and will take a fair but firm approach to pursue non-payment of rent, service charges or other debts owed to Housing Services. If it becomes apparent that customers are not able to purchase the property within the expected timescales, we will offer advice to gain alternative accommodation.

Appeals

Where Rent to Buy tenants disagree with a decision taken by us to bring a tenancy to an end or they have been deemed ineligible for the rent to buy product, they may submit an appeal in writing within 14 days of receipt of the letter / notice informing them of this course of action.

We will give the tenant(s) no less than 5 days written notice of the appeal hearing (giving time and venue for the meeting) and the appeal will be heard by an appropriate senior Housing Manager.

We will inform the tenant(s) of the outcome of the appeal in writing at the earliest opportunity and where it has not been upheld before the date at which possession proceedings may begin.



Shared Ownership

For residents that are unable to afford a full deposit or mortgage payments for a home, Shared Ownership offers them the chance to buy an initial share of a home worth between 10% and 75% of its market value and to pay rent on the remaining share of the property to Housing Services.

The scheme enables residents to get onto the property ladder with a smaller mortgage and deposit and as circumstances change, they can purchase more shares in their home when they can afford to; this is called staircasing.

With Shared Ownership, residents can buy a shared ownership new build property or an existing shared ownership property through re-sale.

In line with the scheme, military personnel will be given priority along with additional priority groups, based on local housing needs.

To buy a home through a Shared Home Ownership scheme residents are required to contact a Help to Buy agent for the area they wish to buy in. More details of the Help to Buy agent for the North can be found at www.helptobuyagent1.org.uk.

Shared Ownership Scheme from 2022

From April 2021 the new model of Shared Ownership was introduced which means:

- The minimum share residents can buy is 10% of the property's market value, although applicants are required to purchase the maximum share they can afford.
- We are required to support shared owners with the cost of essential maintenance and repairs for the first 10 years.
- The minimum share that can be purchased through staircasing is 5% of the market value.
- Owners can purchase an extra 1% each year (new form of staircasing).
- Owners have more control over when they sell their home.

Requirements and Eligibility

Residents can buy a home through Shared

Ownership if:

- Their household earns less than £80,000 a year, and
- They cannot afford all the deposit and mortgage payments for a home that meets their needs.

One of the following must also apply:

- They are a first-time buyer.
- They used to own a home but now can't afford to buy one.
- They are forming a new household – for example, after a relationship breakdown.
- They are an existing* shared owner looking to move.
- They own a home* and want to move but cannot afford a new home that meets their needs.

* If you own a home you must have:

- Formally accepted an offer for the sale of your current home (called 'sold subject to contract' or 'STC')
- Written confirmation of the sale agreed (called a 'memorandum of sale') including the price and your intention to sell
- Completed the sale of your home on or before the date you complete buying your shared ownership home.

Applying for a Shared ownership Home

There are 4 steps to applying for a Shared Ownership property:

1. Applicants must register with the Help to Buy Agent in the area they want to live. They will be required to complete an application form, either online or on a paper form. The agent will confirm if they are eligible for the scheme.
2. Once confirmed as eligible, applicants will then register their interest in an available property with the Council. An assessment by a mortgage advisor is required to ensure mortgage and rent payments are affordable. They will also advise on the share they can afford.

3. If the applicant is eligible to buy the home, they need to pay a fee to reserve it for a fixed period. This means that no one else will be able to reserve that property. We will advise how long it has been reserved for. Until this fee is paid, the property cannot be reserved, and this is on a first come first served basis.
4. Applicants will need to source their own legal professional to handle the purchase. The applicant is liable for all their legal costs and their solicitor will explain the terms of the shared ownership lease.

Costs and Charges

Applicants will be charged a non-refundable reservation fee to reserve the home they wish to buy for a fixed period. Applicants will be advised of the fixed period prior to paying the fee. The fee will be deducted from the final amount applicants pay for the property but if the sale does not go ahead, it will not be refunded or moved to another property.

Applicants are required to pay a deposit for their home, usually between 5% and 10% of the share they are buying when contracts are exchanged. Applicants may also need to pay stamp duty.

The following costs should also be considered by applicants:

- Ongoing monthly mortgage costs.
- Ongoing rent payments for the share they do not own.
- Repairs reserve fund.

Applicants' solicitors will go through all the buying costs in full during the process.

Rent charges are calculated to be affordable in line with Homes England rent setting guidance. They are reviewed annually; rents do not decrease from one year to the next.

We will also bill for costs such as:

- Buildings insurance.
- Ground rent.
- Administrative fees.
- Service charges.
- Communal repairs (in the case of flats).

Annual statements will be provided detailing the costs and a number of payment methods is available.

Any Shared Ownership resident that falls behind with payments will be contacted promptly by Housing Services. We will take a fair but firm approach to pursue non-payment of rent, service charges or other debts owed to Housing Services.

Staircasing

Shared Ownership leaseholders can buy additional shares of their home, until they own the majority or all of their home. This is called Staircasing and allows Shared Ownership leaseholders to own more of their home as they earn more money or can afford a bigger mortgage.

Shares will be based on the value of the home at the time of buying the shares, and not the value of their home when they first bought it. Leaseholders will be required to pay for a professional valuation of the property to determine the value of the shares before they can buy them.

A qualified valuer is required to inspect the property, they are required to be RICS registered with the valuation carried out in accordance with RICS Valuation Standards (Red Book).

Valuations should include:

- An inspection of the property by a surveyor.
- An overview of the property, its construction, location, and accommodation.
- Overview of the property's general condition (with photographs).
- Sale prices of comparable properties.
- Full valuation of the property, with a description of the evidence and assumptions made.

Responsibilities

Shared Ownership leaseholders are required to abide by the terms of the lease but will also be obliged to inform us of any change in circumstances that may impact on their ability to proceed with the eventual purchase or ability to meet rental payments, at the earliest opportunity.

Shared Ownership leaseholders must ensure that their rent, mortgage, and other charges are paid on time. We will ensure financial viability is maintained at all times and will take a fair but firm approach to pursue non-payment of rent, service charges or other debts owed to Housing Services.

Shared Ownership leaseholders are responsible for the internal repairs of the property, but we will be expected to take care of the external property.

Advertising of Shared Ownership Properties

We will advertise Shared Ownership properties in a number of ways such as (not exhaustive):

- Direct forms of marketing on development sites (via billboards and in sales offices).
- Through our website.
- Through external internet-based property lettings companies.
- Local estate agents.
- Help to Buy agents websites.



Additional information

Further details on our low-cost home ownership schemes can be found at:

www.darlington.gov.uk/housing/your-home/your-tenancy/

Further details on the Shared Ownership Scheme can be found at: www.gov.uk/shared-ownership-scheme

Further details on Right to Buy can be found at:

www.gov.uk/government/publications/your-right-to-buy-your-home-a-guide--2

Further details on Rent to Buy can be found at:

www.gov.uk/rent-to-buy

Further details on all government help to own your own home schemes can be found at:

www.ownyourhome.gov.uk/

Implementation of the Policy

All Housing Services staff are aware of the Low-Cost Home Ownership Policy and are able to direct any customer queries that may arise.





CABINET
7 MARCH 2023

HOUSING SERVICES DAMP, MOULD AND CONDENSATION 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 Services Damp, Mould and Condensation Policy.

Summary

2. Housing Services are committed to providing good quality, safe and energy efficient homes. We have a responsibility to ensure our homes are free from hazards, including damp, mould and condensation.
3. The Housing Services Damp, Mould and Condensation Policy at **Appendix 1** explains how we will ensure that we take prompt action to remedy issues and support our tenants, offering guidance, advice, and assistance throughout the process.
4. The Tenants Panel has been consulted on the draft policy and the proposals have received overwhelming support.
5. This report was considered by Health and Housing Scrutiny on 8 February 2023, 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 Services Damp, Mould and Condensation Policy.

Reasons

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

- (a) The Social Housing Regulator’s Consumer Standards places a duty on social housing providers to provide their tenants with good quality accommodation.
- (b) The Social Housing Regulator also expects social housing providers to have a separate and specific policy on preventing and dealing with damp and mould in their homes.

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	This report has no implications for crime and disorder
Health and Wellbeing	The Housing Services Damp, Mould and Condensation Policy will help address any health hazards caused by mould in Council properties
Carbon Impact and Climate Change	There are no issues which this report needs to address
Diversity	There are no issues which this report needs to address
Wards Affected	All wards with Council housing
Groups Affected	All Council tenants
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 provide high quality Council housing
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. Following the tragic case of Awaab Ishak in Rochdale, who died of a respiratory condition caused by mould in his home, the Regulator of Social Housing wrote to all social housing providers, seeking assurance that they have a clear understanding and strong grip on damp and mould issues in their homes and are addressing risks to tenants' health.
9. Housing Services are committed to providing good quality, safe and energy efficient homes. We have a responsibility to ensure our homes are free from hazards, including damp, mould and condensation.
10. The Housing Services Damp, Mould and Condensation Policy at Appendix 1 explains how we will ensure that we take prompt action to remedy issues and support our tenants, offering guidance, advice, and assistance throughout the process.
11. Our Housing Management Policy, approved by Cabinet on 22 June 2022, includes a specific section on our approach to dealing with damp, mould and condensation in our Council homes. However, the Regulator of Social Housing expects all social housing providers to have a separate and specific policy on damp, mould and condensation and the policy has been developed to set out our approach to these issues.
12. This policy confirms that dealing with damp, mould and condensation is a high priority including reports of issues from tenants. The policy also confirms that we take a proactive stance to issues of damp, mould and condensation by undertaking regular property inspections and improving ventilation and energy efficiency measures to our homes.
13. The policy sets out the specific responsibilities for Darlington Borough Council as landlords, including:
 - (a) How we respond to reports of damp, mould and condensation from our tenants.
 - (b) Undertaking property inspections and carrying out remedial work to address any issues of damp, mould and condensation.
 - (c) Offering advice and assistance to tenants on how to prevent, report and deal with damp, mould and condensation.
 - (d) Undertaking property inspections of empty Council homes, including an assessment of any damp, mould or condensation in the property and carrying out work to remedy any issues before a new tenant moves in.
 - (e) Undertaking regular and proactive stock condition surveys on our properties, to ensure they continue to meet the Decent Homes Standards and to inform our capital programme of works, as part of our 30-year business plan. These surveys include an assessment of any signs of damp, mould and condensation.

14. The policy also sets out responsibilities for tenants, including:

- (a) Ventilating and heating their homes effectively to prevent damp, mould and condensation occurring.
- (b) Reporting any instances of damp, mould and condensation in their homes to Housing Services straight away, so that we can deal with any issues promptly and effectively.
- (c) Following all advice and guidance issued by Housing Services on managing and controlling damp, mould and condensation.

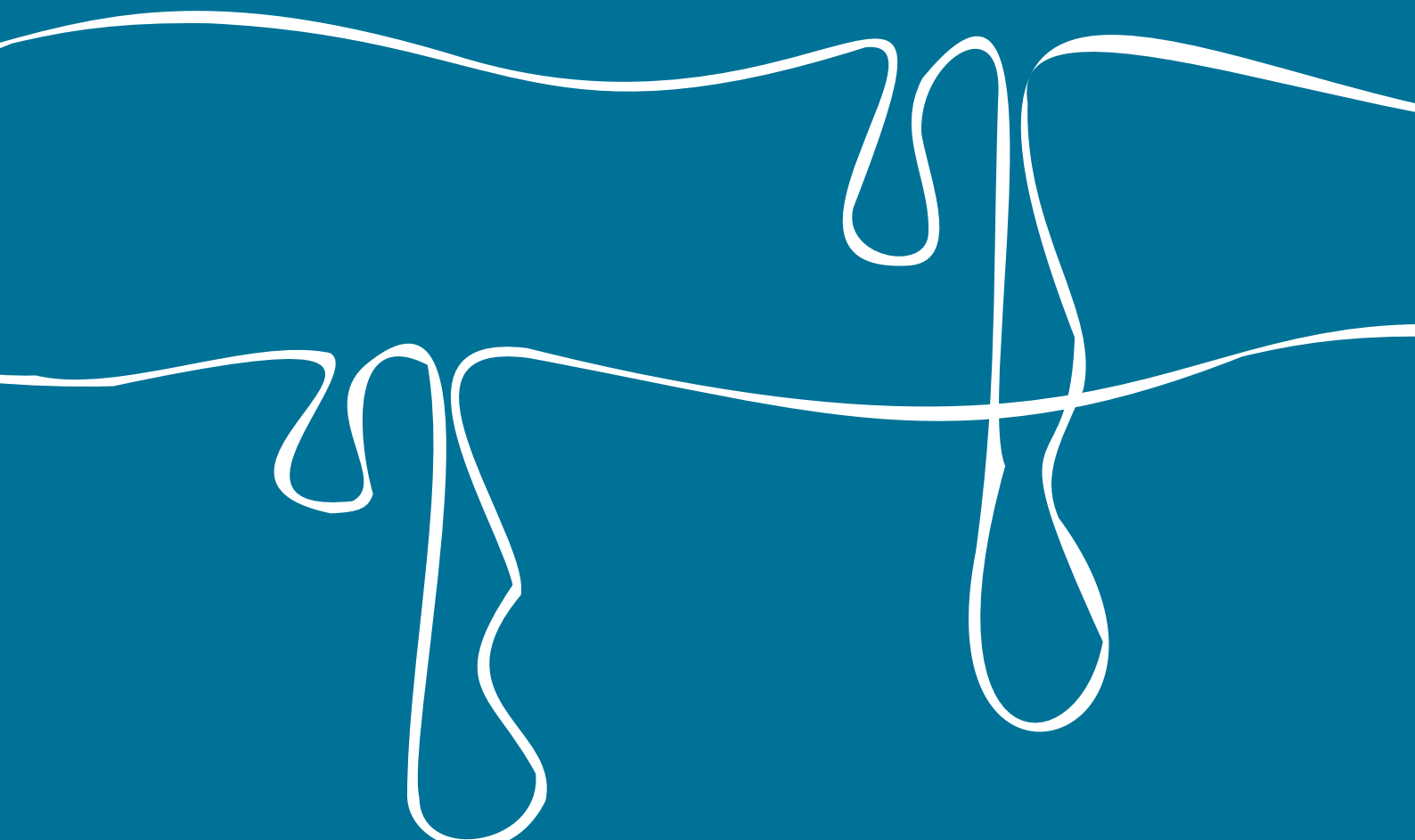
Outcome of Consultation

15. The Tenants Panel were consulted in January 2023 and overall, the Panel supported the proposed Housing Services Damp, Mould and Condensation Policy.



DARLINGTON
Borough Council

Housing Services Damp, Mould and Condensation Policy 2023-2027



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Introduction

Housing Services are committed to providing safe, energy efficient and comfortable homes. We have a responsibility to ensure our homes are safe, healthy, and free from hazards, including damp, condensation, and mould.

We have a legal responsibility to manage repairs and complete any work required to prevent damp, condensation and mould occurring. It is also important that tenants report any issues, so we can

work quickly to help resolve the problems. We recognise the impact that damp, condensation, and mould can have on our tenants, including distress, inconvenience and concerns about health and well-being.

We will ensure that we take prompt action to remedy issues and support our tenants, offering guidance, advice, and assistance throughout the process to all tenants living in Council properties.

Aims of the policy

This policy aims to:

- Re-enforce our zero tolerance to damp, condensation, and mould.
- Ensure that tenants are treated in a fair and consistent way.
- Focus on working in partnership with tenants ensuring that a safe and healthy internal environment is provided.
- Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp including, managing, and controlling condensation.
- Ensure that tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp and condensation.

- Comply with statutory and regulatory requirements and good practice.
- Ensure that the fabric of our properties is protected from deterioration and damage, resulting from damp and condensation.

This policy will:

- Explain the types of damp: rising, penetrating and condensation damp.
- Identify Housing Services responsibilities for dealing with damp and condensation.
- Identify tenants' responsibilities for dealing with damp and condensation.
- Identify leaseholders' responsibilities for dealing with damp and condensation.

Scope of the policy

The scope of this policy covers how Housing Services, and our tenants are able to jointly control, manage, reduce, and eradicate damp, condensation, and mould within our properties.

This policy relates to all Housing Services owned properties that are tenanted, empty and communal. It also includes emergency / temporary accommodation.

Types of damp

The types of damp covered by the policy are:

- a. Rising Damp – This is the movement of moisture from the ground rising up through the structure of the building.
- b. Penetrating Damp (including internal leaks) - Water penetrating the external structure of the building or internal leaks causing damp, rot and damage to internal surfaces and structure. The cause can be the result of, for example:
 - Water ingress.
 - Defective components such as roof coverings, external wall doors and windows.
 - Defective or blocked rainwater gutters and pipes.
 - Defective or leaking internal waste pipes, hot and cold water and heating systems.
 - Flooding due to burst pipes.
- c. Condensation Damp - Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets. This can take two main forms:

- Surface condensation, arising when the inner surface of the structure is cooler than the room air.
- Condensation inside the structure (interstitial) where vapour pressure forces water vapour through porous materials (such as walls), which then condenses when it reaches colder conditions within the structure.

Condensation is by far the most common cause of damp and mould within properties, particularly during the winter months. It is often seen as water on windows and is more noticeable when the weather gets colder and the outside temperature drops. Moisture in the air can cause mould growth on walls and ceilings as well as on furniture and possessions.

The risk of condensation can be reduced through:

- Adequate ventilation such as, opening windows and trickle vents, air bricks, ensuring space around furniture to assist air flow and mechanical extractors.
- Adequate heating such as, energy efficient boilers and radiators which maintain an appropriate heat level.
- Adequate thermal insulation such as, wall and loft insulation.

Inspections

Following a report of damp, condensation, or mould in a tenanted property, we will:

- Investigate to determine the cause of damp, condensation, and mould through a robust and extensive internal and external inspection of the property and, if appropriate, neighbouring properties.
- Carry out remedial repairs and actions in accordance with the tenancy agreement.
- Refer to specialist damp contractors where there is evidence of defective damp proof courses.
- Provide advice and support to tenants.
- Refer when appropriate to external agencies such as Social Care and debt management agencies for additional support to the tenant (where tenants have advised on income and health issues).

- Diagnose the cause of damp and deliver effective solutions, dealing with the cause of the damp, not just the symptoms and wherever possible, “fixing first time”.

We will inform the tenant of the findings, advice and actions from the investigation following the inspection in writing.

A full inspection of all empty properties will always be carried out to identify any signs of damp or mould and repairs carried out prior to a new tenant moving in.

We also carry out stock condition surveys on our tenanted properties, which assist us to identify issues, including damp, condensation and mould and support us to anticipate and prioritise interventions before a complaint or disrepair claim is made. These surveys assist us in highlighting if a particular area or house type requires works before problems arise.

Housing Services Responsibilities

Following a report of damp, condensation, or mould from a tenant, we will offer immediate advice until a property inspection can be carried out. Inspections will be carried out in a timely manner and at a mutually convenient time. Should tenants refuse access, in line with our Tenancy Agreement, appropriate action, which may include legal action, will be taken to ensure we can access the property and take actions to remedy issues.

We will:

- Inspect the building itself, including brickwork, windows, external doors, guttering, downpipes, drains and damp-proof courses.
- Inspect the home internally, including radiators, windows, trickle vents, extractor fans, visible pipework, bath seals and walls and ceilings for signs of mould growth.
- Check that internal extractor fans are fitted to the kitchen and bathroom or a whole house Positive Input Ventilation (PIV) unit is installed, turned on and in good working order.
- Take damp meter readings and air moisture (humidity) readings in each room and record these (ideally moisture in the air should be between 40%-60%)
- Refer to our specialist damp contractors if there are signs of rising damp or if the damp proof course has failed.
- Arrange any necessary repairs to the property and install extra ventilation units or air bricks to assist with air flow.
- Offer advice and assistance to our tenants on how to clean any signs of mould and any additional actions they can take to help mould spots from forming.
- Refer tenants to our Tenancy Sustainment Team to ensure they have maximised their income and where appropriate refer to specialist debt advice to ensure they can afford to effectively heat their home.
- Refer tenants who tell us they are struggling due to health reasons, to manage damp, condensation and mould to Adult and Children's Social Care and support agencies for further assistance within their home.

- Offer advice, support, and take appropriate actions to households where there are other contributing factors including, hoarding, and overcrowding, to find a best possible solution.
- Proactively raise awareness to our tenants around damp, condensation, and mould through publicity in Housing Connect, our webpages and social media. New and existing tenants will be provided with a damp, condensation, and mould prevention leaflet.
- Carry out stock condition surveys on a 5-year rolling programme to ensure that 100% of our properties receive a thorough inspection regularly whether tenanted or empty.

Remedial works will be carried out where it is reasonable and practical to do so. We will have regard to the constraints of the existing building design and structure and will take a pragmatic approach in finding appropriate solutions. On properties where we have completed all the relevant preventative works we may also install monitors on equipment such as boilers, mechanical ventilation, humidity sensors and temperature sensors.

Where remedial works have caused damage to internal decoration, we will offer a decorating voucher to assist with redecoration of the damaged area(s). Under certain exceptional circumstances, where the tenant is unable to carry out mould washes or redecoration, we will provide support and assistance.

In some cases, remedial work may not be necessary, and an inspection may find that additional support and advice can be given to the tenant on managing and controlling the occurrences of condensation damp.

If it is unsafe for tenants to remain in the property while the works are carried out, alternative accommodation arrangements will be made. This may be on a day-by-day basis or a temporary decant to an alternative property. The tenant will be supported through this process to find suitable alternative accommodation.

Tenant & Licensees Responsibilities

We recognise that not every case is the same and there are some actions that tenants can implement to help reduce condensation in their homes such as:

- Ventilate the home to help stop the build-up of damp by:
 - Keeping trickle vents open in window frames.
 - Drying any wet windows and frames regularly.
 - Opening windows, even if only slightly and on the security setting.
 - Opening windows while cooking, washing, drying clothes and bathing.
 - Ensuring all extractor fans are used.
 - Ventilating cupboards and wardrobes by providing breather holes in false backs.
 - Don't overfill cupboards and wardrobes – make sure there is enough space for air to flow.
 - Leaving a gap between walls and furniture to allow the air to move.
 - Don't block air vents, air bricks or trickle vents – these help to keep the air moving.
- Heat the home effectively. It is best, where possible, to have a constant, low background heat which helps to create warmer surfaces and reduces the chance of damp, condensation, and mould.
- Report repairs and signs of water leaks or water ingress straight away, so problems can be dealt with quickly and effectively.
- Treat any signs of black mould straight away and do not let the mould growth spread.
- Reduce the presence of moisture to a minimum within the property by:
 - Covering pans when cooking.
 - Don't leave kettles boiling.
 - Keeping kitchen doors closed when cooking.
 - Using extractor fans.
 - Keeping bathroom doors closed when bathing and open the window.
 - Drying clothes outside if possible.
 - Using a ventilated tumble dryer.
 - Avoid using portable fuel-less heaters.
 - If you are drying washing inside, do so in a closed, heated, and well-ventilated room.

Tenants are responsible for following all advice and guidance issued by Housing Services on managing and controlling damp, condensation, and mould. If the tenant fails to take the advice and reasonable steps to reduce damp, the tenant may be recharged for any resulting repairs required, which are considered to be a result of neglect.

Leaseholder Responsibilities

Leaseholders are responsible for managing and maintaining their own properties including damp, condensation, and mould, in accordance with their lease agreement. Leaseholders are responsible for any repairs to their own flat which are due to their actions or inactions.

As the freeholder we are responsible for repairs to the fabric of the building, such as roof repairs and will

carry out appropriate repairs to these. We are only responsible for repairs to a leaseholder's property if we have not complied with this obligation.

Any neglect by the leaseholder to manage or carry out repairs for which they are responsible for, that has a direct impact on the condition of a Council owned property, will be dealt with in accordance with the lease.

Information Sharing

Where appropriate, we will share information with Social Care and other key agencies so that all agencies can carry support residents in dealing with the effects of damp, condensation, and mould. We will make referrals to internal services in relation to income maximisation and refer, as appropriate, to specialist debt advice agencies.

Performance Monitoring and Review

As part of our commitment to continuous improvement, we will use customer feedback to improve our service. We will carry out a regular review of this policy with appropriate Customer Panels such as the Tenants Panel, ensuring that we include any legislative or regulatory changes and good practice examples from other Housing providers and the Housing Ombudsman.



Housing Services contact details

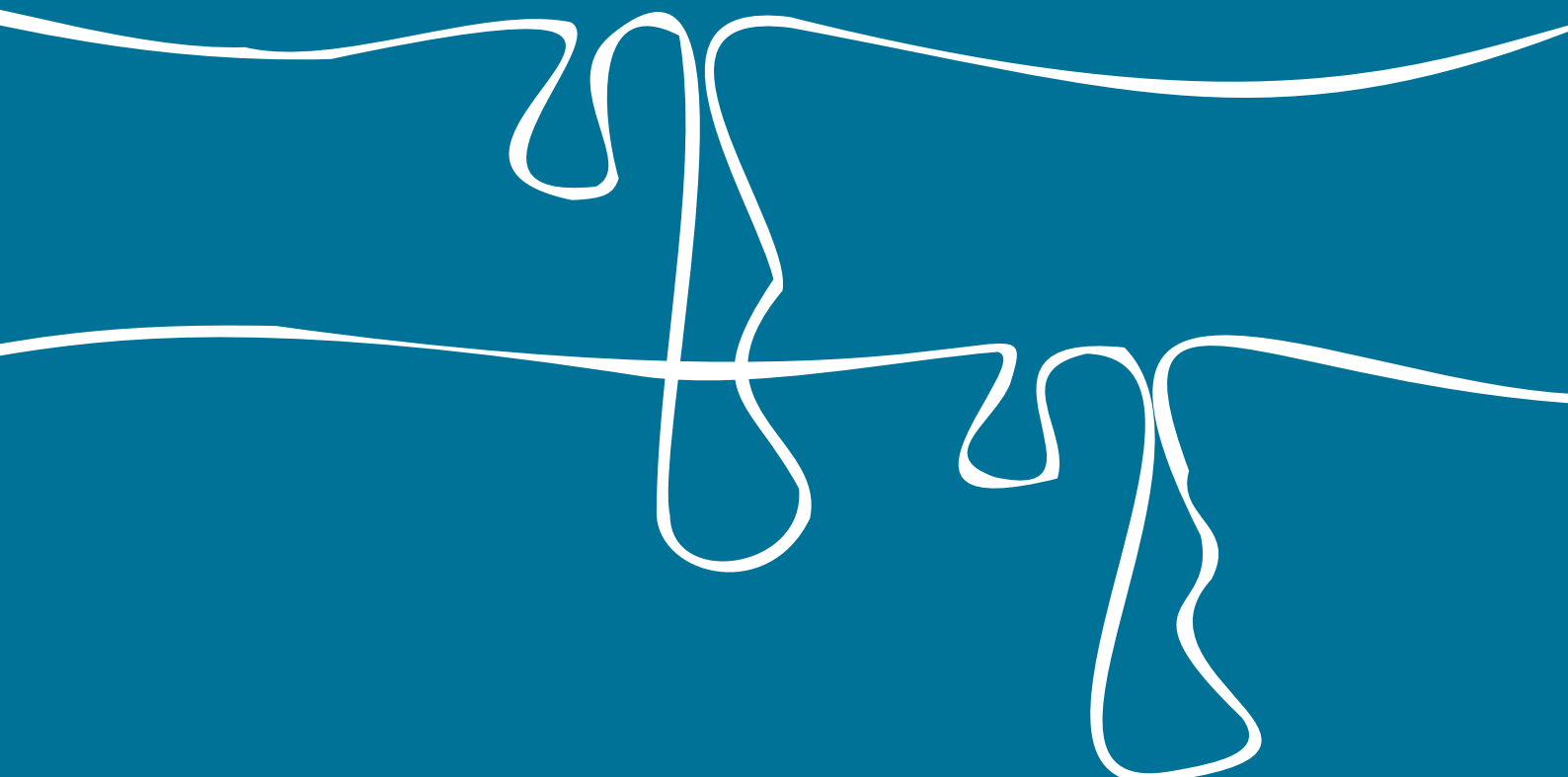
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 www.darlington.gov.uk/housing

 [darlingtonbc](https://twitter.com/darlingtonbc)

 facebook.com/DBCHousing



CABINET
7 MARCH 2023

HOUSING SERVICES ALLOCATIONS 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 Services Allocations Policy.

Summary

2. The existing Tees Valley Common Housing Allocations Policy has been in place since 2012 and was last updated in 2019. However, due to a number of factors since the Covid pandemic, we have seen a significant increase in demand for Council housing in Darlington, previously reported to this Committee. The existing policy no longer meets the strategic needs for Darlington and so notice has been given on our membership of the Tees Valley Lettings Partnership, due to expire in June 2023.
3. A new Housing Services Allocations Policy is therefore required and this is given at **Appendix 1**. Paragraph 11 of the main report sets out the key changes between the existing policy and the new proposed policy.
4. The Tenants Panel has been consulted on the draft policy and the proposals have received overwhelming support.
5. This report was considered by Health and Housing Scrutiny on 8 February 2023, 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 Services Allocations Policy.

Reasons

7. The recommendations are supported by the following reasons:-
 - (a) The Social Housing Regulator's Consumer Standards places a duty on social housing providers to ensure their homes are let in a fair, transparent and efficient way, taking into account the housing needs and aspirations of tenants and potential tenants. The adoption of a formal Allocations Policy is one of the ways to demonstrate how we will achieve this.
 - (b) The Allocations Policy will also help ensure we meet the statutory requirements of the Homeless Reduction Act 2017.

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	This report has no implications for crime and disorder
Health and Wellbeing	There are no issues which this report needs to address
Carbon Impact and Climate Change	There are no issues which this report needs to address
Diversity	There are no issues which this report needs to address
Wards Affected	All wards
Groups Affected	All residents on the Council's housing waiting list
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 provide high quality Council housing
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 has been part of the sub-regional scheme for allocating social housing since 2009 and a Tees Valley Common Housing Allocations Policy was adopted by the five Local Authorities and their partner housing organisations. The current Allocations Policy has been in place since 2012 and was updated in 2019.
9. However, the existing Allocations policy is no longer fit for purpose. Due to a number of factors since the Covid pandemic, we have seen a significant increase in demand for Council housing in Darlington, previously reported to this Committee in an update to the Homelessness and Rough Sleeping Strategy. As the largest provider of social housing in Darlington, the existing Tees Valley Common Housing Allocations Policy no longer meets the strategic needs for Darlington and some changes are required. As such, and in consultation with the Cabinet Member for Health and Housing, notice has been given on our membership of the Tees Valley Lettings Partnership, due to expire in June 2023.
10. A new Allocations Policy is therefore required, and the proposed policy is given at Appendix 1. A new Allocations IT system is also required, as the contract for the existing system is held by Stockton Borough Council. Preparations for implementing the new IT system are underway, in time for it to go live in June 2023 and the system is being built around the requirements of the new policy.
11. The new Allocations Policy contains many of the features of the existing policy but with the following key changes:

- (a) We have removed all the references to the Tees Valley Lettings Partnership, including data sharing agreements and some processes relating to partner organisations.
- (b) The definition of applicants who would be excluded or suspended from the housing register due to “unacceptable behaviour” has been redefined and strengthened. As well as criminal convictions, anti-social behaviour, as defined by our new Tenancy Agreement, will also exclude applicants from apply for Council Housing. This will also include applicants with Housing debt over £2,000 where no effort is being made to repay that debt.
- (c) We have reviewed the policy to ensure it meets all relevant legislation and Regulator of Social Housing guidance. In particular, we have ensured that the policy meets the Regulator’s consumer standards.
- (d) We have updated the section relating to “giving false information” to ensure that it accurately reflects the current legislation. This includes increasing the level of fine from a £5,000 maximum fine to an unlimited amount.
- (e) We have reviewed and updated the section relating to “reasonable and additional preference” in relation to members of the Armed Forces.
- (f) The policy now includes a section on the application of local lettings policies. Previously this was excluded from the Tees Valley policy and therefore had to be separately agreed.
- (g) We have reviewed and updated the local connections element of the policy, to ensure that it matches with our Housing Management policy. This ensures that priority for Council housing will be given to Darlington residents and those with a local connection to Darlington (for example, where someone has employment within Darlington). Some changes have also been made to the priority banding (see below) to ensure that specific reference is made to Darlington residents.
- (h) We have made a number of changes to the priority banding, as follows:
 - (i) A new band 1+ has been created for people living in Darlington who are losing their home due to demolition or regeneration. These households are currently placed within band 1 of the existing policy and this change will ensure they are given the highest priority for rehousing.
 - (ii) Households in urgent medical need have been moved from band 2 in the existing policy to band 1 in the new policy. “Urgent medical need” has also been redefined as people who are unable to live or remain in their current home due to a medical condition or disability.
 - (iii) A new category has been created for people living in Darlington who are suffering from anti-social behaviour from neighbouring residents, and these applicants will be placed in band 1.
 - (iv) Households in high medical need have been moved from band 3 in the existing policy to band 2 in the new policy. “High medical need” is defined as people

with a medical condition or disability, where a move to alternative accommodation would significantly improve their health.

- (v) A new category has been created for people with learning disabilities, who need to move to receive care and support or, where their current housing is having a detrimental effect on their quality of life and ability to live independently, and these applicants will be included in band 2.
- (vi) A new category has been created for people living in Darlington who are suffering severe financial hardship and need to move to alleviate that hardship, and these applicants will be included in band 2.

Outcome of Consultation

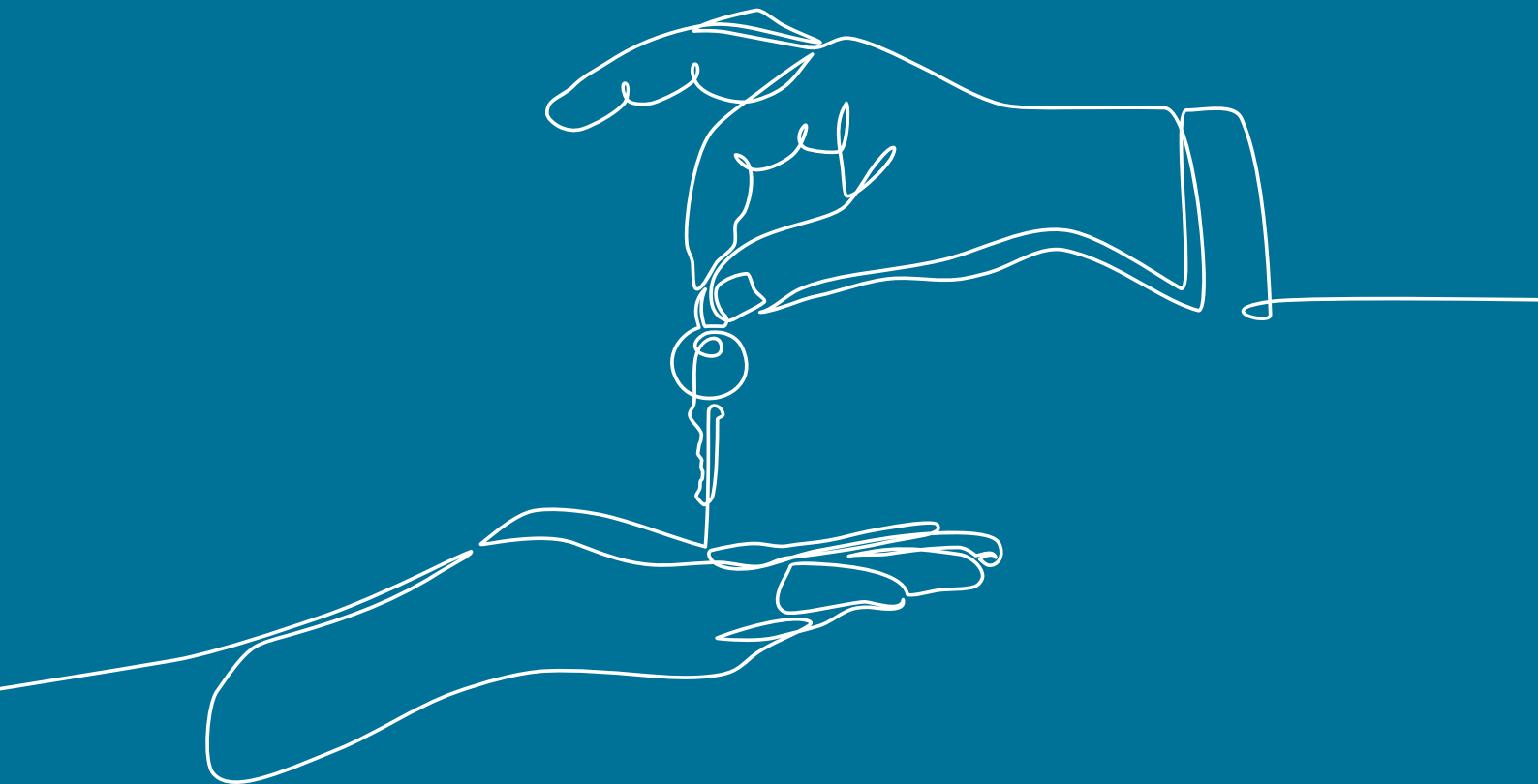
12. The Tenants Panel were consulted in January 2023 and overall, the Panel supported the proposed Housing Allocations Policy.

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DARLINGTON
Borough Council

Housing Services Allocation Policy 2023 – 2028



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Introduction

Housing Services are committed to building sustainable communities, with the strategic ambition to build safe communities of mixed tenures, where people are proud to call their home. Social rented housing is only one of many ways that residents can secure homes for themselves, with other options include shared ownership, owner occupation and private renting available within the Borough.

We are committed to providing a fair and transparent service to everyone applying for housing with us. This policy is designed to be an effective tool to enable us to explain how our social housing homes are allocated, based on an assessment of the housing needs of applicants.

This policy sits within a legal framework and contributes towards the Council Plan in “the provision of high quality council housing”. It explains the guidelines, which determine entitlement and eligibility, and sets out the best practice and legal framework around social housing allocation.

This policy also explains:

- How homes are allocated.
- Eligibility for the housing register.
- How to apply.
- Priority bandings for applicants.

Aims

We operate a choice-based lettings system, which allows residents, including existing tenants, to apply for properties, which meet their housing need. This policy sets out to explain how we will advertise and let the majority of our available homes via our choice-based lettings scheme.

In addition to the above, a number of additional Registered Providers (RP's) will seek to let an agreed number or percentage of their available homes in Darlington on the scheme and these are known as 'Nominations'. RP's who advertise their properties are listed in Appendix 1.

We aim to:

- Provide a consistent approach to allocating available homes and 'nomination properties'.
- Improve access to safe and secure homes across Darlington.
- Provide help for applicants to resolve issues, which may cause barriers to housing.
- Provide more choice in housing to residents in Darlington and help to create sustainable, mixed communities where people choose to live.
- Ensure that anyone applying for a home is provided with a first-class housing service, which gives them a role in choosing a home which best suits their long-term housing needs.
- Prevent and reduce homelessness.
- Let our homes in a fair and transparent way by empowering applicants and supporting them to make informed choices about where they want to live.
- Provide tailored services for people who may find it difficult to apply for housing and offer help in maintaining a successful tenancy.
- Encourage balanced and sustainable communities.
- Make efficient use of our housing stock in meeting housing needs.

Relevant Legislation

Our policy has been written to meet the legal requirements for the allocation of housing as set out in the Housing Act 1996 Part VI as amended by the Homeless Act (2002), the Localism Act 2011 and the Homelessness Reduction Act 2017.

This policy also has regard to the following:

- Homelessness Reduction Act 2017: Homeless Code of Guidance.
- Allocation of accommodation: guidance for local housing authorities in England (June 2012).
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (December 2013.)
- Right to Move (2015) Statutory Guidance.
- Childrens Act 1989 and Childrens Act 2004.
- Public Sector Equality Duty.
- Improving access to social housing for members of the Armed Forces (June 2020).

- The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022.
- Equality Act 2010.

This Policy will be regularly reviewed and revised in the light of any relevant legislative changes or regulations issued by the Secretary of State and changes to the Codes of Guidance.

We will ensure that our policy meets our legal obligations. In addition, we will ensure that this policy is compatible with local and regional housing strategies, together with existing Homelessness and Rough Sleeping strategies.

Advice and information

A copy of this policy can be downloaded from the website <https://www.darlington.gov.uk/housing/our-policies-and-performance/our-policies/>

Information about the scheme will be provided in a range of formats and languages to applicants upon request.

Applicants who do not have internet access can visit or call the Town Hall or via the self-service access points.



Glossary of Terms

Adapted Properties - Homes which have been designed or adapted to meet the needs of people with physical or sensory disabilities, such as level access showers, wet rooms, widened doorways or changes to access the property.

Advocate - Someone who an applicant has given permission to act on their behalf to deal with their application, such as a support worker or family member.

Applicant - A person who applies to for housing on the lettings scheme.

Band - The system used for giving priority for housing.

Allocation Policy - A single set of rules covering the way we give priority for housing.

Interpreter - A person or organisation who can provide a translation service for non-English speaking customers or a sign language service for the hearing impaired.

Local Connection - Connections to the Darlington area because of residency, employment, close family or a main source of support.

MRI Allocation - The IT system we use for registering applications and advertising properties.

Nomination Agreement - This agreement details how we will co-operate and work in partnership to help people in housing need and to prevent homelessness.

Non-qualifying person - Someone who is not allowed to register with the scheme due to their behaviour or the behaviour of a member of their household.

Priority Date - The date when an applicant was given a priority band

Reasonable Preference - The phrase used in the Housing Act to describe those types of housing need that should be given priority in a local authority's allocations policy.

Registration Date - The date we receive the application.

Registered Provider (RP) - A housing association or housing company registered with the Regulator of Social Housing



Who can apply?

Anyone over the age of 18 years can apply to join the register, providing they are 'eligible' (see next pages). Applicants do not need to have a connection

with Darlington, although preference for housing will be given to applicants with a local connection.

EEA Applicants

Citizens of the European Economic Area (EU member countries plus Iceland, Liechtenstein and Norway) or Switzerland are only entitled to access social housing if they have applied for and received 'settled status' under the Government's EU Settlement Scheme. This scheme enables such citizens, who were resident in the United Kingdom before 11pm on 31 December 2020, and their family members to apply for UK immigration status.

If applicants have EU pre-settled status, they are required to meet extra conditions to be eligible for Council housing. Applicants must show that they are in one of the following situations:

- Working or self-employed.
- Looking for work after working in the UK.
- Unable to work temporarily due to ill health after working in the UK.
- In the late stages of pregnancy and expected to return to work or looking for work within a year.
- Have recently given birth and expect to return to work or looking for work within a year
- Have legally been resident in the UK for at least 5 years

Applicants may also be eligible if a child who lives with them is at school in the UK, the child must have lived in the UK while the applicant(s) were an EU worker.

These extra conditions do not apply if you have settled status under the EU settlement scheme.

Before being accepted onto the housing register, such applicants must demonstrate their eligibility for social housing. Individuals that have applied for settled status can use an online checking service to create a code that can be shared with Housing Services to prove their immigration status View and prove your immigration status - GOV.UK (www.gov.uk)

Newly arriving EEA citizens, who have moved to the UK since 1 January 2021, and their family members are not eligible for social housing, unless they have been granted indefinite leave to remain under UK immigration law, or have been exempted under the Eligibility Regulations, such as having refugee status.

Irish citizens and their family members are able to continue to access social housing, irrespective of the EU Settlement Scheme, under the arrangements for the Common Travel Area. Confirmation of Irish citizenship will be sufficient to demonstrate this eligibility.

Immigration status and entitlements of people arriving under the Ukraine Family Scheme and Homes for Ukraine Scheme

Those who are currently arriving in the UK under the Ukraine Family Scheme or Homes for Ukraine Scheme are being granted leave outside the rules for an initial period of three years.

People with leave outside the rules have the right to work and have access to public funds without the requirement to satisfy the habitual residency test. They will therefore have access to benefits and will be eligible for homelessness assistance and social housing.

Emergency secondary legislation (The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022) makes these groups eligible for homelessness assistance and social housing following commencement.

This Statutory Instrument also exempts those fleeing Ukraine who are British Nationals, other persons not subject to immigration control with a right of abode in the UK from the requirement to meet the habitual residence test when applying for these services.

These legislative changes have been made in parallel with changes to legislation regarding access to benefits and services.

We will continue to check eligibility of anyone who presents as homeless in the usual way. However, the changes made through these Regulations will mean that people arriving under the Ukraine Family Scheme and Homes for Ukraine are eligible for social housing and homelessness assistance.

The Ukraine Extension Scheme

This supports Ukrainian nationals and their immediate family already in the UK. Immigration rules have been updated to give those under the scheme leave to remain for an initial period of three years

and provides the right to work and recourse to public funds in line with support for those under the Homes for Ukraine Scheme and Ukraine Family Scheme.

Ineligible Persons

Applicants need to meet the requirements of section 160ZA of the Housing Act 1996, which deals with the immigration status of people who have come to the United Kingdom from abroad.

For example, we cannot allow people who fall into one of the 'ineligible' groups below to join the register:

- People who are subject to immigration control, unless they have been granted refugee status, exceptional or indefinite leave to remain, or are the subject of a sponsorship undertaking.
- Some EEA nationals that are not eligible for social housing.
- People not habitually resident in the Common Travel Area, unless they are exempt.
- EU nationals required to leave the UK by the UK Government.
- An EEA national who has entered the UK as a job seeker or a family member of a job seeker.
- An EEA national with an initial right to reside in the first 3 months' of residence.
- An EEA national with a derivative right to reside on the basis of being a non-EEA national who is the primary carer of a British citizen child or dependent adult, where such child or dependent adult would be unable to live in the UK or another EEA state if their carer left the UK (a "Zambrano carer").

Non-qualifying person

Under the Localism Act 2011, we have the ability to decide who may not qualify for social housing with Darlington Borough Council, due to unacceptable behaviour.

We define unacceptable behaviour as:

- Where an applicant or any member of their current or prospective household has a history of unacceptable behaviour which, in our view makes them, at the point of their application, unsuitable to be a tenant.
- Behaviour including bullying, harassment and victimisation and may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort.
- Behaviour which is likely to cause nuisance or annoyance to neighbours and residents. This relates not only to current and previous tenancies but where we assess it as being current. This includes where an applicant, or member of their prospective household, is the subject of investigations and actions being taken by the Council (or other competent agency such as the Police) for actions in the locality where they live, where they have previously lived or where they would like to live.

Unacceptable behaviour also includes relevant criminal convictions, anti-social behaviour, or housing related debt of over £2,000. Appendix 2 gives some more detail on what we consider as unacceptable behaviour and the evidence we will gather to ensure that each case is considered on an individual basis.

Applicants who have housing related debt less than £2,000, are being investigated for criminal activity, or what we consider to be serious anti-social behaviour may have their application suspended.

See Appendix 2 for further details.

We can exclude an applicant from being allowed to join the housing register due to previous or ongoing unacceptable behaviour, or we may allow the applicant to join the housing register but suspend their application, until they have demonstrated they have changed their behaviour.

We will use evidence available to us to decide whether an applicant:

- a. Does not qualify to join the housing register and is classed as non-qualifying; or
- b. Does qualify, but their application will be suspended until their behaviour has changed, to the satisfaction of the Council.

To help us decide, we may also apply a test of whether the unacceptable behaviour would entitle the Council to a possession order (if they had been a tenant).

We will suspend the application while we gather evidence such as, references from current or previous landlords, rent statements, photographic evidence of damages, and information from Police/Probation or complete any other required investigations we need to complete to make our decision.

Each case will be considered on an individual basis and exceptional circumstances will be considered.

If an applicant is made non-qualifying, they will be informed in writing of the reasons for this decision, the period of non-qualification and what can be done to rectify the situation. Applicants who have been made non-qualifying can appeal to us within 21 days of the date of the notification.

Applicants who qualify but we have suspended their application will be informed of the reasons for the decision, the period of suspension and what can be done to rectify the situation.



Joint applications

Joint applications will be accepted, provided all applicants are eligible, aged 18 or over and intend to occupy the property together as their only or main home.

The joint application will be assessed and placed in a priority band using the details of the household with the greatest housing need.

Multiple applications

Multiple applications are not allowed. A person can only be on the register with one 'Active' account.

Re-applying for housing

If an applicant has been housed via the scheme and then wishes to re-register, they would need to

register a new application which will be assessed based on their new circumstances.

Requests to transfer to another home

Applicants who already rent from Darlington Borough Council (a current tenant) can register to move.

Applications for rehousing will be considered on a case-by-case basis and will be subject to checks

including rent checks, property conditions and garden standards. Applicants will be expected to remedy any issues before being considered to move.

Applications from employees/members and their close relatives

Joint applications will be accepted, provided all applicants are eligible, aged 18 or over and intend to occupy the property together as their only or main home. The joint application will be assessed and placed in a priority band using the details of the household with the greatest housing need.



How to apply and decision making

Applications can be registered online by accessing the digital lettings platform www.darlington.gov.uk/housing or by contacting us for an appointment for a self-serve PC.

Once a completed application is received, the application will be assessed and placed in the band that reflects the circumstances of the household. Applicants will be required to provide supporting documentation at the point of application to allow us to assess their application appropriately. Any applications made without supporting evidence will be placed in band 4.

Affordability

We aim to offer properties to applicants that they can afford. We do not want to put someone into a worse financial situation by offering them a property they cannot afford. We also aim to reduce hardship should personal circumstances change. When an applicant accepts a property, they will be asked to complete an income and expenditure assessment to make sure they can afford the rent and other associated costs. This will help to ensure that the tenancy is sustainable.

Changes in circumstances

It is the responsibility of the applicant (or their advocate) to tell us about any change in circumstances that could affect their application.

Keeping applications up to date

Applicants with a priority for housing will be reviewed regularly to ensure they are not having difficulties with the scheme and to check that they are applying for suitable properties as they come up.

Applicants will be allowed to apply for advertised homes both for rent and low-cost home ownership options.

Our adverts will include good quality information about the property features, to allow applicants to make informed choices about which homes they would like to live in. Our website will also include other useful information.

For vulnerable residents, an automatic application process is available.

Applicants who fail these checks will be offered support, advice and assistance and may be signposted to external agencies such as Citizens Advice. Applicants who are in a current Breathing Space period will not be excluded from applying, however will still need to meet the affordability criteria for a property.

Should an offer of accommodation be made and, we subsequently find that information in the application was not up to date or false, the offer of accommodation may be retracted.

Accounts that have been 'inactive' for a period of 12 months will be contacted via their preferred method to see if they still want to be considered for housing.

Failure to respond to a review may result in closure of the application and/or removal of a priority Band.

Cancelling applications

Applications will be cancelled in the following circumstances:

- A request has been received from the applicant (or their named advocate).
- There is no activity in the given time period and no response received.
- The applicant is deceased, and s/he was the sole applicant.
- The applicant has bought their property through Right to Buy subsequent to applying for rehousing.

- An applicant has been assessed as non-qualifying (see Appendix 2).
- It is discovered that the applicant has given false or misleading information in their application.
- There has been no response to correspondence sent to them.

Applicants will be given the reason why their application has been cancelled and informed of their right to request a review of the decision.

Giving false information or deliberately withholding information

According to section 171 of the Housing Act 1996 it is a criminal offence for anyone applying for housing from a housing authority to:

- a. Knowingly or recklessly makes a statement which is false; or
- b. Knowingly withholds information which we have reasonable required them to give in connection with their housing application.

Anyone found guilty of such an offence may be fined, this is a level 5 unlimited fine, and could lose the tenancy if they have been rehoused as a result of providing false information or deliberately withholding information. For any offences pre March 2015 the fine is capped at £5000.

We will consider taking action against a professional organisation that provides false information or deliberately withholds information on behalf of an applicant they are representing.

Applicants who are found to have given false or misleading information will be made non-qualifying for 12 months and will need to submit a new application after this time.

Deliberate worsening of circumstances

Any applicant who deliberately worsens their housing circumstances, will have any priority removed and will be placed into Band 4 for a period of six months.

Examples of worsening circumstances may include:

- Giving up a tenancy/secure housing for no good reason;
- Moving from a property that has been adapted for the needs of someone in the household to an unsuitable property;

- Moving into a property that is too small or large to meet the needs of the household; or
- Not following the advice of their landlord, such as deliberately allowing their property conditions to deteriorate.

Please note – the above list is not exhaustive.

The applicant can ask for a reassessment of their band after this period but would be responsible for providing evidence to support this.

Notifications about decisions and the right to a statutory review of a decision

Applicants have the following rights about decisions made about their housing application:

- The right to be notified in writing of any decision not to be registered on the scheme;
- The right, on request, to be informed of a decision about any information which is being taken into account in considering whether to make an offer of accommodation; and

- The right to request a review of a decision made regarding their application.

Reasonable and Additional Preference

To ensure that those with the highest level of housing need are given preference, we have considered the categories of people that must be given 'reasonable preference' by local authorities, as set out in s166a of the Housing Act 1996 and the Homelessness Act 2002. These are:

- People who are statutorily homeless;
- People who the Local Authority owe certain homeless duties to;
- People who live in insanitary or overcrowded homes;
- People who need to move for medical or welfare reasons; and
- People who need to move to avoid hardship, such as needing to move to access specialist medical treatment or to provide care for a relative.

We have taken into account Government guidance from The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 – Statutory Instrument No: 2989 that came into force on the 30 November 2012. This allows us to give an additional preference to people who have served in the Armed Forces. This additional preference will be awarded to someone who is:

- Formerly of the regular forces.
- Currently in either the regular or reserve forces and is suffering from serious injury, illness or disability attributable to their service; or
- Someone whose spouse / partner served in the regular forces and has died in service meaning the bereaved partner is going to lose their army home.



The Priority Bands

The scheme has 5 Bands. All eligible applicants will have their circumstances assessed and will be

placed in the relevant band, according to their level of housing need.

Band 1+ *

- People living in Darlington who are losing their home due to demolition or regeneration. This includes council tenants, registered provider tenants, private tenants and owner occupiers living within the boundary of a defined regeneration area who are required to move home, provided they have lived there, as their sole or main home, for at least 12 months. Proof of residency will be required.

Applicants will only be given Band 1+ priority if they currently live in Darlington.

**People in this category may receive a direct offer of housing.*

Band 1 *

- People assessed as statutorily homeless and in priority need.
- People who have been accepted as statutorily homeless and in priority need and where the main homeless duty is owed (Part 7 of the Housing Act 1996).
- People who are owed homelessness prevention or relief duty.
- Applicants who, following assessment, are owed homelessness prevention or relief duty (once duty has been discharged through the refusal of a reasonable offer of accommodation, the applicant will be placed into Band 4. If the duty is discharged for any other reason, the applicant will be placed into the band appropriate to their assessed housing needs).
- People at risk of domestic abuse. Victims of domestic abuse who have lost their accommodation, can no longer remain in their current accommodation or who are at risk of losing their accommodation as a result of domestic or a threat of domestic abuse.
- People leaving HM Armed Forces community. This will include a member of the Armed Forces (serving or has formerly served in the regular forces; serving or has formerly served in the reserved forces; a bereaved spouse/civil partner; divorced spouse/civil partner where required to move out of Ministry of Defence accommodation or have moved out within the last 6 months due to divorce or separation).
- People living in Darlington who need to move on urgent medical grounds. Applicants who have provided professional evidence as requiring alternative accommodation because their medical condition (physical or mental health) and/or disability means they cannot live in their current home (that is, they are not able to remain in their home, their property is not suitable for adaptation or they are unable to return home from hospital, or a care establishment).
- People living in Darlington who are suffering from proven and evidenced anti-social behaviour from neighbouring residents. Applicants who have provided professional evidence from either internal or external agencies (Police, Civic Enforcement, current landlord etc.) that they are victims of anti-social behaviour, and they are not able to remain in their property.

**People in this band may receive a direct offer of housing dependent on circumstances.*

Band 2 High Housing Need

- People living in Darlington with learning disabilities who are assessed as having to move in order to receive care and support or, where their current housing is having a detrimental effect on their quality of life and ability to live independently.
- A household with a child in need or Care Leaver (as defined in the Children Act 1989), where a formal referral has been made by Social Services with the aim of safeguarding the welfare of the child or children, or a child or children leaving the care of the local authority under the Children (Leaving Care) Act 2000.
- Adoptive parents or prospective adoptive parents/foster carers living in Darlington. Those who need to move due to their current accommodation being unsuitable or who need to move to a different location to safeguard or promote the wellbeing of the child or children they have adopted, or are planning to adopt or foster children in foster care.
- People living in Darlington in unacceptable housing conditions. People who are living in accommodation where, following a property inspection by the local authority, an assessment has concluded that the property contains unacceptable hazards, and it has a duty to take action.
- Darlington Borough Council social housing tenants who are under-occupying their accommodation by 2 or more bedrooms. Calculations for under-occupancy will be based upon the number of people within the household and the criteria set out by the Department of Work and Pensions (see Appendix 4 for details of under-occupation, overcrowding and additional bedrooms). Applicants will only be considered for properties that fit their household's identified housing need.
- People living in Darlington who need to move due to a high medical need. People who have provided professional evidence that supports that they have a medical condition (physical or mental health) and/or a disability where a move to alternative accommodation would significantly improve their health.
- People assessed as ready for independent living. Those who need to move as part of an agreed plan to re-integrate into the community, such as, people leaving supported and temporary housing projects.
- People living in Darlington suffering financial hardship, such as, if their income is insufficient to cover reasonable living expenses and financial commitments.



Band 3: Medium housing need

- People living in Darlington in overcrowded conditions. Overcrowding is assessed on the number of people within the household and according to the best use of bedrooms and sleeping spaces available. See Appendix 3.
- Darlington Borough Council tenants who are under-occupying their accommodation by 1 bedroom. Calculations for under-occupancy will be based upon the number of people within the household and the criteria set out by the Department of Work and Pensions (see Appendix 4 for details of under-occupation, overcrowding and additional bedrooms). Applicants will only be considered for properties that fit their household's identified housing need.
- People who need to move on hardship or welfare grounds. People who need to move to a particular area in order to take up an offer of employment, education or training, or to be nearer to family or friends in order to give or receive support, providing it is unreasonable to expect them to commute from their existing home.
- People living in Darlington sharing facilities with persons not of the same household. People sharing facilities with other people who are not members of the same household, for example:
 - People living in houses in multiple occupation.
 - Bed & Breakfast.
 - Hostel.
 - Those who continue to live together following a relationship breakdown.

Note: Gypsies and Travellers will be considered under this category if they are sharing

Band 4: Low housing need*

- A person whose current home is adequate to meet their basic housing needs in terms of lifestyle, size, design and location: or,
- A person who has refused a reasonable offer of accommodation or deliberately worsened their own circumstances.

**Please note that all applications will be placed in band 4 pending appropriate supporting evidence.*

Viewing properties and refusing offers

When an applicant has been selected for an offer, we will contact them to arrange to view the property before deciding to accept it. Sometimes, more than one applicant may be invited to view.

If an applicant who has been given priority for housing refuses an offer that meets their housing need and this refusal is considered to be unreasonable, they may have their priority removed and be placed in Band 4 for a period of six months.

Time allowed for accepting an offer

Applicants will usually be allowed 2 working days to respond to an offer, but individual circumstances will be taken into account and applicants with specific needs will be given more time, for example,

if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move.

Advertising properties

Once an applicant has an active account, they can apply for available homes. Adverts will be clearly labelled to show the property features, local neighbourhood information and the types of households that can apply for it. A photograph will usually be included with the advert.

Properties are sometimes advertised during a tenant's 4 week notice of termination period and could be withdrawn if the tenant changes their mind about moving.

Available properties will be advertised daily on our interactive lettings platform.

It is expected that the majority of applications will be made online. However, for those that require additional support, or do not have access online, they can speak directly to a member of staff by email or telephone.

Applicants can apply for an unlimited number of available properties but will only be contacted if they are successful.

There will sometimes be other restrictions in the advert, such as, age restrictions or adapted properties. Applications will only be considered if the applicant can match the requirements in the advert.

Properties can be added to the site on any day of the week and will be advertised for a minimum of 5 working days.

Where there is more than one property of the same description in the same location, only one advert will be displayed. The property advert will show that there are 'X' properties of the same type available at the same time. For example, if there are 2 or more flats available in a block or where there are a number of new build properties.

Adapted properties for people with disabilities

Adapted properties are homes which have been designed or adapted to meet the needs of people with physical or sensory disabilities. Applicants who have an assessed need for adapted properties will be given priority over others without that need and the property advert will make this clear. The advert will also describe the adaptations to help people choose whether to apply for that property or not.

When shortlisting is carried out, the full circumstances of each case will be considered in deciding who will be offered an adapted property. In some circumstances, we may offer an adapted property to an applicant outside of the date order, if their needs are particularly suitable for their needs.

Applicants can place bids for properties that are not adapted. We will assess whether it is reasonable and practicable to adapt the property in accordance with the Disability Discrimination Act 1995 (as amended in 2006) and other relevant legislation. An Occupational Therapist may be involved in the allocation of the property to ensure it meets the short and long-term needs of the applicant.

Carers

When making offers to applicants who receive overnight support from a non-resident carer, we will

consider the need for a spare bedroom. Evidence of overnight stay and carers will be required.

Making direct offers without advertising

As well as applicants applying for advertised properties, there will also be circumstances in which some applicants will receive direct offers. A direct offer may be made in exceptional circumstances, for example:

- Applicants assessed by the Local Authority as being owed a homelessness duty.
- People who need emergency accommodation due to fire, flood or major repairs.
- Ex-offenders subject to Multi Agency Public Protection Arrangements (MAPPA), where a full support package is in place with other relevant statutory and voluntary organisations to enable them to be returned to the community.

- People who are at an imminent risk of violence or a threat of violence, such as, victims of domestic abuse, hate related crime or through a witness protection scheme.

We operate a “one offer” policy. If an applicant refuses a direct offer of accommodation, they will only be given a second offer in exceptional circumstances.

Short-listing and selection

At the end of the advertising period, a list of applicants will be produced. Applications will usually be placed in band order (ranked Band 1+ to 4). If there are two or more applicants in the same band, the date they entered the band (their priority date) will be used as a tiebreaker. In the case of decants, the applicant’s occupancy date for their current property will be used as their priority date.

If the priority date is the same for two or more applicants, the registration date will be used.

We may use a quota system, which means that a percentage of our properties may be given preference to Band 2, 3 or 4 first.

Local Lettings Policies may also affect the order of the shortlist.

Local Lettings Policies

In some cases, a home may be advertised with a Local Lettings Policy (LLP). This means that there may be certain qualities or characteristics that we will be looking for when allocating the property.

Our LLP will be developed between ourselves, the Tenants Panel and the Cabinet Member for Housing. It helps us to achieve certain aims for an area/estate or new build development, for example:

- Where there is an issue with anti-social behaviour on an estate, an LLP can be used to make sure that no more households with a history of anti-social behaviour are housed there until the area stabilises.

- For new build developments, an LLP can help us get the right mix of families on an estate.
- For rural villages, an LLP can help us to ensure that homes are let to local people who meet the specified local connection criteria and helping people to remain in the village where they have lived, worked or received support.

Where a property has an LLP attached to it, we will state this on the advert and make this available for the applicant to read.

Further details can be found in our Housing Management Policy.

Local connection

Applicants will be counted as having a local connection to Darlington, or a specific area within Darlington, if they fit one or more of the following categories:

- They already reside in Darlington or that specific area.
- Childcare, after or before school, is already provided in Darlington, or that specific area.
- They work (full/part or fixed contract) in Darlington, or that specific area.
- They need to move to Darlington, or that specific area, to provide support or care.
- A child within the household already attends a school in Darlington, or that specific area.
- They have a proven close family connection to Darlington, or that specific area, where a close family member has resided for 5 or more years. For the purpose of this policy, close family is defined as:
 - Parent
 - Child
 - Grandparent
 - Grandchild
 - Sibling
 - Legal guardian.

Applicants with a local connection to Darlington, or a specific area in Darlington, will be given priority for an offer before applicants who do not, where they are in the same band. Applicants must provide proof of their local connection.

Applicants in temporary accommodation (such as, probation hostels) will not usually have a local connection to Darlington, or a specific area in Darlington, unless they meet one of the criteria listed above or there are special circumstances, for example, we have placed them into that accommodation due to homelessness.

Applicants leaving the armed forces and victims of domestic abuse will not need to have a local connection. Divorced or separated spouses or civil partners of service personnel who need to move out of accommodation provided by the Ministry of Defence (MoD) will also be exempted from local connection requirements.

Applicants eligible under the Homes for Ukraine scheme will have local connection to Darlington, if the host family that they were placed with resides in Darlington.



Other housing options

Where possible, we will offer other affordable housing options to applicants who approach us for help with housing, as many may have to wait a considerable time before being successful in receiving an offer.

Applicants can also consider the following housing options:

- Private landlords. Homes owned by private sector landlords who are members of our accredited landlord scheme may be advertised on the scheme. The adverts will make it clear that the properties will be offered on an assured shorthold tenancy agreement and are managed and maintained by a private sector landlord.
- Non-partner RP's. As noted previously, RP's may advertise and seek to let at least 50% of their available homes on the scheme in line with Nomination Agreements agreed with us. Details of these RP's can be found in Appendix 2.

- Low Cost and Shared Ownership. Low cost and shared ownership products may be advertised on the scheme. Applicants will be considered for these products, providing they meet the eligibility criteria determined by our Low-Cost Home Ownership policy.
- Home Swaps (Mutual exchanges). Current council tenants can apply to swap their homes with another tenant. We run this through our Homeswapper system. Please see our website or contact us for more details: <https://www.darlington.gov.uk/housing/your-home/your-tenancy/mutual-exchange/>

Equality and fairness

We will ensure that our policies and practices do not discriminate in line with the Equality Act 2010. We will take measures to ensure that people with disabilities have equal access to housing opportunities with the population as a whole.

We will ensure that all applicants have access to information about the service and equal opportunity to register, apply for and receive offers of accommodation. We will do this by providing help, in the applicants preferred way, where the applicant may have difficulty completing paperwork, applying for a property, or accessing our online services.



Information sharing, confidentiality and data protection

All information received relating to an applicant's housing circumstances will be treated as confidential in accordance with the Data Protection Act 2018. Information will only be shared in accordance with Information Sharing Protocols.

In dealing with an application for housing, we may need to contact other relevant agencies or organisations for further information (such as,

medical professionals, probation service, former or current landlords). This information may be shared with other partners, for example as part of the nomination process.

Where an applicant has difficulty directly communicating themselves, they can name an advocate (or interpreter) to communicate on their behalf.

Performance Monitoring

As part of our commitment to continuous improvement, we will monitor satisfaction levels and use customer feedback to improve our service. We will provide periodic performance reports for

discussion with appropriate customer panels such as the Tenants Panel and provide annual performance figures in our Annual Report.

Policy Review

We will carry out a regular review of this policy to include any legislative changes and good practice examples.

Appendix 1

Registered Providers (RP's)

Detailed below are RP's with property across Darlington who will advertise and seek to let some of their available homes using the scheme.

- Anchor-Hanover.
- Bernicia.
- Broadacres.
- Castle & Coasts.
- Clarion.
- Habinteg.
- Hellens Residential.
- Housing & Care 21.
- Karbon.
- Livin.
- Newalk CIC.
- Places for People.
- Railway Housing.
- Salvation Army Housing Association.
- Thirteen.

Please note that this this list is subject to change to reflect new RP's who may acquire existing or build new housing stock in Darlington.



Appendix 2

Non-qualifying applicant(s)

If the applicant (or a member of their household) is found to be guilty of 'unacceptable' behaviour, they may be excluded or suspended from the housing register.

We may use information obtained from other agencies such as, Police or Civic Enforcement to make these decisions.

Some examples of unacceptable behaviour are listed below (this is not a complete list);

- Convictions for some drug related offences*.
- Convictions for violent criminal offences which would be considered a threat to the community*.
- Convictions for sex offences which would be considered a threat to the community*.
- Any other conviction which would in our opinion, pose a threat to a community*.
- Perpetrator of domestic abuse.
- Perpetrator of abuse, violence or threats towards a member of staff.

- History of involvement or perpetrator in anti-social behaviour.
- Housing debt in excess of £2,000 which includes rent arrears, court costs, rechargeable repairs.
- An eviction on the grounds of Schedule 2 of the Housing Act.
- Providing false or misleading information.
- Behaviour which would entitle Housing Services to a possession order (if they had been a tenant).
- Behaviour that would cause nuisance or annoyance if they were a tenant, this includes behaviour in the locality where they have previously, currently or are applying to live in.

**Spent convictions will not be considered during our assessment.*

Applicants are expected to modify their behaviour before they are able to apply for available properties.

The table below gives some examples of non-qualification periods which may be implemented.

Behaviour	Period
Eviction from a tenancy in the last 6 years	Non-qualifying for 12 months from the date of application
Evidence of involvement or perpetrator of serious anti-social behaviour within the last 3 years.	Non-qualifying for 12 months from the date of application
Housing debt of £2,000 or more, where no effort has been made to repay	Non-qualifying for 12 months from the date of application or until the debt has been repaid in full

Following the end of a non-qualification, a new application should be made by the applicant.

The table below gives some examples of suspension periods which may be implemented.

Behaviour	Period
Housing debt of £2000 or more where the applicant is making repayments	Suspended for 12 months from the date of application or until 12 months regular payments have been made (with no break in payment pattern)
Housing debt between £750 and £1999.99	Suspended for 6 months from the date of application or until the debt has been repaid in full
Housing debt of less than £750	Suspended for 3 months from the date of application or until the debt has been repaid in full
Moderate to low level anti-social behaviour	Suspension for 3-6 months (dependent on proof of change in behaviour) from the date of application

Appendix 3

Under-occupation, Overcrowding and Additional Bedrooms

Under-occupation and overcrowding will be assessed based upon the number of people within the household and according to best use of the bedrooms to reflect the criteria set out by the Department for Work and Pensions.

One bedroom will be considered suitable for:

- An Adult /Adult Couple.
- Two children of the same sex under the age of 16.
- Two children under the age of 10 regardless of their sex.
- Any other person aged 16 or over.
- Any other child that cannot be matched with the above.

Please note: This assessment does not include living room space unless there is a second living room which can be used as a bedroom, and it does not breach health and safety standards. Where a bedroom is being used for another purpose, such as, a study or toy room, its original function as a bedroom will be used in assessing the level of under occupation or overcrowding.

The main householder(s) will be expected to share a bedroom with a child under the age of 12 months.

Additional Bedrooms

There may be some circumstances where a household is allowed an extra bedroom as detailed below:

- Health reasons.
- Bedroom for an overnight carer.
- Joint custody or overnight access to a child or children.
- Prospective adopters and foster carers.

Where one of the above applies, evidence will be requested, and an affordability check may need to be completed to make sure the applicant can afford the additional bedroom as a reduction in Housing Benefit or Universal Credit may apply for additional bedrooms.

Housing Services contact details



01325 405333



housing@darlington.gov.uk



www.darlington.gov.uk/housing



[darlingtonbc](https://twitter.com/darlingtonbc)



facebook.com/DBCHousing



CABINET
7 MARCH 2023

EQUALITY POLICY AND OBJECTIVE REFRESH

**Responsible Cabinet Member -
Councillor Mike Renton, Stronger Communities Portfolio**

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

SUMMARY REPORT

Purpose of the Report

1. The purpose of the report is for Cabinet to review and approve the changes to the Equality Policy and the Equality Objective.

Summary

2. Historically the council has chosen to have an Equality Policy in order to maintain a clear and structured approach that demonstrates how it aims to meet its responsibilities under the Equality Act 2010.
3. The current policy expires in 2023 and is therefore in need of a refresh. There have been no changes to the Equality Act that have required changes to our policy, so the main amendment to the policy relates to the objective.
4. Under the Equality Act 2010, we have specific duties to publish one or more equality objectives and equality information to communicate how we meet our statutory requirements. The objective must be updated every four years. Our previous objective expired at the end of 2022/23, and it is therefore required to be updated this year.
5. The Equality Policy [**Appendix 1**] has been reviewed and updated to reflect the current council plan. The previous objective has been reviewed, and a new objective drafted. This was taken to consultation, both internally via Scrutiny Committee and the Joint Consultative Committee, and externally with relevant groups.
6. In light of the consultation some minor changes were made to the wording of the policy itself. The suggested new objective for 2023-2027 is: *To provide ongoing training and support for staff and members to help them meet their duties under the Equality Act of 2010, raise awareness of the Equality Policy and ensure residents of Darlington are treated with dignity and respect, and continue to report on progress.*

Recommendation

7. It is recommended that:
- (a) The refreshed Equality Policy be approved
 - (b) The new Objective for 2023-2027 be approved

Reasons

8. The recommendations are supported by the following reasons :-
- (a) The policy and objective have been through external consultation, Joint Consultative Committee and Economy and Resources Scrutiny Committee
 - (b) Changes requested in these stages have been made to make the policy and objective as inclusive as possible

Elizabeth Davison
Group Director of Operations

Background Papers

Equality Policy

Eleanor Walker: Extension 6054

S17 Crime and Disorder	Not relevant to this report
Health and Wellbeing	Being treated fairly and with dignity and respect is likely to increase wellbeing of residents
Carbon Impact and Climate Change	Not relevant to this report
Diversity	This policy and objective relates to ensuring the council meets the needs of Darlington's diverse communities
Wards Affected	The policy affects protected characteristic groups in all wards
Groups Affected	Groups with protected characteristics
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework
Key Decision	This report is not a key decision
Urgent Decision	This report is not an urgent decision
Council Plan	The Equality Policy supports the aims of the Council Plan
Efficiency	The Equality Policy ensures that the council complies with Equality legislation, reducing the likelihood of legal challenges which may impact the Council's budget
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Background

9. The current Equality Policy and Objective expire at the end of 2022/23, meaning the policy needs to be refreshed, and a new Objective(s) agreed. The refreshed policy will run until 2027.
10. The policy details the way that the council will work to meet our Equality and Diversity obligations, according to the Equality Act 2010. It also highlights the importance of Equality and Diversity for creating an inclusive borough.
11. The previous Objective, which ran from 2018 – 2022/3 was *“To remind all Members and staff of their duties under the Equality Act 2010, demonstrate how the council has done this via training and engagement with services users and support organisations, and publicise the differences that this work has made.”*
12. This objective led to the recruitment of an Equality and Diversity trainer, 1344 people, representing 76.2% of current council staff and 75% of councillors have attended training. The sessions have been well received, 61% of attendees said they will change the way they approach Equality and Diversity as a result.
13. The Equality Advisor Group and Equality Reference Group continue to meet quarterly, as detailed in the policy, and work from these groups has led to targeted pieces of work on women in the workplace and the start of an LGBT+ network. A report is taken to Chief Officers Board on a quarterly basis to keep Assistant Directors apprised of activities, seek approval for considered recommendations, and to take direction back to the Equality Advisor Group when required.

The Policy

14. The Equality Policy [Appendix 1] itself is in need of a minor refresh. The legislation has not changed since the policy was first published, the primary changes have been updating references to other council policies and objectives which are referenced throughout the document.
15. In the refreshed policy all references to ‘One Darlington Perfectly Placed’ have been removed, reference is now made to the Council Plan.
16. The Equality Impact Assessment has been updated to include the new council logo.

The Objective

17. The Objective for 2018-2022 was:

“To remind all Members and staff of their duties under the Equality Act 2010, demonstrate how the council has done this via training and engagement with services users and support organisations, and publicise the differences that this work has made”

18. The proposed new objective that went out for consultation was: *To provide ongoing training and support for staff and members to help them meet their duties under the Equality Act of 2010 and continue to report on progress.*

Consultation

19. The consultation on the policy and objective was promoted via the council's social media channels and circulated to relevant groups and organisations via Council networks.
20. The consultation on the policy and the objective was open to the public between the 31 October 2021 and the 16 December, with specific meetings offered to relevant organisations. 5 people responded to the online consultation, a mix of representatives of protected characteristic groups and members of the public. A separate meeting was held with Darlington Association on Disability.
21. Respondents were asked if they agreed to the proposed new Objective.
22. 4 out of 5 respondents agreed with the proposed objective. The person who disagreed said that it did not go far enough and the council should be ensuring staff meet their duties. Further comments from the consultation can be found at **Appendix 2**.
23. Suggestions for further objectives were around going further than the legislation on LGBTQ+ and disability inclusion; support for non-binary staff and service users; increasing communication around the policy itself; ensuring people are treated with dignity and respect and ongoing work around staff networks.
24. Some comments on the policy itself were around the wording used, which has been changed where relevant, e.g. gendered language and old policies referred to.
25. A request was made for signposting where people who suddenly find themselves with a protected characteristic such as a disability can access support, however this will be picked up as a separate piece of work to ensure staff and service users know where to access any support required.
26. Joint Consultative Committee requested that the wording around the Protected Characteristic of Gender Reassignment be made gender neutral.
27. The report went to Economy and Resources Scrutiny Committee on the 2 February and the report was endorsed for referral to Cabinet.

Changes in light of Consultation

28. A comment was made with regard to ensuring staff are treating service users with dignity and respect. The need for members of staff to treat each other and service users with dignity, respect and fairness is covered in the employee Code of Conduct and as such is not appropriate to be included as an objective.
29. A clarification that the onus is on the council to disprove that a reasonable adjustment is reasonable where a request has been made and the Council disagrees that an adjustment

would be reasonable.

30. Removing some of the gendered language from the definitions of the Protected Characteristics to make the language more inclusive.
31. An additional paragraph regarding ongoing communication about Equality, Diversity and Inclusion related work added to the section on 'Communicating the Equality Policy'.
32. Removing reference to the Equality 'Scheme' and referring to the Equality Policy.
33. A suggested change to the proposed objective to [change in bold]: *To provide ongoing training and support for staff and members to help them meet their duties under the Equality Act of 2010, **raise awareness of the Equality Policy and ensure residents of Darlington are treated with dignity and respect, and continue to report on progress.***

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Darlington Borough Council Equality Policy – 2023-2027

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Foreword

Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life chances because of where, what or whom they were born, what they believe, or whether they have a disability. At Darlington Borough Council, we aim to promote equality in everything we do. This means treating people fairly, valuing diversity and removing barriers that prevent people being able to fully participate in public life and fulfil their potential. This includes the way in which we:

- plan, commission and deliver services to the community
- treat our employees
- treat people who apply for jobs with the Council
- take decisions in our various regulatory functions (e.g. licensing)
- work as a community leader
- work in partnership with other organisations in Darlington
- enter into contracts or tender to provide goods and services.

Darlington has a diverse community and we are committed to serving every member of our community to the best of our ability. We will monitor and review the way we work, and support our employees to fulfil our legal responsibilities for equality. This will help us to address disadvantages that may impact on members of our community for any reason, but particularly because of their age, disability, sex, sexual orientation, gender reassignment, race, religion or belief marital or civil partnership status or pregnancy and maternity status. These are collectively the 'Protected Characteristics' defined in the Equality Act 2010.

We will also work in line with equalities legislation and best practice.

We welcome your comments if there is anything you feel we could be doing better.

Councillor Jonathan Dulston Leader of the Council	Ian Williams Chief Executive
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Equality Policy 2023 - 2027

Introduction

1. This Equality Policy sets out Darlington Borough Council's approach to fulfilling its duties under the Equality Act 2010. It is also designed to support and reinforce the Council's activities and decisions and to guide change for some parts of the community so that it does not inadvertently disadvantage others.
2. The Equality Policy is focused on meeting the Council's legal duties and giving positive support and reinforcement to the Council's activities and decisions whilst being proportionate to the Council's capacity and resources.
1. The Equality Policy applies to:
 - (a) Darlington Borough Council employees
 - (b) Elected Members
 - (c) People on work placements with the Council
 - (d) Volunteer workers with the Council
 - (e) Organisations and individuals commissioned by the Council to provide services or facilities
 - (f) Formal partners.
2. Equality should be considered in everything that the Council does, including new policy development, the design and commissioning of services, capital projects and day-to-day service delivery. Decision-making should take account of equality considerations. For simplicity all of these settings in which the policy will come into play are referred to as 'activities' throughout the document.

Vision for Equality

3. The Equality Policy does not stand alone. It is an integral part of the Council's wider commitment to growing the economy, while supporting the most vulnerable residents. Much of the Council's work, together with its partners, is focused on narrowing the gaps in health, attainment, prosperity and quality of life between more vulnerable and disadvantaged people and the Darlington community as a whole.

- (a) This mission is rooted in the overall vision for Darlington's future, as stated in the Council Plan – "Delivering Success for Darlington".

The vision of the Council Plan is to continue to make Darlington 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.

This is the focus for the work of public bodies, the voluntary sector and business partners across the borough. Together we are working towards a series of agreed priorities. These are:

- Growing Darlington's economy by delivering:
 - More sustainable well-paid jobs
 - More businesses
 - More homes
- And we will support economic growth by keeping the borough:
 - Clean
 - Safe
 - Healthy
 - Sustainable
 - Well-planned
 - On the move
 - Whilst valuing our heritage and culture
- Maximise the potential of our young people by:
 - Working with partners to maximise educational achievement
 - Working to remove barriers to young people reaching their potential
 - Working at a Tees Valley level to match jobs with skills and training
- Supporting the most vulnerable in the borough by:
 - Providing care and support when needed
 - Working with people to build on their strengths to maximise their potential
 - Working with partners.
- Working with communities to maximise their potential by:
 - Maximising the benefits of a growing economy for all communities
 - Targeting services where they are most needed
 - Working with partners
 - Working with communities.

4. The Equality Policy has an important role in making sure that decisions and activities designed to make progress towards one or more of these priorities do not inadvertently cause disadvantage elsewhere. The Policy is designed to support and strengthen Council activities and decisions, refining them through the fairness test of Equality Impact Assessment (EIA), rather than constraining and limiting them.

The Public Sector Equality Duty

4. The Equality Act 2010 established the Public Sector Equality Duty. The Duty requires local authorities and other authorities carrying out public functions to have due regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and any other unlawful conduct that is prohibited under the Act
 - (b) Advance equality of opportunity between persons who share a relevant Protected Characteristic and those who do not
 - (c) Foster good relations between persons who share a relevant Protected Characteristic and those who do not.
5. Having due regard means consciously thinking about the three aims of the Equality Duty – outlined above - as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others. How much regard is due depends on the circumstances and relevance of the three aims to the decision or function in question. The greater the relevance and potential impact, the higher the regard required by the duty.
6. The duty set out above is known as the General Duty, and it applies both to the Council and to other people / organisations exercising the Council's public functions on its behalf (such as companies commissioned to provide public services).
7. Having due regard for advancing equality involves:
 - (a) Removing or minimising disadvantages suffered by people due to their protected characteristics.

- (b) Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - (c) Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 8. Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) Tackle prejudice
 - (b) Promote understanding.
- 9. Compliance with the Duty may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Act, such as:
 - (a) A breach of an equality clause or rule;
 - (b) A breach of a non-discrimination rule.
- 10. The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 11. Under the Act, there is a duty to make reasonable adjustments where a disabled person is at a substantial disadvantage – defined as something more than minor or trivial - in comparison with persons who are not disabled. In addition, the Act requires public bodies to have due regard to the need to advance equality of opportunity between disabled and non-disabled people. This may mean treating disabled people more favourably than others, and making reasonable adjustments to activities to enable disabled people to benefit or participate. Further guidance is available in **Annex 2**.
- 12. The General Duty is reinforced by specific duties that support and aid compliance with the General Duty. The specific duties that the Council must comply with are:
 - (a) To publish information annually to show how we meet the General Duty. This publication is known as the Equality Analysis and Darlington Borough Council first published its analysis in January 2012.
 - (b) To prepare and publish one or more objectives to meet any aims of the General Duty at least every four years.

13. The three parts of the Public Sector Equality Duty set out in the Equality Act – to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations – mean that the Council must work in diverse ways to promote equality and cohesion, but always of central importance is the duty to ensure that the Council's decisions about its plans, strategies, work programmes and use of resources take full account of (have due regard to) potential impacts on people because of their Protected Characteristics.
14. Whilst producing and publishing a specific Equality Policy no longer forms part of our public duties under law, Darlington Borough Council believes that having an Equality Policy will help to ensure that it complies with the general and specific duties, assist in tackling discrimination and promoting community cohesion and improve its knowledge and awareness of equality and diversity issues.
15. There are nine 'Protected Characteristics' as defined by the Equality Act 2010. Definitions of all the Protected Characteristics are set out in **Annex 1**.
16. Everyone shares one or more of these characteristics. We all have an age, sex and sexual orientation, for example, and therefore everybody has legal protection under the Public Sector Equality Duty.
17. The duty to have due regard recognises that sometimes difficult choices have to be made that may cause disadvantage, However, having due regard also means that it is vital that decision makers have full information about the potential impact of their decisions on people because of their Protected Characteristics, and this policy seeks to ensure that all relevant information is made available through the process of Equality Impact Assessment (EIA).
18. The Council has developed and used EIA as the tool for identifying, assessing and reporting the effects of actions, services and proposals (referred to throughout this document as activities) on people in respect of their legally Protected Characteristics. This policy adopts the established approach to EIA, but updates some key aspects.
19. Guidance to carrying out EIA is set out in **Annex 3**.

A Social Model

20. The key principle running through the policy is that inequality and social exclusion are caused by social and organisational barriers rather than the medical, economic,

cultural or other circumstances of the individual. This principle is well established in the Social Model of Disability but it can be applied more widely. It is the position that underpins EIA and is appropriate across all the legally Protected Characteristics.

Equality Impact Assessment

21. Equality Impact Assessment (EIA) is the principal tool we have available to help the Council fulfil the requirements of the Public Sector Equality Duty to have due regard to the need to advance equality of opportunity, eliminate harassment and discrimination and foster good relations.
22. The general Equality Duty does not set out a particular process for assessing impact on equality that public authorities are expected to follow. Having due regard to the aims of the general equality duty is about informed decision-making, not about carrying out particular processes or producing particular documents.
23. All Council reports and recommendations on any proposal or action, whether to chief officers or Cabinet and from feasibility to final report, should include current equalities thinking, even where a full Equality Impact Assessment is not required. All Council reports submitted for consideration by Members at Cabinet or Council therefore include a checklist, where officers are required to evidence what advice they have taken with regards to equalities considerations and summarise what impacts, if any, the report will have on groups in the borough.
24. Where it is considered that an EIA may be required, the Council records its assessments of the impact on equality in an Initial Screening form and, if required, an EIA Record form. The Council's EIA forms assess the impact of a policy, service or function on all protected characteristics, as well as other vulnerable groups. Outcomes for community cohesion and assessment of whether the policy, service or function does or could promote good relationships within and between communities are also required.
25. The Council uses EIA to help it manage and review services to achieve the fairest possible outcomes.

EIA and Disability

26. Section 149(4) of the Equality Act explicitly recognises that disabled people's needs may be different from those of non-disabled people. The law specifically requires that the needs of disabled people with different impairments should be taken into account in discharging the Public Sector Equality Duty. A person who has a particular visual impairment will have different needs and impacts even to a person with a different visual impairment, let alone a wheelchair user or a learning disabled person. The Council will take account of disabled people's disabilities when making decisions.

Carrying Out Equality Impact Assessment

27. **Annex 3** provides guidance on the Council's approach to carrying out EIA. It should be read in conjunction with the Initial Screening form and EIA Record Form, attached as **Annex 4**.
28. The principles and thinking underlying the EIA process are relevant to everything from the development of major new policy initiatives to the day-to-day actions of an individual. EIA should be carried out when revising or introducing new:
- (a) Policies
 - (b) Strategies
 - (c) Budget proposals
 - (d) Procedures
 - (e) Service (re)design and commissioning
 - (f) Capital and transformation projects
 - (g) EIA can also be used to assess existing services or activities for fair access and fair outcomes for everyone in the community.

For the sake of simplicity these are all referred to as **activities** in the guidance and forms.

Annual Review and Policy Action Plan

29. The policy is supported by a number of processes and arrangements, some of which are reviewed and updated annually. These are:
- (a) Equality analysis & Equality Objective(s)
 - (b) Leadership and co-ordination roles and responsibilities
 - (c) Training provision
 - (d) Engagement framework

- (e) Performance management framework
- (f) Action plan

Equality Analysis

30. The Equality Act 2010 (Specific Duties) Regulations 2011 came into force on 10th September 2011. These set deadlines for the Council to carry out two specific tasks. The first of these was the requirement to publish information (the Equality Analysis) showing how the Council is complying with the Public Sector Equality Duty by 31st January 2012. The Council published its first Equality Analysis in January 2012; the latest version is available on the Council website through this link:

<http://www.darlington.gov.uk/your-council/communities/equality-information/#facts>

31. The annual review and publication of the Equality Analysis, as required by law, enables equality information and improvement actions contained within the Joint Strategic Needs Assessment (JSNA) and service plans to be highlighted for the benefit of stakeholders. The Council will also continue to publish Equality Impact Assessments.

Equality Objectives

32. The other specific task required by the 2011 regulations was the publication of Equality Objective(s) by 6th April 2012. The Council published its first set of Objectives at the beginning of April 2012.

33. The Objective(s) set out specific and measurable tasks to improve equality. They are not intended to reflect the full scope of the Council's commitment to equality, but to set out steps that can be taken to make progress in particular areas of activity highlighted for improvement in the Equality Analysis. Actions to deliver the objectives will be included in the annual Action Plan that forms part of this policy.

34. The Council's Equality Objective for the period 2018-2022 was:

1. *"To remind all Members and staff of their duties under the Equality Act 2010, demonstrate how the council has done this via training and engagement with services users and support organisations, and publicise the differences that this work has made."*

35. This objective has involved the training of 70% of staff and members, as well as engagement with the community and voluntary and community sector. The next objective is designed to build on the work done since 2018.
36. The Equality Objective for 2023-2027 has been reviewed [Annexe x] and further developed during the preparation of this policy.
37. The regulations require the objective(s) to be reviewed at least every four years (the life cycle of this policy is aligned to that four year review period).
38. The Council's Equality Objective for the period 2023 – 2027 is:
 1. *To provide ongoing training and support for staff and members to help them meet their duties under the Equality Act of 2010, raise awareness of the Equality Policy and ensure residents of Darlington are treated with dignity and respect, and continue to report on progress.*

Leadership and Co-ordination Roles and Responsibilities

39. In Darlington, equality is an integral part of mainstream work rather than a separate function carried out by specialists. Senior managers (Assistant Directors, Heads of Service and Service Managers) are responsible for implementing the Equality Principles and meeting the requirements of the Equality Duty within their service areas.
40. One of the key principles underlying the policy is that testing the fairness of activities, proposals and decisions as an integral process within mainstream work helps managers and Members to carry out their roles effectively, leads to better and more sustainable services, and is the most cost-effective way of meeting the Public Sector Equality Duty.
41. However, appropriate support is needed to help staff to do this, and to provide a planned and co-ordinated approach to equalities across all Council functions. Such arrangements have been in place for a number of years. The current structure of key roles are:
 - (a) A Cabinet Member lead (the Stronger Communities Cabinet Portfolio Holder) will have overall accountability
 - (b) The Chief Executive will have overall officer accountability for the Policy at Chief Officer Executive (COE) level
 - (c) Chief Officer Board (COB) will raise any performance issues with COE.

- (d) A manager with responsibility for leading the development and implementation of the policy will chair the Council Equalities Group and report any equality-related issues escalated by the Group to COB.
- (e) Equality Advisors in each service area will support and advise officers, from Director-level to frontline staff, on equality-related matters. Equality Advisors will be senior officers to ensure they can effectively support their service area.
- (f) The Corporate Equalities Group, chaired by the equality lead and comprised of the Equality Advisors, will meet, at a minimum, on a quarterly basis and provide a forum for co-ordinating and supporting equality work across the Council including:
 - i. Advising on draft policy and work programmes,
 - ii. discussing issues (current, emerging and potential),
 - iii. recommending actions to Chief Officers' Board and/re specific Assistant Directors,
 - iv. sharing learning from EIAs,
 - v. advising on equalities training requirements,
 - vi. liaising with relevant internal and partnership groups to share information and intelligence.
- (g) The Equalities Reference Group will oversee and support progress of the Equality Policy, by providing feedback to the Corporate Equalities Group and wider organisation, following receipt of an annual status report. This group will be comprised of self-nominated staff members from protected characteristic groups who have an interest in equalities and are willing to share their knowledge and experiences to help the Council fulfil the PSED. This group will act as a consultation platform, helping the council to develop inclusive policies, action plans and corporate objectives, by feeding back their views using their expertise and experience. This group will also support delivery of the policy by providing advice and support on how to target and involve particular groups in the community.

42. The allocation of the above roles will be reviewed annually to ensure that the arrangements are working effectively and in response to staffing and workload changes.

Equality Training

43. Equality training will continue to be provided to support the roles and responsibilities outlined above and will continue to be reviewed annually to make sure that it is delivering the skills necessary to implement the policy.
44. Front-line staff who interact with the public and service users are a training priority, to ensure that they have the skills and awareness to respond appropriately to the diverse range of people with whom they come into contact.
45. It is also important to ensure that a general understanding of the Public Sector Equality Duty and of the Equality Policy is maintained across the Council, particularly amongst Chief Officers, Heads of Service and Council Members in their decision-making role.
46. The Equalities training programme implemented since 2018 will continue to be available for staff to access.
47. **External Engagement Arrangements**
48. Securing the involvement of representatives of people who share Protected Characteristics will be important for the effectiveness of the Equality Policy.
49. It is proposed that the purpose of such engagement will include involvement of representatives in the provision of expertise, on a case by case basis, to:
 - (a) advise on equality impact assessments;
 - (b) provide a perspective on local issues to inform the Equality Analysis;
 - (c) reflect on regional and national guidance and good practice and its application in Darlington;
 - (d) facilitate early, informal discussion about views on emerging equalities issues.

Performance Management

50. Performance management of the policy will be the responsibility of the Head of Strategy, Performance and Communications. These arrangements will be incorporated into the corporate performance management framework and embed equalities into all areas of service planning. There are several broad components that require performance management:
 - (a) Progress in carrying out the actions focused on delivering the Equality Objective

- (b) The effectiveness of the Equality Policy in guiding work across the Council towards fair outcomes - is it making a difference?
51. Progress towards delivery of the policy and objective will be measured in a number of ways:
- (a) A number of selected indicators (**Annex 5**) will be added to the corporate performance management framework. These indicators will be regularly reviewed and, where new priorities are identified or emerge, new indicators may be added.
 - (b) Questions to determine staff perceptions of how well they understand equalities and their responsibilities have been added to the staff survey, in order to establish a baseline for monitoring going forward as training is delivered.
 - (c) Equality information relating to Darlington Borough Council's workforce and the wider borough will continue to be published on the website.
 - (d) The Corporate Equalities Group will produce an annual status report on how progress towards the objective is being achieved, outlining key actions taken over the previous 12 months and any equality-related measures which have shown significant change.
 - (e) Service areas will be tasked with ensuring equalities is embedded within their own performance monitoring arrangements.
52. Whilst performance management of the policy and objective will sit with the Head of Strategy, Performance and Communications, delivery of the Equality Objective will require sufficient budget and commitment from Assistant Directors and management to release staff for training and embed an equalities culture within their service, as per the equality governance arrangements.
53. Information gathered as a result of performance monitoring will be used to inform learning and future action plans.

Action Plan

54. Action plans will identify actions and responsibilities for delivering:
- (a) Equality Analysis which needs to be reviewed annually;
 - (b) Equality Objectives which need to be reviewed at least every four years;
 - (c) Improvement plans, where required, to address performance issues.

Communication of the Equality Policy

55. The updated Equality Policy and Objective will be communicated to staff through staff briefings, the corporate induction and equality training. Councillors will receive information about the Equality Policy and Objective as part of their induction programme and in Member Briefings. The Equality Policy and Objective will also be published on our website for members of the public to view. Alternative formats of this information will be available on request.
56. Ongoing work in respect of the Policy will be communicated to staff, members and the public as it is undertaken.

Equality Policy: ANNEX 1

Definitions of Legally Protected Characteristics

Age: where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Note: It is lawful to treat people differently because of their age in circumstances where the law allows, or requires, people to be treated differently because of their age.

Disability: a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Note: In Darlington we use the definition above but have previously found it helpful to place this in the context of a social model approach to disability. We will continue to do so. See paragraph 25.

Gender reassignment: As well as providing protection for transgender people The Act also extends its protection to transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change their gender. The Equality Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

Marriage and Civil Partnership: marriage is defined as a 'union between two people'. Civil partnership is defined as 'legal recognition of a couple's relationship. Civil partners must be treated the same as married couples on a wide range of legal matters.

Note: For public authorities, only the first aim of the general duty applies to this characteristic, and only in relation to employment matters.

Pregnancy and Maternity: Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment

context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating someone unfavourably because they are breastfeeding.

Race: Refers to the Protected Characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.

Religion and Belief: Religion means any religion and a reference to religion includes a reference to a lack of religion. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.

Sex (formerly gender): Refers to a person's biological sex, both men and women are protected under the Equality Act. This section of the Equality Act also covers discrimination towards a transgender person on the grounds of the sex they most associate with. Discrimination towards a transgender person with reference to the fact that they are transgender is covered in a separate section of the Equality Act.

Sexual orientation: Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Reasonable Adjustments Notes: ANNEX 2

1. The Council as a provider of services and also as an employer is required to make reasonable adjustments for disabled employees or service users.
2. As a provider of services we may need to make changes to help disabled customers or potential customers to use our services. The types of changes that will be reasonable will depend on the circumstances but could include making changes to the way things are done (for instance to a policy), to buildings (for instance to improve access or using a better venue) and by providing auxiliary aids and support (for instance providing information in an accessible format, an induction loop or additional staff support or home visits).
3. Reasonable adjustments are required wherever disabled customers or potential customers would otherwise be at a substantial disadvantage compared with non-disabled people. A substantial disadvantage is more than a minor or trivial disadvantage. Service providers cannot charge disabled customers for reasonable adjustments.
4. The Equality Act 2010 requires that service providers forward plan and take steps to address barriers that impede disabled people. For instance considering the range of disabilities that actual or potential service users might have (and not waiting until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment).
5. As an employer we may need to make changes to the recruitment to a particular role and for employees to any elements of a job that place a disabled person at a substantial disadvantage compared to non-disabled people. What constitutes a reasonable adjustment will depend on the circumstances.

6. When recruiting consideration will need to be given to the types of questions that can be asked and the assessment process followed (for instance adjustments may be required to enable a candidate to sit a test, for instance by providing an auxiliary aid).
7. For existing employees adjustments may need to be made to enable an employee to be able to carry out their role without disadvantage. For instance providing accessible parking, better building access, auxiliary aids, or specialist equipment. What is reasonable will depend on the circumstances.
8. If a person requests something that they believe to be a reasonable adjustment, and the Council disagrees, the onus is on the Council to demonstrate why it is not reasonable.
9. Officers should seek appropriate guidance from Human Resources or Legal Services as is appropriate when considering what adjustments may be reasonable to make.

EIA Guidance Notes: ANNEX 3

Introduction

1. This guidance should be used alongside the Initial Officer Assessment form and Equality Impact Assessment Record Form.
2. EIA should be carried out when revising or introducing new:
 - (a) Policies
 - (b) Strategies
 - (c) Budget proposals
 - (d) Procedures
 - (e) Service design and commissioning
 - (f) Capital and transformation projects.

EIA can also be used to assess existing services or activities for fair access and fair outcomes for everyone in the community. For the sake of simplicity these are all referred to as activities in this guidance and in the EIA Record Form.

3. EIA will vary with the activity being assessed, and officers are encouraged to be creative, proportionate and sensible within the broad approach set out here to integrate EIA appropriately into their activities.
4. An EIA may be triggered by a range of factors, including the review or development of a policy or service plan; the instigation of a new action such as a capital project, commissioning activity or procurement of goods; significant changes to budgets; or an 'impact alert' by partners, stakeholders or the general public highlighting effects or impacts on people with Protected Characteristics of a Council service, activity or facility.
5. Where an officer is unclear as to whether an EIA should be undertaken they should seek support through the relevant pages of the intranet, their Equality Advisor and/or the Policy and Performance team.

The Public Sector Equality Duty

5. The Public Sector Equality Duty requires all public bodies to consider the needs of individuals in their day-to-day work – in shaping policy, delivering services and in relation to their own employees.
6. The Equality Duty has three aims. These require public bodies to have due regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - (b) Advance equality of opportunity between people who share a Protected Characteristic and people who do not share it; and
 - (c) Foster good relations between people who share a Protected Characteristic and people who do not share it.
7. The legally Protected Characteristics are defined in Annex 1 of the Equality Policy. The policy provides more information on the Equality Duty and the Council's approach to meeting its requirements.
8. Equality Impact Assessment (EIA) is the tool used to enable the Council to meet the duty and to demonstrate that it has done so. If due regard cannot be demonstrated, decisions may be challenged and proposals delayed by judicial review resulting in lost time, money and negative publicity.
9. EIA should be carried out as an integral part of the planning of an activity. It does not take place at one point in time, but should evolve with the planning process, from concept to final product.

Effects and Impacts

10. The purpose of EIA is to identify, assess and seek to avoid, minimise or mitigate the negative impacts of the activity on people because of their Protected Characteristics. In doing this it is important to understand the distinction between effects and impacts. This can best be illustrated by an example. The loss of a bus service will affect all the

people who use that service – the effect is that there is no bus to make the usual journey to work or the shops and everybody experiences the effect equally. The impact will be experienced differently by different people, depending on their circumstances. Some people may not be able to get out, and become more isolated and perhaps depressed. Some will have to do their shopping at a local shop, spending more and being less able to afford other goods and services. For others, there may be positive impacts from teaming up with friends to car-share, or improving their health by walking or cycling.

11. The role of EIA is to go beyond an understanding of the shared effects of an activity, to identify the varying impacts on individuals. Doing that may require engagement with the affected people, because only they know how they will be impacted.

Initial Screening

12. The first stage of EIA is for the officer(s) responsible for the activity to carry out an initial screening form to scope the EIA. This may be done by a single officer if the activity or proposal is minor, but for larger and more complex matters such as the development of a new strategy or policy a group of officers familiar with the area of work should be involved. The screening form will determine whether a full EIA is required, to inform the decision-making process.
13. When considering whether the activity is relevant to equality, you will need to ask yourself:
 - (a) What information do I have to base my initial screening on? What does this information tell me?
 - (b) Will the activity have an impact on service users, communities or employees? Consider this in terms of the numbers of people affected *and* the likely extent of impact i.e. a service change may be likely to affect a number of individuals but the level of impact on those individuals will only be small or, conversely, a decision may only affect a small number of residents but the level of impact on each individual will be significant.
 - (c) Does it potentially affect different groups of people differently?

- (d) Will the activity have an impact on one or more aim of the equality duty?
 - (e) Has previous engagement or assessment shown that the activity is relevant to equality?
 - (f) Does it have an effect on how other organisations operate in terms of equality (i.e. commissioned services)?
 - (g) Does the function relate to an area of established inequality?
14. In some cases like grant giving, commissioning, funding programmes or changes to service delivery (including new, reduced or closing services), it will be easy to show a relevance to equality. However some functions may be less straightforward to judge.
15. You should use the Initial Screening form to communicate whether the activity has demonstrated a relevance to equality or not.
16. Where the Initial Screening demonstrates that the activity is relevant to equality:
- (a) Briefly use the tick boxes to show which characteristics the activity is relevant to;
 - (b) Ensure that the completed Initial Screening form is signed off at Assistant Director-level. Sign-off must be in the form of an actual signature and not an emailed authorisation.
 - (c) Make sure a copy of the Initial Screening form is retained
 - (d) You will then need to undertake a full EIA.
17. Where your Initial Screening form demonstrates that the function is not relevant to equality:
- (a) Provide a full narrative of how this conclusion was reached in the 'Reason for decision' box. Simply stating 'no relevance' or 'no information available' will not be sufficient; the Council must be able to show that its decisions are based on thorough analysis of robust data.
 - (b) A copy of the Initial Screening form should be retained for future reference.

- (c) NB if the Initial Screening suggests that there will be no effect on people with Protected Characteristics, the activity should continue to be monitored for such effects as it develops.

Carrying out a Full EIA

18. If the Initial Screening form has identified that the activity is relevant to equality then a full EIA should be undertaken using the Equality Impact Assessment Record.
19. The key issue in EIA is whether we need to engage with people who will be impacted by the activity, and when and how to engage. The key principle is that impacts can only be properly identified by the people who will experience them. Where the Initial Screening Form has identified that the activity is relevant to equality then it is likely that engagement/ consultation will be required.
20. For complex activities it may be that the initial screening cannot identify the people likely to be affected or the level of impact because the required information is not available in the early stages of the activity. Nevertheless it may be apparent that impacts are likely in the future (for example with the implementation of detailed proposals that have not yet been specified or designed).
21. In this case, you should consider whether there is anything at the current stage of development (for example in the wording of draft policies) that could cause disadvantage to people with Protected Characteristics in future or which does not make the most of opportunities for positive impact in the future implementation of the activity.
22. If so, you will need to decide whether to make appropriate changes. These should be recorded in the action plan (Section 8 of the EIA Record Form) as part of the full documentation of the EIA.
23. As soon as it is apparent that people with particular Protected Characteristics are likely to be impacted by the activity, it is advisable to consult with the stakeholder/representative organisations for the relevant Protected Characteristics for guidance in identifying the groups of people with which to engage and how to engage with them.

24. Further officer assessment should be carried out as the activity develops, to further identify affected people and any engagement required.

Two Key Questions on Engagement

25. Officers must ask two vital questions, depending on the nature and scale of the activity:
 - (a) Have all the people who will be affected by the activity been identified, informed and invited to be involved via a suitable method?
 - (b) Is the activity (proposal or action) framed in a lawful way (legal advice is recommended here) - can the Council do what it is proposing in the way it is proposing to do it? The answer to this question may change the view of the people who are affected and need to be involved.
26. Legal advice should be sought if there is any uncertainty on these questions; representative organisations may also offer views on them.
27. A further question to ask at this stage is whether it is possible or realistic to identify and seek to engage with all of the people who may be impacted by an activity. Whilst we have emphasised the best practice of engaging directly with affected people with Protected Characteristics this will not always be practical, particularly where the activity will impact directly on a wide population. Engagement may then need to involve focus groups or proxy groups such as the staff and members of representative organisations.
28. A record and commentary of the engagement/ consultation carried out should be included in the engagement and consultation box of the EIA Record form, including details of the stakeholders/ groups who have been involved, together with the method and dates of engagement. Engagement might take place through a range of channels such as phone, email, social media, the Council website and post.
29. Experience shows that small group and one-to-one sessions work better than large consultation type forums or other channels for exploring impacts. Impacts are personal to the individual and often emotionally charged, and it takes time and effort to identify them. Officers need to listen and encourage, and record what people say.

30. Staff involved in engagement sessions should be good listeners and able to encourage and support people to express themselves. Staff may also need to be DBS-cleared.
31. Sometimes the emotive nature of discussions about impacts on individuals may mean that both members of the public and staff may need additional support during and/or immediately after these discussions. Lead officers for each activity will assess the need for additional support and details of how to access this.

Assessment

32. Once the engagement / consultation has been done then an analysis of the findings should be undertaken in section 3 of the EIA record form. Officers should include a detailed narrative of why any of the impacts identified will have this effect.
33. Whilst not Protected Characteristics, the EIA form includes an assessment of whether the activity might affect either those on low incomes, those living in rural locations or those who are carers. This is so that Officers and Members are also able to consider service users from other social excluded groups in their decision-making.
34. Officers should also seek to identify any cumulative impacts from the activity in Section 4 of the EIA Record form. This involves an analysis of whether the activity will affect anyone more because of a combination of Protected Characteristics. Officers should include what they think the effect might be and why, providing evidence from engagement, consultation and/or service user data or demographic information, etc. Further, Officers should seek to identify whether there are any other Council activities of which they are aware which might also impact on the same protected characteristics.

Analysis

35. The following content relates to action following involvement and engagement, but it is vital that evolving equalities thinking and findings are documented and taken into account in any reporting/decisions as the activity develops. The officer(s) responsible for the activity should feed EIA findings into its planning/development. The EIA record document assists officers to do this, but the key questions at this stage are:

- (a) To what extent does the activity result in a positive or negative impact for people with Protected Characteristics?

- (b) In relation to disabled people, does the activity affect people with different needs differently?
- (c) Is there evidence of unlawful discrimination, requiring the activity to be changed?
- (d) Will the activity increase equality of opportunity for people with Protected Characteristics?
- (e) Will the activity help to reduce harassment and victimisation, and foster good relations?
- (f) Does the evidence gathered through involvement and engagement show that the activity could be modified to avoid negative impacts on Protected Characteristics, or that such impacts could be minimised or mitigated?

When is the EIA Complete?

- 36. This is not quite as simple a question as it sounds. It is essential to maintain a clear separation between identifying and reporting impacts, and planning and recommending ways to manage (avoid, minimise or mitigate) those impacts. Therefore once the impacts have been identified through engagement it is recommended that a line be drawn under the equalities impact assessment and that it be signed-off by the responsible officers (Section 6 of EIA Record Form).
- 37. However, this is not the end of the overall process. EIA findings must be made available to decision-makers so that they can make decisions on the activity in the light of their full potential impact. Equalities findings and perspectives must also be taken into account in making recommendations to decision-makers, but these findings and perspectives will be balanced with all the other considerations that need to be taken into account – finance and funding, health and safety, staffing and capacity, the benefits and costs of the activity, and so on.
- 38. The recommendations (Section 7 EIA Record Form) may include proposals for managing the impacts. Ways of avoiding, minimising or mitigating impacts may have been identified during the EIA process, whether by officers or people engaged in the

process. It is essential that the impacts of the activity are reported separately from and without being modified or 'softened' by proposals for managing them.

39. Any proposals for managing impacts included in the report and recommendations should then be fed back into the Action Plan and Performance Management arrangements (Section 8 of the EIA Record Form), so that their implementation can be managed and monitored.

Reporting Findings

40. Reporting the findings of EIA to decision-makers may occur at several stages, depending on the complexity of the activity. Interim reports on feasibility studies or options appraisals, whether to executive boards or Cabinet, should include the latest equalities findings. Reports recommending final decisions on activities must await and include the findings of the full EIA process. Impacts must be reported separately from any proposals to manage those impacts, so that decision-makers have a clear understanding of the potential effects of their decision. The full EIA should be made available to decision-makers within the reporting/decision-making process.

Decision-Making

41. As noted above, reports and recommendations on any proposal or action, whether to chief officers or Cabinet and from feasibility to final report, should include current equalities thinking, even where a full Equality Impact Assessment has not been required.
42. The Equalities and Human Rights Commission's guidance for decision makers, 'Making Fair Financial Decisions', outlines what Members should be looking for in an EIA. This includes:
 - (a) A written record of equality considerations
 - (b) Consideration of the actions that would help to avoid or mitigate impacts on particular protected groups
 - (c) A clear evidence base for making decisions, with sources for all information clearly stated.

43. Members should seek to ensure that EIA and decisions are transparent, and that the process complies with the law. The guidance can be accessed at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

After Completion

44. The completed EIA Record Form, including the Action Plan, should be retained. The completed EIA will also be posted on the Council website, to provide an up-to-date view of equalities activity for the benefit of stakeholders and the general public.

EIA Screening Form and Record Form: ANNEX 4

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:	
Service Area:	
Activity being screened:	
Officer(s) carrying out the screening:	
What are you proposing to do?	
Why are you proposing this? What are the desired outcomes?	
Does the activity involve a significant commitment or removal of resources? Please give details	

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.			
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.			
Decision (Please tick one option)	EIA not relevant or proportionate:		Continue to full EIA:
Reason for Decision			
Signed (Assistant Director)			
Date			



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 Policy. 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?		
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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?)
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>

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?)

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?	

Performance Management: ANNEX 5

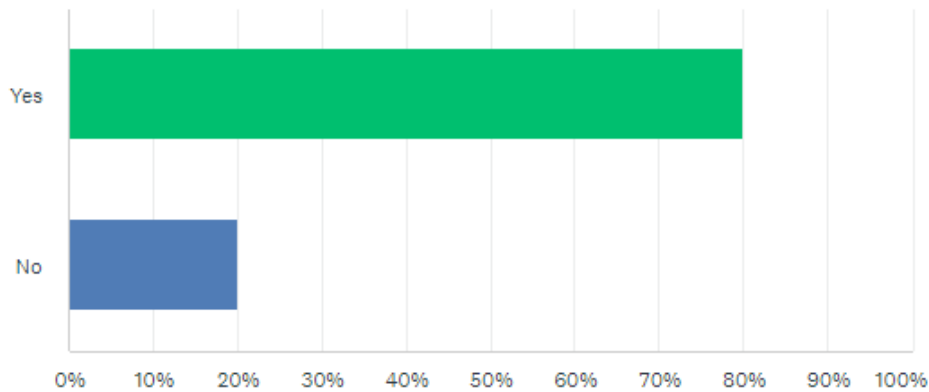
The following performance measures will be added to the corporate performance monitoring framework:

- Proportion of staff members who have completed basic equality training
- Workforce equality data
- Service access statistics

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Consultation responses

Q1 Do you agree with the proposed new objective of: To provide ongoing training and support for staff and members to help them meet their duties under the Equality Act of 2010, and continue to report on progress.



Q2 Please make a comment about your choice of answer about the proposed objective

- [answered no] Although training and support are important, should part of the objective not be to ensure staff and members ARE meeting their duties under the Equality Act 2010?
- [answered yes] This is a positive objective however it would be useful to consider going further than you legal duty and ensure you are fully inclusive of LGBTQ+ staff and service users. for example understanding the needs of non-binary/gender fluid people.

Q3 We want to ensure that we continue to provide inclusive services to the people of Darlington. Please let us know if there are areas of work around Equality and Diversity which you feel need to be included in our Objective(s).

- Treating people with dignity and respect in spite of current disabilities including physical and mental health conditions.
- You mention you are exploring creating an LGBTQ+ group, this would be a positive visible signal to the wider community but also to support allies(non lgbt+ people) to uderstand the issues the community still face in 2022 with regard to homophobia, biphobia and transphobia as well as people with mutiple marginilisations, LGBT+people or colour for example.

Q4 If you have any comments about the updated Equality Policy please give them here

- I don't believe yr training is working towards equality for all service users
- Good clear policy but feel there could be more added to help sign-post people to where the support can be found, and for people who unexpectantly find themselves with a new characteristic (newly disabled though an accident, or diagnosed with a clinical mental health problem for example) what steps should they take to ensure they get the support they need? There is a line in Annex 2 but that was all i could see that generally cover this.
- Have you given any thought to how you will support non-binary staff within the council or those who wish to work for the local authority. The policy uses gendered language and does not reference gender nonconforming people at all. trans masculine staff who are pregnant would not, I suspect use 'she/her' pronouns or refer to themselves as 'women'.

Conversation with Darlington Association on Disability (DAD)

The policy has hardly changed since we wrote it as an Equality Scheme. Which was adapted from our original Disability Equality Scheme document.

- The Equality Scheme is referred to on page 17 even though its now a policy. Though trivial it shows no one has looked at this in depth.
- The Equality Objective for the period 2018-2022 was what I requested at the time. This was “To remind all Members and staff of their duties under the Equality Act 2010, demonstrate how the council has done this via training and engagement with services users and support organisations, and publicise the differences that this work has made.” However even though they say that this is happening I am experiencing in many departments that the penny isn’t dropping.
- Proposed measurement: 2023-2027 is: Continue to measure percentage of staff and members trained, and complaints relating to discrimination based on a protected characteristic.
- Potential for further objectives: One objective should be not only to continue to train staff it should start by letting every member of staff at all levels that this an Equality policy. Secondly, the section that refers to disability and reasonable adjustment needs to made clear that that DBC either as a service provider or employer doesn’t have the monopoly of saying what is reasonable. In fact by law if a disabled person requests something that they believe to be a reasonable adjustment and DBC disagrees the onus is on DBC like all service providers or employers to demonstrate why its not reasonable. It is not up to the disabled person to demonstrate that it is reasonable. In my experience DBC is very lacking in this area and training is needed and should be added to the objectives.

CABINET
7 MARCH 2023

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

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

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

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to inform and update Members about issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in September 2022.

Summary

2. The Regulation of Investigatory Powers Act 2000 ("RIPA") enables local authorities to carry out certain types of surveillance activity, as long as specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings providing RIPA is complied with.
3. The Investigatory Powers Act 2016 ("IPA") is the main legislation governing the acquisition of communications data. The information obtained as a result of these acquisitions can also be relied upon in court proceedings providing IPA is complied with.
4. This report updates members on issues relevant to this area of work and gives details of RIPA directed surveillance applications and IPA communications data applications that have been authorised since the last report to Cabinet.

Recommendation

5. It is recommended that :-
 - (a) Members note the developments that have taken place since September 2022.
 - (b) Members receive further reports on the Council's use of RIPA and IPA and other associated issues.

Reasons

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

- (a) In order to ensure that the Council complies with the legal obligations under RIPA, IPA and national guidance.
- (b) To help in giving transparency about the use of RIPA and IPA in this Council.

Elizabeth Davison
Group Director of Operations

Background Papers

- (i) Investigatory Powers Commissioner’s Office, Disclosing information to IPCO, Guidance for those who want to disclose information about the use of investigatory powers, August 2022
- (ii) IPCO Quarterly Newsletter: Autumn 2022
- (iii) The Investigatory Powers (Covert Human Intelligence Sources and Interception: Codes of Practice) Regulations 2022

Amy Wennington : Extension 5466

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

MAIN REPORT

Information and Analysis

Raising Concerns

7. The Investigatory Powers Commissioner's Office ("IPCO") has published guidance for those who want to disclose information about the use of investigatory powers. The guidance relates to disclosures concerning any matters that fall within IPCO's oversight. It also makes clear that, where appropriate, an employer's internal whistleblowing policy should be considered first. Links to the guidance is published on the website with other information about RIPA, and also on the RIPA page of the intranet.

CHIS Code of Practice

8. On 19 October 2022 a draft Statutory Instrument was laid in relation to this updated Code of Practice. The purpose of the instrument is to bring into force the revised Covert Human Intelligence Sources Code of Practice ("the CHIS Code"). The revised CHIS Code has been updated to reflect amendments made to RIPA by the CHIS (Criminal Conduct) Act 2021.

Training - Update

9. Training sessions were held during September and October 2022 for Council Officers in service areas that use or may need to consider using RIPA. This training was delivered by the Principal Lawyer (Litigation).
10. In addition, all of the designated Authorising Officers and members of the Chief Officers Executive and Chief Officers Board also received refresher RIPA training. This training was delivered by the Assistant Director, Law and Governance.
11. It is an essential requirement for us to conduct annual refresher training with our staff and we have to demonstrate our compliance with this requirement when we are inspected by the Investigatory Powers Commissioner's Office, which is usually at three-yearly intervals.

Bi-Annual Report Regarding this Council's RIPA and IPA usage

Directed Surveillance Authorisations

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

Communications Data Authorisations

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

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CABINET
7 MARCH 2023

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

**Responsible Cabinet Members –
Councillor Jamie Bartch, Economy Portfolio
Councillor Scott Durham, Resources Portfolio**

Responsible Director – Ian Williams, Chief Executive

SUMMARY REPORT

Purpose of the Report

1. To note the intention to sell land at Neasham Road Cell C, as shown at **Appendix 1** to a new Joint Venture Company (JVC), using the Council's Joint Venture framework (to be established subject to a further Cabinet report and approvals) on the terms and conditions detailed in **Appendix 2, Part III** of this report.
2. To note that a further Cabinet report will be prepared for Members to:-
 - (a) identify the net capital receipt for the Council
 - (b) seek final approval to establish the new Joint Venture Company
 - (c) approve the funding arrangements for the housing development on Cell C
3. No disposal of the land will take place until further approval from Cabinet has been obtained.

Summary

4. Cabinet approval was obtained on 8 November 2022 to release funding for Esh Homes Ltd to undertake preliminary surveys to seek detailed planning permission for the delivery of private residential properties for sale, so that sale terms could be agreed by the Council and reported back to Cabinet for consideration.
5. Preliminary surveys are now complete and a planning application was submitted in January 2023. Approval is now sought for the sale terms detailed in Appendix 2, Part III of this report to Esh Homes Ltd. It is proposed that the new Joint Venture company would be responsible for developing Cell C. Once the planning process has been completed, costs can be finalised and this will be included in a subsequent report to Cabinet .

Recommendations

6. It is recommended that :-

- (a) The principle and intention that Cell C will be sold to a new Joint Venture Company on the terms and conditions outlined in Appendix 2, Part III of this report be noted, subject to a further Cabinet report once all costs have been determined.
- (b) The Chief Executive to have delegated authority to prepare the terms of the disposal, in consultation with the Portfolio Holders and the details will be reported back in due course.
- (c) The Assistant Director – Law and Governance be authorised to execute the necessary documents to facilitate future development.

Delegations

7. Delegated authority to the Chief Executive as detailed in para 6(b) above.

Reasons

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

- (a) To contribute to the delivery of new housing to satisfy the Borough’s housing need.
- (b) To achieve a capital receipt for the Council.

Ian Williams
Chief Executive

Background Papers

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

Jane Sutcliffe: extension 5746

S17 Crime and Disorder	The report has no implications for crime and disorder
Health and Wellbeing	The report has no implications for health and well being
Carbon Impact and Climate Change	Nutrient Neutrality and biodiversity loss mitigation are addressed in the proposals
Diversity	No impact
Wards Affected	Hurworth
Groups Affected	Not Applicable
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	There are no issues adversely affecting the Council Plan
Efficiency	An investment return from the JV will help the Council’s MTFP position.
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. Approval was given on 15 September 2020 for a new Joint Venture Company (JVC) to be established to provide the infrastructure to open up the Neasham Road development site, to build new council houses and build and sell new private houses. Development is well underway and the Council is keen to see the remaining Cell C developed.
10. The feasibility and survey work for Cell C has been completed by Esh Homes Ltd and the planning application for the development of circa 144 homes has been submitted.
11. A further Cabinet report will be submitted seeking Members' approval to the establishment of a new Joint Venture company following the planning process.
12. Heads of terms have been provisionally agreed and are detailed in Appendix 2, Part III.
13. There are some unknown costs for example relating to new building regulations coming in the future so these will be considered and dealt with as abnormal costs through the sale contract, as the Council is keen to maximise the capital receipt when the development starts on site.
14. The site is fully serviced and the new approach road to Cell C has been completed.

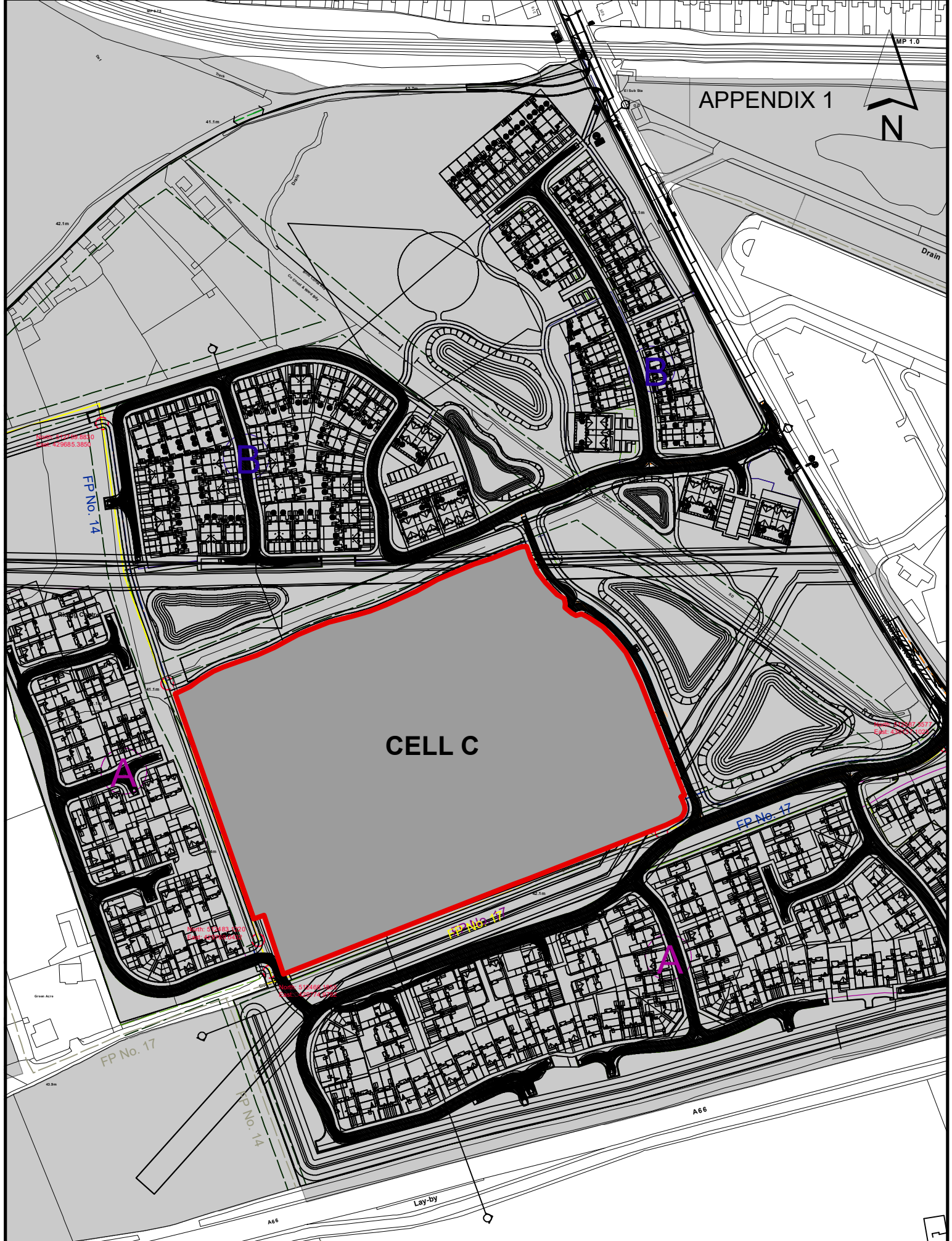
Legal Implications

15. Under the provisions of the Local Government Act 1999, the Council is subject to a general duty to obtain best value in the exercise of its functions.

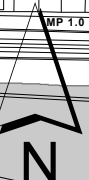
Financial Implications

16. The expected capital receipt for the Council is not yet known, this will be provided in a subsequent report which will seek authorisation to a new Joint Venture company with the Council's joint venture partner (Esh).

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APPENDIX 1



CELL C

DARLINGTON BOROUGH COUNCIL ECONOMIC GROWTH GROUP ESTATES & PROPERTY, TOWN HALL, FEETHAMS, DARLINGTON, Co. DURHAM, DL1 5QT	Project Title:	NEASHAM ROAD - DBC OWNED LAND SHADED GREY	Scale:	1 : 2500	Ref:	AT A4
	Drawing Title:	ELDER BROOK PARK HOUSING SCHEME - CELL C	Date:	02/02/23	Area:	
			Drawn:	RMH		

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CABINET
7 MARCH 2023

SCHEDULE OF TRANSACTIONS

Responsible Cabinet Member – Councillor Scott Durham
Resources Portfolio

Responsible Director – Ian Williams
Chief Executive

SUMMARY REPORT

Purpose of the Report

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

TRANSACTION	PURPOSE OF TRANSACTION	MINUTE REF
Lease: Pine Tree Grove, Middleton-St-George.	Residential Tenancy – term for 1 year.	
Lease Assignment: 21 Nightingale Avenue, Darlington	3-year lease for ground floor shop premises and a lock up garage to the rear of the premises.	

Summary

2. It is necessary for Cabinet to approve terms negotiated by the officers within the Chief Executive and Economic Growth Group on behalf of the Council to enable contractually binding contracts to be completed. The Part III **Appendix 1** details the terms negotiated for consideration and approval.

Recommendation

3. It is recommended that the schedule (Appendix 1) be approved, and the transactions completed on the terms and conditions detailed therein.

Reasons

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

Ian Williams
Chief Executive

Background Papers

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

Guy Metcalfe : Extension 6725

S17 Crime and Disorder	This report has no implications for Crime & Disorder
Health and Wellbeing	There are no issues relating to Health & Wellbeing which this report needs to address
Carbon Impact and Climate Change	There are no impacts
Diversity	There are no issues relating to Diversity which this report needs to address
Wards Affected	The impact of the report on any individual Ward is considered to be minimal
Groups Affected	The impact of the report on any Group is considered to be minimal
Budget and Policy Framework	This report does not represent a change to the budget and policy framework
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
Council Plan	Growing the local Economy, encouraging new investment in the Borough and maximising employment opportunities
Efficiency	The terms set out in the Schedule of Transactions appended to this report are considered to be in the Council's best interest and ensure the Council's business is conducted efficiently
Impact on Looked After Children and Care Leavers	There are no issues in relation to Looked After Children and Care Leavers

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
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