



DARLINGTON

Borough Council

Council Agenda

6.00 pm, Thursday, 28 November 2024

Central Hall, Dolphin Centre, Horsemarket, Darlington, DL1 5RP

Members of the Public are welcome to attend this Meeting.

1. Introductions / Attendance at Meeting.
2. Minutes - To approve the Minutes of the Meeting of this Council held on 26 September 2024 (Pages 9 - 18)
3. Declarations of Interest.
4. Sealing.
5. Announcements.
6. Questions - To answer questions (where appropriate notice has been given from):-
 - (a) The Public;
 - (b) Members to Cabinet/Chairs;
7. Council Reports.
 - (a) Gambling Act Policy Review – Report of the Chief Executive (Pages 19 - 78)
 - (b) Constitution Update – Report of the Executive Director of Resources and Governance (Pages 79 - 108)
 - (c) Review of Political Balance - Changes to Committee Membership – Report of the

Executive Director of Resources and Governance (Pages 109 - 116)

8. Cabinet Reports.

- (a) Council Tax Support - Scheme Approval 2025-26 – Report of the Executive Director of Resources and Governance (Pages 117 - 168)
- (b) Overview Report of the Leader of the Council; (Pages 169 - 172)
- (c) Overview Report of the Economy Portfolio; (Pages 173 - 178)
- (d) Overview Report of the Adults Portfolio; (Pages 179 - 182)
- (e) Overview Report of the Children and Young People Portfolio; (Pages 183 - 190)
- (f) Overview Report of the Health and Housing Portfolio; (Pages 191 - 196)
- (g) Overview Report of the Local Services Portfolio; (Pages 197 - 202)
- (h) Overview Report of the Resources Portfolio; (Pages 203 - 206)
- (i) Overview Report of the Stronger Communities Portfolio; and (Pages 207 - 210)
- (j) Cabinet Urgent Decisions – Report of the Chief Officers Executive (Pages 211 - 214)

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

- (a) Adults Scrutiny Committee; (Pages 215 - 218)
- (b) Children and Young People Scrutiny Committee; (Pages 219 - 222)
- (c) Communities and Local Services Scrutiny Committee; (Pages 223 - 226)
- (d) Economy and Resources Scrutiny Committee; and (Pages 227 - 230)
- (e) Health and Housing Scrutiny Committee. (Pages 231 - 234)

10. Notice of Motion

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

Promoting Civility in Politics

This Council notes:

- a) That over recent years, political discourse in the UK has become increasingly uncivil, between politicians of different parties and between the public and politicians.

- b) There have been instances within the Borough of Darlington, both in meetings and online, where language and social media exchanges have become excessively uncivil.
- c) That in 2020, Darlington Borough Council adopted the United Darlington Charter, proposed by Cllr Harker and seconded by Cllr Mrs. Scott.

This Council believes:

- a) The majority of the public expects local Councillors to engage civilly with one another, in order to work together for the benefit of the whole Borough.
- b) Officers of Darlington Borough Council should be treated with respect in meetings, without fear of personal remarks or inappropriate questioning.
- c) Careless language and personal attacks can have serious consequences, as highlighted by the tragic murders of Sir David Amess and Jo Cox in recent years.
- d) Councillors and the public have the right to challenge policies and decisions in a civil and respectful manner.

That this Council resolves:

- a) To reaffirm the adoption of the United Darlington Charter.
- b) That all Darlington Borough Councillors should adopt the following Civility Pledge, put together by the Jo Cox Foundation, and hold each other accountable to keep it:

“As an elected representative, I pledge to:

1. Use a civil and constructive tone in political debate.
2. Act with integrity, honesty and compassion
3. Behave respectfully towards others, including those I disagree with”

- c) To promote civility in politics amongst Councillors, candidates and the public.

Supporting documents – [United Darlington Charter](#)

- (b) To consider a Motion submitted by Councillor Dulston and seconded by Councillor Bartch –

Failure to Support Local Businesses Over Christmas

This Council notes:

- a) the critical role small businesses play in sustaining the local economy and the need to commit to policies that prioritise their survival and growth;

- b) that this Labour-controlled Council has failed to consider introducing free parking during the Christmas period, a time when local businesses rely heavily on increased footfall to boost their sales and secure their livelihoods;
- c) that small businesses, already struggling under the national Labour Government's punitive National Insurance tax hikes, are further disadvantaged by this Council's failure to consider alleviating parking costs for potential shoppers;
- d) that other councils across the UK have recognised the importance of supporting their local economies during this festive season by implementing free or reduced parking, making this Council's inaction even more glaring; and
- e) the harmful effects of the Labour Government's National Insurance tax hike.

This Council believes:

- a) that the needs of the community and the businesses that form its backbone, particularly during the festive season when the cost of living crisis and government-imposed financial burdens already weigh heavily on everyone, should not be ignored;
- b) that free parking during the Christmas period would provide a much-needed lifeline to small businesses, encouraging greater footfall and boosting the local economy at a critical time;
- c) that the combination of increased operational costs, higher taxes, and this Council's indifference, places an undue burden on local entrepreneurs, many of whom are on the brink of closure;
- d) that its inaction demonstrates a complete lack of understanding of, or care for, the struggles faced by small business owners and residents in the borough;
- e) that this failure also discourages residents from shopping locally, driving them to online retailers or larger shopping centres with more affordable or subsidised parking options.

Council therefore resolves to:

- a) acknowledge the detrimental impact on local businesses of its failure to consider offering free parking during the Christmas period and agrees to introduce free parking within the Town Centre during the months of December 2024 and January 2025; and
 - b) undertake a marketing campaign promoting the above offer with a view to increasing footfall and boosting the local economy at a critical time.
- (c) To consider a Motion submitted by Councillor Snedker and seconded by Councillor Henderson –

Ending local government austerity and investing in local public services

This Council notes that:

- a) Government grants to local authorities were cut by 40% in real terms between 2009/10 and 2019/20, from £46.5bn to £28.0bn;
- b) as a result, between 2010 and 2019, more than £30 billion in spending reductions (often termed austerity measures) were made to welfare payments, housing subsidies and social services in the UK;
- c) research shows these austerity measures have contributed to 335,000 excess deaths, resulted in a fall in the UK life expectancy, and culminated in UK workers being £11,000 worse off a year after years of wage stagnation;
- d) at the same time, there has been a huge surge in demand for vital services provided by local authorities, such as adult social care, which takes up about three-quarters of Local Authority budgets. While the cost of delivering these services per capita has seen above inflation cost rises;
- e) spending on social care grew by an average of 2.6% a year in real terms between 2014/15 and 2021/22;
- f) this is less than the 3.4% a year increase in spending that the Health Foundation has calculated will be needed between 2024/25 and 2032/33 to meet future demand. This is equal to £8.3 billion overall;
- g) The National Audit Office has recognised that the pressure on local authority finances “impacts on the funding available for adult social care”;
- h) as a result of decreased funding and increased demand for services, since 2021 six local authorities have declared themselves effectively bankrupt, with many half of all councils warning they may have to do the same in the next five years; and
- i) The Labour Party has not committed to increasing funding for local authorities, leaving the estimated £6bn black hole in council budgets unaddressed.

This Council believes that:

- a) cuts to the government grants provided to local authorities must be reversed by the new government, in order to sufficiently fund growing demand for key services such as adult social care;
- b) without adequate funding, the increased financial pressure from increased demand for these services is likely to have serious negative financial implications for local authorities and Darlington Borough Council; and
- c) as well as increased funding, the UK government and local authorities must commit to improving the working conditions of social workers.

This Council resolves to:

- a) Write to the Prime Minister, the Chancellor, and relevant Ministers of State to call for an end to local government austerity, and a significant and substantial investment in local government and public services. This will include a call for a

sustained uplift to local authority funding to cover shortfalls in adult social care, education, homelessness, and other key services. It will also include an ask to provide multi-year funding settlements.

- b) Work with providers, local NHS, and UNISON reps to explore the Ethical Care Charter within the term of current contracts, and report back to this council within six months on the practicalities of adopting stage 1 of the charter by the end of this Municipal Year, and proposals for adopting stages 2 and 3 of the charter.
- c) Ask the government to revive the Fair Funding Review for Adult Social Care, which was put on hold by the Conservative government, for which Darlington Borough Council and its care providers had already done significant preparatory work.

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



Luke Swinhoe
Assistant Director Law and Governance

Wednesday, 20 November 2024

Town Hall
Darlington.

Membership

The Mayor, Councillors Ali, Allen, Anderson, Baker, Bartch, Beckett, Coe, Cossins, Crudass, Crumbie, Mrs Culley, Curry, Dillon, Dulston, Durham, Garner, Harker, Haszeldine, Henderson, Holroyd, Johnson, Kane, Keir, Laing, Lawley, Layton, Lee, Mahmud, Mammolotti, Marshall, McCollom, McEwan, McGill, K Nicholson, M Nicholson, Pease, Porter, Ray, Renton, Dr. Riley, Robinson, Roche, Mrs Scott, Snedker, Storr, Toms, Tostevin, Wallis and Walters.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and Elections Officer, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: paul.dalton@darlington.gov.uk or Telephone 01325 405805

COUNCIL

Thursday, 26 September 2024

PRESENT – The Mayor, Councillors Ali, Allen, Anderson, Baker, Bartch, Beckett, Coe, Cossins, Crumbie, Mrs Culley, Curry, Dillon, Dulston, Durham, Garner, Harker, Haszeldine, Holroyd, Kane, Keir, Laing, Lawley, Lee, Mahmud, Marshall, McCollom, McEwan, McGill, K Nicholson, M Nicholson, Pease, Porter, Renton, Dr. Riley, Robinson, Roche, Mrs Scott, Snedker, Storr, Toms, Tostevin, Wallis and Walters.

APOLOGIES – Councillors Crudass, Henderson, Johnson, Layton, Mammolotti and Ray.

22 **MINUTES - TO APPROVE THE MINUTES OF THE MEETING OF THIS COUNCIL HELD ON 18 JULY 2024**

Submitted – The Minutes (previously circulated) of the meeting of this Council held on 18 July 2024.

RESOLVED – That the Minutes of the meeting of this Council held on 18 July 2024, be approved as a correct record.

23 **DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at the meeting.

24 **SEALING.**

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

25 **ANNOUNCEMENTS.**

There were no announcements made at the meeting.

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

(1) **THE PUBLIC;**

There were five questions, received with notice, from Members of the Public. Two Members of the Public attended the meeting to ask their question in person, and each received an answer thereon.

The Mayor requested that a written response be provided to those Members of the Public who did not attend to ask their question in person.

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

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

27 COUNCIL REPORTS.

(1) REVIEW OF POLITICAL BALANCE - CHANGES TO COMMITTEE MEMBERSHIP

The Group Director of Operations submitted a report (previously circulated) to advise Council of the outcome of a review of the political balance of the Authority resulting from a change to the membership of a political group.

The submitted report stated that since the last review of the political balance of the Council in July 2024, there had been a change to the political make-up of the Council, following Councillor Coe's resignation from the Liberal Democrat Group to sit as an Independent Member. It was highlighted that political groups are allocated seats on the committees in accordance with political balance rules, which were outlined within the submitted report.

Members were advised that as a result of the change to the political balance, the Council was required to review the allocation of seats to political groups.

RESOLVED – (a) That the change to the political balance of the Council be noted.

(b) That the re-allocation of three additional seats to Independent Members be agreed, as follows:

(i) One seat on the Communities and Local Services Scrutiny Committee (Councillor Coe) (with a reduction of one seat on this Committee from the Liberal Democrats Group).

(ii) One seat on the Economy and Resources Scrutiny Committee (Councillor Coe) (with a reduction of one seat on this Committee from the Liberal Democrats Group).

(iii) One seat on the Climate Change Working Group (with a reduction of one seat on this Committee from the Liberal Democrats Group).

REASON - To reflect the changed political balance of the Council and to comply with legislation.

28 CABINET REPORTS

(1) REVISION TO THE COUNCIL'S SENIOR MANAGEMENT STRUCTURE

The Chief Executive submitted a report (previously circulated) which requested that consideration be given to a revised Senior Management Structure for the Council, and to seek approval to advertise for a new Executive Director of Economy and Public Protection post.

The submitted report presented a revised senior structure which had been developed with input from Cabinet and responded to the recently announced retirement of the Chief Executive Officer and forthcoming planned retirements of the Assistant Director of Community Services, and the Assistant Director of Economic Growth.

It was stated that the proposal was to replace the retiring Chief Executive (CEX), to replace the retiring Assistant Director of Community Services with an Assistant Director for Environmental Services and Community Safety, and to create the role of Executive Director of Economy and Public Protection following deletion of the Assistant Director Economy role. It was noted that the revised structure aligned to the Council's priorities.

The submitted report outlined the intention to rename the Group Director titles, in that the Group Director, Operations be redesignated as Executive Director – Resources and Governance, that the Group Director, Services be redesignated as Executive Director – Environment, Highways & Community Services, and for the Group Director, People to be redesignated as Executive Director of People.

RESOLVED - (a) That Council notes that on 10 September 2024, Cabinet approved the Senior Management Restructure, set out in Appendix A of the submitted report, with an implementation date of Spring 2025, subject to the views of Council on 7(b).

(b) That the new post of Executive Director of Economy and Public Protection be approved.

(c) That authority be delegated to the Assistant Director, Law and Governance to make any consequential changes to the Constitution that are needed.

REASON - To amend the Senior Management Structure.

(2) PROPOSED AMENDMENTS TO THE SCHEDULE OF CHARGES 2024/25

The Group Director of Services submitted a report (previously circulated) requesting that consideration be given to a proposed amendment to the Schedule of Charges 2024/25, as agreed at the meeting of Cabinet on 10 September 2024.

The submitted report stated that Reviews had been undertaken in relation to the fees and charges associated with Highway Agreement charges between the Council and developers, and that a number of amendments were being proposed to the Schedule of Charges, which were set out in Appendix 1 of the submitted report.

It was highlighted that the proposed increases were based on the cost of providing the services and took account of inflation and market conditions, and were anticipated to support the provision of the services.

RESOLVED – That the changes to the Schedule of Charges, as set out in Appendix 1 of the submitted report, be approved.

REASON – To support the financial costs of providing the services.

(3) CLIMATE CHANGE PROGRESS

The Chief Executive submitted a report (previously circulated) to update Council on progress towards the Council's net zero target.

The submitted report stated that following the Local Government elections in 2023, the Climate Emergency Declaration was re-affirmed, and the Council's carbon neutral target was brought forward to 2040. It was also noted that further aims to increase engagement with residents and businesses were included with the intention of reducing wider borough emissions.

It was reported that the Council's emission reduction trajectory had been amended to 40% reduction every five years, and that the Council emissions for 2023/24 were 6,190 tonnes/CO2. It was clarified that the emissions the Council report on are made up of the energy use in council buildings, business mileage, fleet emissions and streetlighting and signs, however that the Council did not currently measure emissions from its supply chain or from waste. It was stated that the Council's carbon emissions for 2023/24 had reduced by almost 53% compared to its baseline emissions of 2010/11.

The submitted report stated that, of the 109 actions reporting at the end of 2023/24, 91 are on track and five have been completed.

RESOLVED – That the content of the report be noted.

REASON – Due to the increasing public pressure to act on climate change, the Council runs the risk of significant damage to its reputation if it does not deliver on its stated commitment to dealing with the Council's contribution to climate change.

(4) TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2023/24

The Group Director of Operations submitted a report (previously circulated) to inform Members of important information regarding the regulation and management of the Council's borrowing, investments and cash-flow. It is a requirement of the Council's reporting procedures and by regulations issued under the Local Government Act 2003 to produce an annual treasury management review that covers treasury activity for 2023/24. The report also sought to approve the Prudential Indicators results for 2023/24, in accordance with the Prudential Code.

The submitted report outlined the circumstances with regard to treasury management for 2023/2024, and stated that it was yet another unprecedented year with regard to treasury management. The continuation of the Ukraine conflict, events in the Middle East, the cost of living increases and inflation taking time to recover.

The bank rate continued to rise steadily throughout the early part of the year starting the year at 4.25% before stabilising and finishing at 5.25%. This has led to borrowing rates increasing and to some significant financial challenges throughout the year. These challenges are expected to continue into 2024/25 with the cost of borrowing expected to remain high until at least September, possibly even later. Although the returns for cash investments have also increased due to higher interest rates they still remain below the cost of borrowing and these are declining at a much faster rate than the cost of borrowing.

The submitted report stated that the Council had complied with its legislative and regulatory requirements during 2023/2024, and that the need for borrowing was only increased for

capital purposes.

The submitted report stated that at 31st March 2024, the Council's external debt was £152.878m, which was £14.864m more than the previous year. It was stated that this increase related to the progression of various capital schemes and the rise in the costs of these schemes due to inflationary pressures.

It was reported that the average interest rate for borrowing increased from 2.41% in 2022/23 to 2.61% in 2023/24, and that investments totalled £36.369m at 31st March 2024, in comparison to £40.044m at 31st March 2023, earning interest of 5.09% on short term cash investments, and 0.72% on Property Fund units net of cost.

It was reported that financing costs had been reduced during the year and a saving of £0.735m had been achieved from the original MTFP and transferred to an IFR59 reserve to manage any future fluctuations arising from the capital values of property funds. This was due to reduced interest charges on debt, as well as increased investment income.

RESOLVED - (a) That the outturn 2023/24 Prudential Indicators within the submitted report, and those in Appendix 1 of the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2023/24 be noted.

REASONS - (a) In order to comply with the Prudential Code for Capital Finance in Local Authorities.

(b) To inform members of the Performance of the Treasury Management function.

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

(5) CABINET REPORTS.

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

29 SCRUTINY REPORTS - TO CONSIDER SCRUTINY OVERVIEW REPORTS:-

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

30 NOTICE OF MOTION

(1) TO CONSIDER A MOTION SUBMITTED BY COUNCILLOR DULSTON AND SECONDED BY COUNCILLOR MRS. SCOTT

The following Motion was moved by Councillor Dulston, and seconded by Councillor Mrs. Scott:

Winter Fuel Payment

This Council notes:

1. The Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits like Pension Credit, as announced by Chancellor Rachel Reeves and voted for by Darlington's Labour MP Lola McEvoy;
2. The significant role that Winter Fuel Payments play in helping older residents of Darlington and across the UK afford heating during the coldest months, thereby preventing 'heat or eat' dilemmas and safeguarding health;
3. The criticism from Age UK, the Countryside Alliance and other charities, highlighting the social injustice and potential health risks posed by this sudden policy change;
4. The additional strain this decision will place on vulnerable pensioners, many of whom do not claim Pension Credit despite being eligible, further exacerbating their financial hardship and health and well-being;
5. 16,341 pensioners will be severely impacted by the removal of this vital support;
6. That the Labour Government failed to carry out an impact assessment and has refused to supply the information pertaining to the fictitious £20 billion blackhole; and
7. Latest figures show that more than £4,000,000 in Pension Credit is unclaimed in Darlington each year.

This Council believes:

1. That the Winter Fuel Payment has been a lifeline for many pensioners across the UK and that restricting its availability solely to those on Pension Credit risks leaving many pensioners in financial hardship;
2. While some pensioners currently in receipt of the Winter Fuel Payment may not require it, many thousands across Darlington sit just above the cut-off for Pension Credit and will now lose their allowance, indeed the Council's own data suggests the maximum number of new Pension credit claimants could be below five hundred;
3. The decision to means-test Winter Fuel Payments, especially with such short notice and without adequate compensatory measures, is deeply unfair and will disproportionately affect the health and well-being of our poorest older residents. It will put additional strain on the NHS, Council resources and impact the wider Darlington economy; and
4. The government's approach fails to consider the administrative barriers and stigma that prevent eligible pensioners from claiming Pension Credit, leaving many without the support they desperately need.

Council therefore resolves to:

1. Undertake an immediate review of data held by the Council on Pensioners in the Borough and bring forward, with urgency, a Council-led local awareness campaign to alert those eligible of Pension Credit, which in some respects, will help access for those most in need to the Winter Fuel Payment;
2. Request the Leader of the Council to write to the Chancellor of the Exchequer, urging them to reverse the decision to means-test the Winter Fuel Payment due to the inherent risk previously outlined. Also to ask the Government to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit, are protected from fuel poverty;
3. Directs the Leader of the Council to write to Lola McEvoy MP expressing this Council's significant concern at her vote in support of the removal of Winter Fuel Payment;
4. Directs the Leader of the Council to write to Matt Vickers MP expressing the Council's thanks for standing up for pensioners;
5. Encourage local efforts to promote Pension Credit uptake through Council services and partnerships with local charities and community organisations to ensure that all eligible pensioners in Darlington are supported in claiming their entitlement; and
6. Instructs Officers to carry out an impact assessment of the Government's decision on Council services, partners including the NHS and the wider Darlington economy.

The following Amendment to the Motion was moved by Councillor Harker, and seconded by Councillor Dr. Riley:

This Council notes:

1. The Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits such as Pension Credit, Universal Credit, income-related Employment and Support Allowance;
2. Latest figures show that more than £4,000,000 in Pension Credit is unclaimed in Darlington each year;
3. The Government will be delivering the £150 Warm Home Discount for low-income households from October. Extending the Household Support Fund with £421 million will ensure local authorities can support vulnerable people and families;
4. That since the Labour/Liberal Democrat partnership took control of the Council, it has contacted older people not claiming Pension Credits in Darlington and offered support to claim it, as well as enhancing support for the most disadvantaged in Darlington in other ways.

This Council believes:

1. That the Government is being forced into making difficult decisions due to the £22bn blackhole in Government's budget, left by the Conservative Government;
2. Some pensioners currently in receipt of the Winter Fuel Payment may not require it, but it is right that Winter Fuel Allowance will still go to those claiming pension credit;
3. That the Government should do everything they can to encourage take up of pension credit for those who are eligible but do not currently claim it; and
4. The Government is committed to sound fiscal rules will fix the foundations of economy. It is pensioners with fixed incomes who would suffer if we took reckless decisions like the Conservatives did under Liz Truss.

Council therefore resolves to:

1. Request the Leader of the Council to write to the Chancellor of the Exchequer, to ask the Government to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit are encouraged to do so; and
2. Continues with local efforts to promote Pension Credit uptake through Council services and partnerships with local charities and community organisations, to ensure that all eligible pensioners in Darlington are supported in claiming their entitlement.

At the request of five Members, a Named Vote was taken of those Members present at the meeting and there appeared:

For the Amendment: Councillors Ali, Allen, Anderson, Baker, Beckett, Cossins, Crumbie, Curry, Dillon, Garner, Harker, Haszeldine, Kane, Mahmud, McCollom, McEwan, McGill, M. Nicholson, Porter, Dr. Riley, Roche, Storr and Wallis (23).

Against the Amendment: The Mayor, Councillors Bartch, Mrs. Culley, Dulston, Durham, Holroyd, Keir, Laing, Lawley, Lee, Marshall, K. Nicholson, Pease, Renton, Robinson, Mrs. Scott, Snedker, Tostevin and Walters (19).

Abstentions: Councillors Coe and Toms (2).

The Amendment was Carried.

The Amendment became the Substantive Motion and was put to the meeting. At the request of five Members, a Named Vote was taken of those Members present at the meeting and there appeared:

For the Motion: Councillors Ali, Allen, Anderson, Baker, Beckett, Cossins, Crumbie, Curry, Dillon, Garner, Harker, Haszeldine, Kane, Mahmud, McCollom, McEwan, McGill, M. Nicholson, Porter, Dr. Riley, Roche, Storr and Wallis (23).

Against the Motion: The Mayor, Councillors Bartch, Mrs. Culley, Dulston, Durham, Holroyd, Keir, Laing, Lawley, Lee, Marshall, K. Nicholson, Pease, Renton, Robinson, Mrs. Scott, Snedker, Tostevin and Walters (19).

Abstentions: Councillors Coe and Toms (2).

(**NOTE:** The Mayor used his discretion to vary the Agenda, and took this item immediately following the Questions submitted at Minute 26 (b)).

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

Consideration was given to membership changes of the Committees, Subsidiary Bodies and Other Bodies for the remainder of the Municipal Year 2024/25 that:

- a) Councillor Coe remain on the Climate Change Working Group, however now as an Independent Member, rather than a Liberal Democrat Representative;
- b) That Councillor Coe be removed from the Membership of the Council Decision Making and Scrutiny Process Working Group, and that he be replaced by Councillor Allen;
- c) That Councillor Marshall be replaced on the Members Standards Hearing Committee by Councillor Pease; and
- d) That Councillor Pease be removed from the HR Committee and replaced by Councillor Dulston.

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COUNCIL
28 NOVEMBER 2024

GAMBLING ACT POLICY REVIEW

**Responsible Cabinet Member -
Councillor Jim Garner, Stronger Communities Portfolio**

**Responsible Director -
Ian Williams, Chief Executive**

SUMMARY REPORT

Purpose of the Report

1. To invite Members to approve the final draft of the Council's Statement of Principles to the Gambling Act 2005 (Gambling Policy) which is due to take effect from 1 January 2025. This draft policy is at **Appendix 1**.

Summary

2. This report seeks Members approval, following public consultation, of the Council's revised Gambling Policy, which is due to be renewed as part of a three-year cycle requirement within the Gambling Act. This draft policy has been supported by the Licensing Committee following a meeting held on 24 September 2024.

Recommendations

3. It is recommended that Full Council approve this revised Gambling Policy, which will apply to all licences issued from 1 January 2025.

Reasons

4. The recommendation is supported to ensure standards are maintained to protect the public, in particular children and vulnerable adults and to provide an enforcement framework that takes into account guidance issued by the Gambling Commission.

Ian Williams
Chief Executive

Background Papers

- (i) Gambling Act 2005
- (ii) Gambling Commission Guidance to Local Authorities 2021
- (iii) The Equality Act 2010
- (iv) Crime and Disorder Act 1998
- (v) Human Rights Act 1998

Colin Dobson: Extension 5988

Council Plan	This policy will maintain the legal framework when addressing gambling related issues throughout Darlington to protect communities.
Addressing inequalities	The proposals will have no additional impact on equality of opportunity for the disabled public. Equality Act screening assessment has been carried out.
Tackling Climate Change	This report has no impact on the Council's carbon impact.
Efficient and effective use of resources	This report has no impact on the Council's Efficiency Programme.
Health and Wellbeing	This policy will address health concerns caused by harmful gambling raised at a local and national level.
S17 Crime and Disorder	This policy will address issues specifically relating to the prevention of crime and disorder.
Wards Affected	The proposals affects those using gambling establishments.
Groups Affected	The policy does not have a direct impact on any particular group.
Budget and Policy Framework	This report represents no major change to Policy.
Key Decision	The proposals do not represent a key decision.
Urgent Decision	This is not an urgent decision.
Impact on Looked After Children and Care Leavers	This report has no impact on the Council's impact on Looked After Children and Care Leavers.

MAIN REPORT

Background

5. The Gambling Act 2005 requires licensing authorities to publish a 'Statement of Principles' that they propose to apply in exercising their functions under the Act every three years (Gambling Policy). Darlington's current Statement of Licensing Principles was published in January 2022 and, as such, a new policy is due to be published in January 2025.
6. The Gambling Commission provides guidance to Licensing Authorities, and this was last updated by them on 11 April 2023 with formatting changes only. Previous amendments to this guidance were published in April 2021 and fully incorporated into the current Statement of Principles.
7. Since publication of the principles there have been few changes to the guidance given to Local Authorities by the Gambling Commission.
8. It is recognised that gambling related harm creates challenges for Local Authorities, however the area of growth in recent years has been towards on-line gambling, which falls within the Gambling Commission's area of responsibility. The roles of the Gambling Commission and Local Authorities differ, and these are highlighted in **Appendix 2**.
9. In April 2023 the Department for Culture, Media and Sport (DCMS) published its gambling white paper, which set out the government's plans for modernising the regulation of the gambling sector. A series of key proposals specifically relating to the land-based gambling sector were outlined in the white paper, including measures to adjust outdated regulatory restrictions.
10. From 26 July to 4 October 2023, DCMS conducted a public consultation on these measures. Following on from publication of this response, regulations will be laid before Parliament relating to casinos; amending the 80/20 rule for arcades and bingo halls; allowing direct use of debit cards on gaming machines; introducing an age-limit on certain types of Category D gaming machines; and increasing the maximum cap that licensing authorities can charge.
11. On 15 April 2024, the Gambling Commission issued a statement saying, *"given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement. Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised Guidance to Local Authorities, which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale."*
12. The Gambling Commission intend developing a phased implementation approach to new and amended requirements to their codes so both customers and operators can adapt to the changes gradually.

13. On 2 July 2024 the Licensing Committee approved a draft of this revised policy to be released for public consultation. This was available on Darlington Borough Council’s website for comment between 12 July 2024 and 11 August 2024. It was also publicised through local and social media by our communications department. In addition, key stakeholders were contacted directly, inviting comment. Our local authority partners were also made aware through the Tees Valley Licensing Group. A full list of consultees is at **Appendix 3**.

Response to Consultation

14. Acknowledgement of this review was received by Gamcare, who welcomed a public health approach to gambling and recommended DBC develop a local picture of the level of gambling harms. Whilst local data has not previously been available it is pleasing to note that there is a renewed drive from the Director of Public Health to not only develop a local gambling profile but to address any issues identified during that process. DBC now has an identified gambling lead, who will work closely with stakeholders to achieve these aims. Gamcare added, *“changes to Darlington Borough Council’s statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.”* As highlighted previously, any new guidance issued by the Gambling Commission following the parliamentary process will be incorporated into the policy. The full response from Gamcare is at **Appendix 4**.
15. A further response was made by the County Durham and Darlington Police and Crime Commissioner who is keen to progress measures that will help develop a local partnership strategy to reduce gambling related harm. There are six points to this response and where amendments have been made to the policy for consideration they have been highlighted in red within the revised policy. The response with proposed amendments is summarised in the table below and the full response is at **Appendix 5**.

	Summary of response	Action
1	Measures to protect vulnerable people to include elderly people	Definition already in policy. The term ‘elderly persons’ not added following a decision by Licensing Committee
2	Decision making process	Reference to ‘tool kits’ added to point 2.2 of the policy
3	Local awareness training	Reference to training added to point 6.44 of the policy
4	Working with the Gambling Commission	Reference to partnership working added to point 2.2 of the policy
5	Develop understanding of harmful gambling	Out of scope. Highlighted to public health lead for development
6	Develop whole council approach to reduce harm	Out of scope. Highlighted to public health lead for development

16. The response from the PCC has also been shared with the public health lead for gambling to develop a co-ordinated evidence based approach to gambling related harm for the points raised that are not within scope of this policy.

17. In response to the Gambling Commission's summer 2023 consultation they proposed strengthening age verification in premises when test purchasing from 21 years to 25 years in line with the alcohol licensing. This was introduced in August 2024 and amendments to the policy have been made to reflect this change.

Consultation with the Licensing Committee

18. On 24 September 2024 a draft proposal of changes was presented to the Licensing Committee. Members disagreed with the addition of the term 'elderly persons' to a definition of vulnerable that was suggested by the PCC. They felt this term was too vague and the current definition is adequate. The remaining changes were agreed and recommended that this amended Gambling Policy be approved by Full Council.

Equalities Impact Assessment

19. The full policy has been subject to an Equalities Impact Assessment and a recent screening process has been carried out to ensure this assessment is still appropriate. There is nothing contained within this report that would adversely impact upon that assessment.

Financial Implications

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

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Statement of Principles

Gambling Act 2005

DRAFT

APPROVED BY COUNCIL: 28 November 2024

IMPLEMENTATION: 1st January 2025 – 1st January 2028

DRAFT

Foreword

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DRAFT

Forword by Chair of the Licensing Committee

To be prepared prior to publication

DRAFT

INTRODUCTION AND DECLARATION

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

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

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

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

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

This Statement of Principles was approved at a meeting of the Full Council on 28 November 2024. The Statement of Principles became effective from 1st January 2025

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

All references to the Gambling Commission Guidance in this document refer to guidance published on 1st April 2021 and last updated on the 11th April 2023.

PART A

1. THE LICENSING OBJECTIVES

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

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

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

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

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

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

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

2. GAMBLING SURVEYS

Any updated data from the Gambling Commission Survey will be provided prior to publication

Local data is not currently available on the prevalence of gambling in Darlington, however national data does exist. The Gambling Commission's research found that overall, the Gross Gambling Yield (amount retained by gambling operators after the payment of winnings) in Great Britain between April 2022 and March 2023 was £15.1bn. This was a 6.6% increase on the last (pre-lockdown) period of April 2019 to March 2020. Online Gross Gambling Yield was £6.5bn during the same period, an increase of 0.1% from the previous year.

The total number of betting shops in Great Britain from April 2022 to March 2023 saw a 3.9% decrease on April 2021 to March 2022 and a 2.2% decrease on the last (pre-lockdown) period of April 2019 to March 2020.

The National Lottery is the most common type of gambling across all age groups, except among younger people where scratch cards are more common. Football pools and electronic gaming machines are more common among people under 35 years of age compared with older age groups. Men are more likely to gamble than women, and this difference is most obvious for online gambling where 15% of men participate, compared to 4% of women.

2.1 Harmful Gambling

Based on 2018 HSE data, it is estimated that 0.5% of the population reached the threshold to be considered experiencing harmful gambling, and this proportion has remained relatively consistent since 2012. It is also estimated that 3.8% of the population are classified as gambling at elevated risks, differentiated into low risk and moderate risk gambling. This means they might experience some level of negative consequences due to their gambling.

Gambling-related harms have considerable cost to the government and society, likely to be between £1.05 to 1.77 billion.

2.2 Online Gambling Behaviour

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

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

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

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

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

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

This statement of principles is to enable a good understanding of all the harms and benefits of gambling to society. The legislative framework for gambling recognises it as a legitimate leisure activity that many people enjoy. It generates income, employment and tax revenue for the local economy.

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

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

Although the Gambling Commission is the enforcement body for on-line gambling, the Local Authority (and other partners e.g. police) are committed to working closely with the Gambling Commission to prevent gambling from becoming a source of crime, reduce harm and improve any investigations. Reference will be made to approved 'tool kit's' designed to assist those professionals engaged in these activities.

3. THE BOROUGH OF DARLINGTON

The local profile will be updated prior to publication

Darlington is a medium sized town with a total population of 107,800 (Census 2021). The River Tees and North Yorkshire lie to the south, the Teesside conurbation to the east, County Durham to the north and rural Teesside to the west. There are excellent communication links with a principal station on the East Coast rail mainline, the A1 (M) Motorway and Durham Tees Valley International Airport.

The Borough's economy has performed strongly over recent years shifting from its past reliance on manufacturing to one with a wider, more resilient base. Specialist engineering, the (now dominant) service sector (business and professional services) and public sector employment (public administration, healthcare and education) are the most significant employers, whilst a relatively high proportion of the local workforce (36.4%) are in professional, senior or managerial roles, or professional and technically skilled occupations. The Borough has a projected 'increasing potential' workforce, with relatively high skills and higher education achievements, and has economic activity and overall employment rates consistently above sub-regional and regional levels.

The late night economy of the Borough is principally centred around the town centre where a number of entertainment premises, pubs and takeaway establishments are situated. These activities support the cultural diversity of the Borough and contribute to its economy.

4. AUTHORISED ACTIVITIES

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

- 'Gaming' means playing a game of chance for a prize.

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

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

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

4. LICENCES UNDER THE 2005 ACT

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

- Operating licences
- Personal licences
- Premises licences

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

5. THE GAMBLING COMMISSION

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

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

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

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

Gambling Commission
4th Floor
Victoria Square House
Victoria Square
BIRMINGHAM
B2 4BP

Website: www.gamblingcommission.gov.uk
Email: info@gamblingcommission.gov.uk

6. THE COUNCIL'S FUNCTIONS

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

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

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

7. GENERAL STATEMENT OF PRINCIPLES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. PROTECTING CHILDREN AND OTHER VULNERABLE PEOPLE FROM GAMBLING

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

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

When considering whether to grant a Premises Licence or Permit the Council will consider whether any measures are necessary to protect children, including the supervision of entrances, the segregation of gambling

from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

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

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

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

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

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

11. RESPONSIBLE AUTHORITIES

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

Section 157 of the 2005 Act defines those authorities as:

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

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

These principles are:

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

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

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

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

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

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

12. INTERESTED PARTIES

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

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

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

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

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

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

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

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

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

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

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

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

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

Representations should be made:

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

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

13. EXCHANGE OF INFORMATION

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

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

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

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

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

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

14 PUBLIC REGISTER

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

15 FEES

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

16. ENFORCEMENT

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

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

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

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

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

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

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

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

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

17 HUMAN RIGHTS

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

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

PREMISES LICENCES

1. INTRODUCTION

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

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

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

1.1. DEFINITION OF "PREMISES"

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

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

1.2 GAMBLING ACTIVITY

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

1.3 DIVISION OF PREMISES AND ACCESS BETWEEN PREMISES

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

Paragraph 7.19

"An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. The precise nature of this public area will depend on the location and nature of the premises. Licensing authorities will need to consider whether the

effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available."

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

Paragraph 7.20

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

Paragraph 7.32

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

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

Paragraph 7.33

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

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

Paragraph 7.36

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

Paragraph 7.37

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

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

1.4 LOCATION

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

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

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

1.5 CONDITIONS

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

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

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

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

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

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.

- Only adults are admitted to the area where these machines are located.
- Access to the area where the machines are located is supervised.
- The area where these machines are located is arranged so that the staff or the licence holder can observe it.
- At the entrance to and inside any such areas, there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18 years.

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

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

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

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

1.6 DOOR SUPERVISORS

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

1.7 CREDIT/ATMS

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

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

1.8 LOCAL RISK ASSESSMENTS

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

"6.42 Social Responsibility (SR) code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.

6.43 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

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

6.44 Risk assessments to protect vulnerable people when applying for a premises licence could include:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
- Training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
- Self-exclusion schemes (and deterrence of multiple accounts)
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Posters and leaflets with the NHS Northern Gambling Service and GamCare Helpline and website displayed in prominent locations
- External advertising e.g. on windows and entrances to be positioned or designed not to entice passers-by".

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

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

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

1.9 LOCAL AREA PROFILE

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

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

housing, education, community welfare groups and safety partnerships, and organisations such as Gamcare or equivalent local organisations.

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

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

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1.10 MACHINE STAKES AND PRIZES

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

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

2. PROVISIONAL STATEMENTS

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

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

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

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

3. ADULT GAMING CENTRES

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

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

4. (LICENSED) FAMILY ENTERTAINMENT CENTRES

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

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

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

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

The Commission has introduced 'Think 25' age verification standard for all gambling premises.

5. CASINOS

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

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

6. BINGO PREMISES

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

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

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

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

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

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

7. BETTING PREMISES

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

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

8. TRACKS

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

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

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

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

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

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

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

8.1 GAMING MACHINES ON TRACKS

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

8.2 BETTING MACHINES ON TRACKS

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

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

8.3 CONDITION ON RULES BEING DISPLAYED

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

9. TRAVELLING FAIRS

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

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

10. REVIEW OF PREMISES LICENCES

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

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

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

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

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

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

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

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

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

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

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

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

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

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

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

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

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

1.1 STATEMENT OF PRINCIPLES

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

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

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

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

2. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

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

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

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

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

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

2.1 STATEMENT OF PRINCIPLES

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

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

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

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

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

3. PRIZE GAMING PERMITS

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

3.1 STATEMENT OF PRINCIPLES

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

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

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

3.2 CONDITIONS

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

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

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

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

4. CLUB GAMING AND CLUB MACHINES PERMITS

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

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

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

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

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

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

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

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

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

5 SMALL SOCIETY LOTTERIES

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

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

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

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

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

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

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

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

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

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

6. TEMPORARY USE NOTICES

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

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

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

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

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

It must contain the following information:

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

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

7. OCCASIONAL USE NOTICES

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

Scheme of Delegation for Gambling Act 2005 Functions

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

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

APPENDIX B

DETAILS OF RESPONSIBLE AUTHORITIES

1 THE GAMBLING COMMISSION

Victoria Square House, Victoria Square, BIRMINGHAM B2 4BP

E-mail info@gamblingcommission.gov.uk Website www.gamblingcommission.gov.uk

2. POLICE

Chief Officer of Police, Police HQ, St Cuthbert's Way, DARLINGTON DL15LB

3. FIRE AUTHORITY

Fire Safety Officer, Fire Brigade HQ, Framwellgate Moor, DURHAM DH1 5JR

4. PLANNING

Head of Planning Development Management and Environmental Health, Darlington Borough Council, Town Hall, DARLINGTON, DL1 5QT

5. ENVIRONMENTAL HEALTH

Environmental Health Manager, Darlington Borough Council, Town Hall DARLINGTON, DL1 5QT

6. DARLINGTON SAFEGUARDING PARTNERSHIP

Assistant Director of Children's Services, Town Hall, DARLINGTON, DL1 5QT

7. HM REVENUE & CUSTOMS

Greenock Accounting Centre, Custom House, Custom House Quay, GREENOCK PA15 1EQ

8. THE LICENSING AUTHORITY

The Assistant Director of Economic Growth

Darlington Borough Council, Town Hall, DARLINGTON DL1 5QT

LIST OF CONSULTEES

Our consultation took place between 12 July and 11 August 2024 and we followed the Code of Practice and the Cabinet Office Guidance on consultations by the public sector. The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

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

This Authority has consulted the following persons/organisations:

- Durham Constabulary
- The Fire Service
- Environmental Health Manager, Darlington Borough Council
- Planning Manager, Darlington Borough Council
- The Safeguarding Children Board, Darlington Borough Council
- Legal Services, Darlington Borough Council
- Adult Services, Darlington Borough Council
- HM Customs & Excise
- Probation Service
- The Gambling Commission
- Betting and Gaming Council
- Association of British Bookmakers
- PCC
- Tees valley Licensing Group
- Tees Valley Local Authorities
- Gamcare
- Ladbrokes Coral Group
- William Hill
- The Bingo Association
- 'We are with you'
- Darlington Borough Council Ward Councillors
- The Licensing Act 2003 Committee
- Clubs with club premises certificates under the Licensing Act 2003
- Pubwatch
- Libraries

Licensing Solicitors

- Mincoffs
- John Gaunt
- Freemans
- Clark Willis
- Poppleston Allen
- TLT
- Woods and Whur

Pub companies including:

- Wetherspoons
- Admiral Taverns
- Punch Tavern
- Amber Taverns
- Stonegate
- Parker Barrass

Glossary

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

	<p>manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.</p>
Default condition	<p>These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.</p>
Equal Chance Gaming	<p>Gaming which does not involve playing or staking against a bank.</p>
Fixed Odds Betting	<p>If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.</p>
Fixed Odds Betting Terminals (FOBTs)	<p>FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs.</p>
Gaming	<p>Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.</p>
Gaming Machine	<p>Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.</p>
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none">• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.• Ensuring that gambling is conducted in a fair and open way.• Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Lottery

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

Mandatory condition

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

Money prize machine

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

Non-money prize machine

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

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

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

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

Support

National Gambling Helpline is 0808 8020 133 and also www.begambleaware.org

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

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

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

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

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

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

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

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

DRAFT

MAIN FUNCTIONS OF THE COMMISSION

For the purposes of this guidance, the Commission has the following principle statutory functions:

- issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions, and ensuring that holders of licences adhere to their terms
- publishing codes of practice
- publishing statutory guidance to licensing authorities.

The Commission also has a duty to advise the Secretary of State on gambling and its regulation. To ensure that the Commission is well placed to provide such advice, it monitors developments in gambling in Great Britain and in other jurisdictions. It works closely with a range of regulatory partners, including licensing authorities, the Advertising Standards Authority, the Information Commissioner's Office, Ofcom, and with stakeholders including the industry itself, faith and community groups, those with lived experience of gambling harm, government departments and bodies working in the field of gambling research.

Functions of Licensing Authorities

Licensing authorities (as defined in s.2 of the Act) are responsible for local gambling regulation and the Act gives them responsibility for a number of regulatory functions in relation to gambling activities. These include:

- issuing a statement of licensing policy (policy statement) setting expectations about how gambling will be regulated in the area
- responsibility for licensing gambling premises
- the issue of permits to family entertainment centres (FEC) for the use of certain lower stake gaming machines
- granting permits for prize gaming
- registering society lotteries that fall below certain thresholds
- regulating members' clubs and miners' welfare institutes which undertake certain gaming activities
- setting and collecting fees.

The Act also provides a system of temporary and occasional use notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling, for limited periods.

In exercising their statutory functions, licensing authorities have a broad discretion in regulating the local provision of gambling through the wide ranging powers at their disposal, including:

- issuing a statement of licensing policy, setting expectations about how gambling will be regulated in a particular area
- granting, refusing and attaching conditions to premises licences
- reviewing premises licences and attaching conditions or revoking them as a result.

APPENDIX 3

This Authority has consulted the following persons/organisations:

- Durham Constabulary
- The Fire Service
- Environmental Health Manager, Darlington Borough Council
- Planning Manager, Darlington Borough Council
- The Safeguarding Children Board, Darlington Borough Council
- Legal Services, Darlington Borough Council
- Adult Services, Darlington Borough Council
- HM Customs & Excise
- Probation Service
- The Gambling Commission
- Betting and Gaming Council
- Association of British Bookmakers
- PCC
- Tees valley Licensing Group
- Tees Valley Local Authorities
- Gamcare
- Ladbrokes Coral Group
- William Hill
- The Bingo Association
- 'We are with you'
- Darlington Borough Council Ward Councillors
- The Licensing Act 2003 Committee
- Clubs with club premises certificates under the Licensing Act 2003
- Pubwatch
- Libraries

Licensing Solicitors:

- Mincoffs
- John Gaunt
- Freemans
- Clark Willis
- Poppleston Allen
- TLT
- Woods and Whur

Pub companies including:

- Wetherspoons
- Admiral Taverns
- Punch Tavern
- Amber Taverns
- Stonegate
- Parker Barrass

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GamCare's response Darlington Borough Council – Consultation on the revision of statement of principles under the Gambling Act 2005

About GamCare:

GamCare is an independent charity and the leading provider of information, advice, and support for anyone affected by gambling harms. We operate the National Gambling Helpline, provide structured support for anyone harmed by gambling, and create awareness about safer gambling and treatments. For 26 years, our confidential, non-judgemental services, have supported more than half a million people to get their lives back on track.

We hold data locally and nationally through our National Gambling Helpline. We also work closely with those who have lived experience in shaping and delivering our services and programmes, ensuring that all our work is coproduced with our lived experience community at its heart.

GamCare's comments on the revision of the statement of principles:

- We welcome the position Darlington Borough Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.
- Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council's licensing responsibilities.
- It is vital that Darlington Borough Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.
- Building on the proactive approach the council is already taking, we were pleased to see Darlington Borough Council commit in its statement of principles **to a public health approach** to gambling.
- This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.
- In the absence of Cumulative Impact Assessments as a method by which the "aim to permit" approach can be challenged, Darlington Borough Council should pursue a [Local Area Profile](#) approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.
- The changes to Darlington Borough Council's statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.

*If you have any questions or would like to discuss in more detail, please contact Pollyanna Hopkins,
External Affairs Officer: pollyanna.hopkins@gamcare.org.uk*

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9 August 2024

To: Ian Williams
Chief Executive
Darlington Borough Council

Subject: Gambling Policy Review

Dear Ian,

I am writing in response to Darlington Borough Council's formal consultation on the Gambling Act 2005 Statement of Principles.

In my national role with the APCC I am the co-lead on substance misuse and addictions, which includes harmful gambling. I am, therefore, fully supportive of any measures that can be taken to prevent harmful gambling and I would like to increase engagement with Darlington Borough Council in respect of taking a public health approach to gambling, to reduce the impact that it has on crime and disorder.

In response to the Gambling Policy Review, I make the following recommendations for the Council to consider in its revised policy.

1. We know that problem gambling has a link to crime and on intergenerational harm ([Crime and Problem Gambling: a Research Landscape](#)). The Council should consider **expanding and mandating** the measures currently proposed in licensing conditions to protect and safeguard vulnerable people from further harm.

In terms of support for vulnerable people, I would suggest including:

*"When considering whether to grant a Premises Licence or Permit, the Council will consider measures necessary to protect **vulnerable people**, including:*

- *leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet*
- *training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons*
- *self-exclusion schemes (and deterrence of multiple accounts)*
- *operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people*
- *posters and leaflets with the NHS Northern Gambling Service and GamCare Helpline and website displayed in prominent locations*
- *external advertising e.g. on windows and entrances to be positioned or designed not to entice passers-by".*

All incorporated into point 6.44

In addition, the council should consider separating the definition of vulnerable people from the measures suggested to protect them and strengthening that definition. I would suggest:

“The Gambling Commission, in its guidance to local authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people: ‘Who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.’”

Already defined in Section 10 with the addition of elderly persons

2. In the decision-making processes the Local Authority should consider using the gambling harm prevalence tool provided by Gamble Aware to protect those key socio-demographic groups and locations that have been identified as being at risk.

Reference to tool kits added to point 2.2

3. When issuing a licence either for a new premises or a fair or such like in a high risk community, stipulate some form of ‘local’ awareness training for the staff as a means to mitigating the risk to communities as highlighted in the statement of principles.

Reference to training in point 6.44

4. For areas such as online gambling, personal premises whereby the Gambling Commission is the enforcement body and not the Local Authority, the Local Authority (and other partners e.g. police) should consider a commitment to work more closely with the Gambling Commission to prevent gambling from becoming a source of crime, reduce harm and improve any investigations.

Included in point 2.2

5. The policy states that *“local data is not currently available on the prevalence of gambling in Darlington...”*. The Council should invest in research to understand the problem of gambling related harm to help understand the extent of harmful gambling, impacts and costs associated with it. This could be done through the development of a local needs assessment.

Highlighted to public health lead for development

6. A report by PHE titled ‘Tackling Gambling Related Harm’ was published in partnership with the Local Government Association in 2018. It sets out a whole council approach to reducing gambling related harm and I would encourage Darlington Borough Council to adopt this approach as part of its new policy or as a separate piece of strategy work, together with partner organisations. The areas where I consider that this approach can add value include the following:

- Providing guidance to public health issues when developing the Gambling Policy: Public health has a positive contribution to make as a non- statutory consultee to influence the content of draft gambling policies in the context of protecting the health of the most vulnerable people in our communities with reference to gambling -related harm. For example, [the OHID and Public Health England Gambling-related harms evidence review](#) considered these categories of harms: financial, relationship disruption, conflict or breakdown, mental and physical health, cultural, employment and education, criminal activity. A high-quality quantitative study showed that people with gambling disorder have an increased risk of dying from any cause, in a given time period, relative to the general population. Two quantitative studies (of moderate and high quality) reported that deaths from suicide were significantly higher among adults with gambling disorder or problems compared to the general adult population.
- Signposting to relevant health data and evidence, for example in the production of local gambling harm profiles - This includes maximising available data to support the evidence base as a means to improve the health and well-being of the whole population. They are one-stop shops covering a whole range of data and analysis tools for public health which can assist with developing focused preventative work.
- Ensuring that consideration and attention is given to the health and well-being of the population - Sharing a strategic perspective about the importance of health and well-being and identify areas of consideration relevant to harmful gambling which may otherwise be overlooked or omitted due to a lack of capacity around the topic.
- Provide a one-stop shop public health reference point - Utilise the development of the Gambling Policy as a means to develop relationships on all matters relating to public health. This can include other aspects of work, such as providing evidence should a licence require a review or when a condition is considered necessary, as well as responding to guidance or consultation papers around gambling.

Highlighted to public health for development

I would also urge that the Local Authority considers other Gambling policies which are seen as promising practice. I provide a link to one of these: [Gambling Act Statement of Principles 2022-25 \(liverpool.gov.uk\)](#).

Reviewed and in line with current Gambling Commission Guidance

I understand that some of these recommendations lie outside the remit of the licensing policy, however I am keen to progress this work and develop a local partnership strategy to reduce gambling related harm.

Yours sincerely,



Joy Allen
Durham Police and Crime Commissioner

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**COUNCIL
28 NOVEMBER 2024**

CONSTITUTION UPDATE

Responsible Cabinet Member – Councillor Stephen Harker, Leader

**Responsible Director – Elizabeth Davison,
Executive Director of Resources and Governance**

SUMMARY REPORT

Purpose of the Report

1. To approve changes to the Council’s Constitution with effect from 1 January 2025.

Summary

2. The process for reviewing the constitution started earlier in the year and a number of proposed amendments which are mostly what might be described as general housekeeping and updating rather than fundamental change are proposed.
3. The proposed changes are set out in the **Appendix**.
4. There is also commentary and explanation in the main body of this report on matters requiring additional detail and consideration.
5. The updates and amendments, detailed in the report and appendix will ensure that the Constitution remains up-to-date and fit for purpose.

Recommendations

6. It is recommended that:
 - (a) The changes to the Constitution as detailed in this report, unless otherwise stated, are approved to take effect from 1 January 2025.
 - (b) Subject to confirmation from the Disclosure and Barring Service that they will facilitate enhanced Disclosure and Barring checks, the Monitoring Officer is delegated to move forward with enhanced checks for Councillors appointed to serve as Cabinet members or on Children’s and Young Persons Scrutiny Committee, Adults Scrutiny Committee or Corporate Parenting Panel.
 - (c) The Monitoring Officer is delegated to update the Constitution to reflect the changes identified.

Reasons

7. The recommendations are supported by the following reasons:
- (a) To ensure that the Constitution is clear, accurate and up-to-date; and
 - (b) To give effect to legislative changes.

**Elizabeth Davison,
Executive Director of Resources and Governance**

Background Papers

The Constitution of the Council

<https://democracy.darlington.gov.uk/ieListDocuments.aspx?CId=202&MId=284&Info=1>

Disclosure and Barring Service [Disclosure and Barring Service - GOV.UK](#)

Legislation and guidance as referenced in the Report.

Luke Swinhoe: Extension 5490

Council Plan	An up to date and clear Constitution should contribute to the decision making and governance arrangements and help members and officers to deliver the Council plan
Addressing inequalities	There is no direct impact on inequality.
Tackling Climate Change	There is no impacts on climate change.
Efficient and effective use of resources	Improving the clarity of the Constitution will with help with efficiency
Health and Wellbeing	There are no direct issues relating to Health & Wellbeing.
S17 Crime and Disorder	There is no direct impact on Crime and Disorder.
Wards Affected	There will be no direct impact on any particular ward.
Groups Affected	There will be no direct impact on any particular group.
Budget and Policy Framework	Amendments to the Constitution need to be approved by Council.
Key Decision	This is not a Executive Decision
Urgent Decision	This is not an Executive Decision
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. The Council's Constitution prescribes the framework for Council decision making and the procedures that are followed.
9. Some updating of the Constitution will be needed from time to time and there are also a number of updates and changes proposed to ensure that the overall Constitution remains up-to-date and fit for purpose.
10. All of the proposed changes are set out in the **Appendix**. Further additional information and detail about particular areas of change is set out below:

Additional information

11. The headings below correspond to the headings in the Appendix.

SUMMARY AND EXPLANATION

Code of Conduct - Criminal Records Checks for Councillors

12. The Council does not currently have a requirement that members should undergo criminal records checks upon being elected to office.
13. Candidates standing for election as a councillor are required at the nomination stage to declare that they are not disqualified from standing for office. Making a false statement on a nomination form is a criminal offence. A candidate is disqualified if on the day of nomination and polling day, if
 - (a) They had been sentenced to three months or more imprisonment (including a suspended sentence), without the option of a fine, during the five years before polling day (and the period allowed for appeal of the conviction has passed. They are not disqualified while appeal against conviction is underway);
 - (b) They are subject to the notification requirement or order under the Sexual Offences Act 2003, and the ordinary period allowed for making an appeal or application in respect of the order or notification has passed (they are not disqualified while appeal against disqualification is underway). This applies to a person who is subject to any relevant notification requirements or relevant order made on or after 28 June 2022;¹
 - (c) They are subject to bankruptcy restrictions order or interim order;
 - (d) They have been disqualified under the Representation of the People Act 1983 for an illegal practice (three years from conviction) or for a corrupt practice (five years from conviction);

¹ S.81A Local Government Act 1972, as amended by the Local Government Disqualification Act 2022

- (e) They have been convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate or campaigner or holder of a relevant elective office under the Elections Act 2022 (five years from conviction);
 - (f) There are also disqualifications for staff employed by the local authority they intend to stand for and for people working in politically restricted posts.
14. In January 2024, the Minister for Local Government, wrote to local authorities urging that enhanced Disclosure and Barring Service (DBS) check are undertaken for all councillors being considered for appointment to any committee which discharges education or social services functions. This was one of the suggestions that had been made by an Independent Review of the Disclosure and Barring Regime carried out by Simon Bailey in April 2023. [Criminal record checks for councillors: letters to local authorities and the Local Government Association - GOV.UK](#)
15. This suggestion has been considered. While all Councillors are eligible to have a basic DBS check, the ability to have enhanced checks is more limited. The Safeguarding Vulnerable Groups Act 2006, Schedule 4, Part 1, 1 sets out a number of roles that people may perform (regulated activity) that brings them into contact with children that would enable an enhanced DBS to be carried out Safeguarding Vulnerable Groups Act 2006 ([legislation.gov.uk](#)). Essentially this is about working with children. [Safeguarding Vulnerable Groups Act 2006 \(legislation.gov.uk\)](#). The Safeguarding Vulnerable Groups Act 2006, Schedule 4, Part 1, 4 used to specify that some councillors who are members of an executive or committee discharging any education functions, or social services functions, will be eligible for Enhanced DBS checks. However Schedule 4, Part 1, 4 of the Safeguarding Vulnerable Groups Act 2006, was repealed by the Protection of Freedoms Act 2012. The eligibility of local authority members to have enhanced DBS checks based on their involvement in decision making functions would appear to be not currently available.
16. It is suggested that all members are asked to undergo a basic check (rather than reference enhanced DBS checks). A basic DBS check costs £21.50, so the cost for all members would be £1,075. It is suggested that this is carried out following election to office (if a DBS check was undertaken this annually, there is an annual update service of £16 per application). Consideration of the frequency of DBS checks if not just about the application fee but will also involve resource implications for officers and members involved in the DBS process. Given that no DBS checks were undertaken following the 2023 elections, the suggestion is that following agreement to adopt this change we will then proceed with DBS checks for all current members.
17. So far as enhanced DBS checks, the Monitoring Officer has written to the Disclosure and Barring Service for clarification of their approach. Subject to confirmation from the Disclosure and Barring Service that they will facilitate enhanced checks, it is suggested that the Monitoring Officer is delegated to move forward with enhanced DBS checks for Councillors appointed to serve as Cabinet members or Children's and Young Persons Scrutiny Committee, Adults Scrutiny Committee or Corporate Parenting Panel. Enhanced checks cost £49.50 and the extra cost for those members to have an enhanced checks will be £952.

18. Consideration is also needed about how any material that arises from a DBS check is dealt with. This will depend on precisely what is disclosed. In the first instance it is suggested that the Monitoring Officer should evaluate the material to consider what action is necessary. This might be disclosure to the police (for instance, if the information revealed would have meant the member was ineligible to stand as a candidate) or if there are safeguarding concerns for a risk assessment to be carried out and appropriate safeguarding measures put in place.

Rights and Responsibilities of the Public

19. Members of the public are entitled to photograph, film, record, broadcast meetings of the Council. This right is set out in the Openness of Local Government Bodies Regulations 2014. Details of this entitlement are included in the constitution. The constitution also has provisions that regulate conduct at meetings. It has been thought helpful to clarify matters for persons who photograph or film meetings. This is not to stop them from carrying out this activity but just to ensure that there is no misunderstanding about the role of the person chairing the meeting, to ensure that the meeting proceeds without being disrupted by the conduct of persons attending.
20. A Protocol has also been drafted to provide some additional guidance to persons attending meetings who intend to film, photograph or record during the meetings. This should make it easier for people who want to do this, to understand the expectations but also to members and officers to ensure that expectations are clear and that proceedings run smoothly. There are particular considerations concerning the removal of recording equipment should a meeting move into private session and about the public and young persons being filmed or photographed. The Protocol is referenced under the 'Access to Information Procedure Rules' heading in the Appendix and is set out in 4.12 of the Codes and Protocols section of the Appendix.

The Decision Making and Scrutiny Committee Working Group

21. Members will be aware that the Decision Making and Scrutiny Committee Working Group started meeting in July 2024 to consider and review the operation of scrutiny committees and wider Council decision making.
22. Members of the working group are currently looking at a number of key themes concerning the Council's scrutiny function; work programming; meeting format; member awareness, engagement and training; public engagement; officer engagement and resource.
23. The Working Group also plans to look at the following aspects of Council decision making: Reports; Questions (Members and Members of the Public); Time Limits; Set-Up and Recording; Accessibility
24. The output from the Working Group is likely to include a number of recommendations and further changes to the constitution will be needed. Depending on the nature of any proposals, wider engagement and consultation may be needed before proposals can be considered by Council, but it should be possible for a further constitution change report to go forward for decision in the 2025 municipal year.

Financial Implications

25. A basic DBS check costs £21.50 and an enhanced check is £49.50. Note - the fees quoted are the revised DBS fees applicable from the 2 December 2024.
26. The cost for all members to undergo a basic DBS check will be £1,075.
27. The additional cost for some members serving on particular committees (Cabinet members, Children's and Young Persons Scrutiny, Adults Scrutiny and Corporate Parenting Panel) to have an enhanced DBS check instead of a basic check will be £952 [34 members [8 +10+10 +6] x £49.50 but less the cost of the basic check for 34 members]

Legal Implications

28. The Local Government Act 2000 requires that the adoption of a local authority's Constitution is exercised by the Council.

Consultation

29. The Constitution update has been raised with Chief Officers and Senior Managers as part of the review.
30. An all member briefing about the proposed changes was held on Wednesday 30 October 2024.
31. On the 31 October 2024 the proposals were considered by the Efficiency and Resources Scrutiny Committee.
32. On the 4 November 2024 the Audit Committee was consulted on a proposals relevant to the Committee.
33. Concerning DBS checks, members were broadly supportive. A view was expressed of the desirability to seek enhanced DBS checks for members carrying out the particular roles that had been identified in the ministerial letter.
34. Members will note that the recommendation includes a delegation to the Monitoring Officer enabling the Council to move forward with enhanced DBS checks subject to confirmation from the Disclosure and Barring Service.
35. A number of issues were raised about filming at meetings, including the subsequent use of the material, ensuring people were not filmed during breaks in meeting, health and safety concerns about equipment and the need to ensure that members of the public, including people coming to ask questions are made aware of filming.
36. Further clarity about this issue can be given at meetings by Chairs, but also with the meeting papers and on the Council website. Some minor changes to the Protocol have also been made as a result.

37. The possibility of the Council filming meetings was also discussed. This would have resource implications, and it is something that could be further considered by the Decision Making and Scrutiny Committee Working Group.
38. Members of the Audit Committee agreed with the suggested changes to the terms of reference of the committee. It was suggested that reference if made to CIPFA which has been done.

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CONSTITUTION REVIEW 2024

SCHEDULE OF PROPOSED CHANGES

PART 1 - SUMMARY AND EXPLANATION

SUMMARY AND EXPLANATION

Section	Existing Wording	Proposed Wording	Reason/Comments
Elections and Councillors' Length of Office	6. The last Elections in Darlington were held in May 2015 and the next ones will be held in May 2019	6. The last Elections in Darlington were held in May 2023 and the next ones will be held in May 2027	Dates need updating
The Mayor	11. Further details on the role and responsibilities of The Mayor are available on the Council's website	11. Further details about The Mayor is available on the Council's website	Simpler wording
Roles and Functions of Councillors	15. Further details on the role and responsibilities of Members are available on the Council's website	15. Further details about Members is available on the Council's website	Simpler wording
Code of Conduct	n/a	New 18. Following their election to office, all Councillors are required to have a basic Disclosure and Barring check <i>[subject to confirmation from the Disclosure and Barring Service that they will facilitate enhanced Disclosure and Barring checks]</i> Councillors appointed to serve on Cabinet or Children's and Young Persons Scrutiny Committee or Adults Scrutiny Committee or Corporate Parenting Panel will be required to have enhanced Disclosure and Barring checks.	Response to Ministerial advice Criminal record checks for councillors: letters to local authorities and the Local Government Association - GOV.UK (www.gov.uk)

Rights and Responsibilities of the Public	46. The public can photograph, film, record and blog at meetings. Further details are set out in the Access to Information Procedure Rules.	46. The public can photograph, film record and blog at meetings so long as it does not disrupt the meeting. Further details are set out in the Access to Information Procedure Rules.	Clarification
Rights and Responsibilities of the Public	53 In summary, citizens have the right to :- ...and submit a petition to the Council and to receive a response to the issues raised in that petition. Should the petition contain enough signatures (1,000 or more) it could trigger a debate at a Cabinet meeting.	Insert (1,000 or more)	Clarification

PART 2 - RESPONSIBILITY FOR FUNCTIONS

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Section	Existing Wording	Proposed Wording	Reasons/Comments
Functions of the Full Council	<p>12. The Policy Framework comprises the following Plans and Strategies</p> <p>Mandatory Children and Young People Plan Corporate Plan Community Safety Plan Library Plan Licensing Authority Policy Statement Local Plan Core Strategy - plans and strategies that comprise the Development Plan Local Transport Plan Medium Term Financial Plan Youth Justice Plan</p> <p>Discretionary</p>	<p>12. The Policy Framework comprises the following Plans and Strategies</p> <p>Mandatory Children and Young People Plan Council Plan Community Safety Plan Licensing Authority Policy Statement Local Plan Core Strategy - plans and strategies that comprise the Development Plan Local Transport Plan Medium Term Financial Plan Youth Justice Plan</p> <p>Discretionary</p>	<p>Corporate Plan is now the Council Plan</p> <p>The Library Plan is no longer mandatory, so moved to Discretionary.</p>

	<p>Child Poverty Strategy Economic Strategy Environment Strategy Health and Well Being Strategy Housing Strategy Leisure Strategy (Sport and Physical Recreation) Organisational Development Strategy Transport Strategy Treasury Management Strategy</p>	<p>Child Poverty Strategy Economic Strategy Environment Strategy Health and Well Being Strategy Housing Strategy Leisure Strategy (Sport and Physical Recreation) Organisational Development Strategy Transport Strategy Treasury Management Strategy Library Plan</p>	
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SCHEDULE 1 – COUNCIL COMMITTEES

Page 87

Section	Existing Wording	Proposed Wording	Reasons/Comments
8. Audit Committee	Delete existing wording	<p>AUDIT COMMITTEE PROTOCOLS</p> <p>The membership of the Audit Committee shall be restricted to two Members from the Executive (Cabinet). The Chair shall not be a Member of the Executive (Cabinet)</p> <p>The purpose of the Audit Committee is to provide independent assurance to the members of the adequacy of the risk management framework and to the internal control environment. It provides independent review of governance, risk management and control framework, oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</p>	<p>To simplify text and align with format of other committees</p> <p>Based on Stockton on Tees Borough Council (the internal audit service is shared with Stockton BC)</p>

The work of the Committee is informed by the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and recommended practice.

TERMS OF REFERENCE

- (a) To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances
- (b) monitor the integrity of the Council's financial statements and review the Annual Statement of Accounts;
- (c) To review the Annual Governance Statement;
- (d) To oversee risk management and the Council's risk registers;
- (e) To review any proposed changes to accounting policies and procedure rules;
- (f) To review the performance of the Treasury Management Strategy and forward any comments to Cabinet and Council;
- (g) To approve the role and responsibilities of the Internal Audit Service (the Services' functions, aims and objectives);
- (h) To receive and consider the Council's External Auditor's Audit Results Report;
- (i) To approve the internal audit plans;
- (j) To receive external audit plans;

		<p>(k) To review Internal Audit work on a quarterly basis; internal and external annual reports together with any management response and receive details of specific significant issues highlighted via audit work and refer Cabinet or Council, as appropriate, any issues arising which are key in nature; and</p> <p>(l) To consider the arrangements for the promotion of high standards of conduct and wider corporate governance.</p>	
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SCHEDULE 2 - CABINET

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Section	Existing Wording	Proposed Wording	Agreed/Comments
Resources Portfolio	Communication and One Darlington Magazine	Corporate Communications and marketing	A broader definition is preferable (One Darlington is just one of a number of channels).

SCHEDULE 3 – SCRUTINY COMMITTEES

Section	Existing Wording	Proposed Wording	Reason/Comments
Economy and Resources Scrutiny Committee	Communication and One Darlington Magazine	Corporate Communications and marketing	A broader definition is preferable (One Darlington is just one of a number of channels).

SCHEDULE 4 – SCHEME OF DELEGATION TO OFFICERS

Section	Existing Wording	Proposed Wording	Reason/Comments
Introduction Paragraph 1	The Council has adopted a vision expressed in the phrase One Darlington: Perfectly Placed Council Plan which aspires to provide fairness and prosperity for the people of Darlington To enable that vision managerial and operational decisions are taken, within a framework of democratic accountability, at the most appropriate level, which is usually the closest point of contact to the citizen. This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council’s services within the budget and policy framework set by the Council, and subject to the guidelines set by the Executive and the Council’s management team.	The most important decisions will be taken by members, but on a day to day basis many decisions will need to be made by officers under delegated powers. This scheme of delegation is to be interpreted widely to enable staff to carry out their functions and deliver the Council’s services within the budget and policy framework set by the Council, and subject to the guidelines set by the Executive and the Council’s management team.	Simplification and clarity
Permissions (a) Powers in relation to staffdetermination and application of conditions of service, including but not limited to allocation of leave, honorariums, ill health retirement and determination of establishment except as detailed in the Staff and Employment Exceptions chart.determination and application of all conditions of service, (including but not limited to allocation of leave, honorariums, ill health retirement) and determination of establishment except as detailed in the Staff and Employment Exceptions chart.	Clarification

<p>Areas of Responsibility</p> <p>Assistant Director of Resources</p>	<p>Insurance and Treasury Management</p>	<p>VAT, insurance and Treasury Management</p>	<p>Omission</p>
<p>Assistant Director (Housing and Revenues)</p>	<p>Council Housing Management</p>	<p>Council Housing Management, including day to day repairs and maintenance</p>	<p>Movement of division</p>
<p>Head of Strategy, Performance and Communications</p>	<ul style="list-style-type: none"> • Systems Development and Support • Corporate Communications • Media Relations • Internal Communication • Web and Social Media • Design and Print • Marketing and Advertising • Council Plan • Corporate Performance 	<ul style="list-style-type: none"> • Council Plan • Corporate Communications and marketing • Equality and Inclusion • Corporate Strategy and policy • Corporate Performance • Corporate systems development, support and processes • Corporate web development and content 	<p>To reflect changed responsibilities.</p>
<p>Assistant Director Highways and Capital Projects</p>		<ul style="list-style-type: none"> • Delivery of Highways Construction and Maintenance Programme • Highways Maintenance Projects, Transport, Planning and Asset Management • Bridges and Highway Structures, Private Sector Works, Street Works, Highway Inspections, Insurance Claims, Asset Management and Street Lighting • Highway Network Management, Highway Development, Intelligent Transport System, Traffic Data Collection, Casualty Reduction Analysis, Traffic Management Projects, Traffic Signals, Highways Technical Support, School Crossing Patrol, 	<p>To reflect changed responsibilities.</p>

		<p>Highway/Transport Design, Road Safety Education, Sustainable Transport and Rights of Way</p> <ul style="list-style-type: none"> • Capital Project management, Capital Process Methodology, Capital Projects Technical Support and advice, Architectural Consultancy, Building Services Consultancy, Framework Consultancy Commissions, Cost Consultancy Services and Estimating and Tendering, Investment and Funding • Project/Programme Management and Development • Flood Risk Management • Council Property Services Management 	
Assistant Director Community Services		<ul style="list-style-type: none"> • Street Scene, Crematorium and Cemeteries, Arboriculture, Countryside, Allotments, Parks and Open Spaces and Play Area Ranger Service/Friends Groups, Waste Management, Fleet Management and Maintenance, Winter Maintenance Call Out, Environmental Campaigns, Nursery and Building Cleaning • Libraries, Dolphin Centre, Eastbourne Sports Complex, Hopetown, Hippodrome and Theatre Hullabaloo, Events and Programming, Town Centre Management, Sports and Physical Activity Programme, Schools and Community Catering • Rail Heritage 2025 	To reflect changed responsibilities.
Exceptions - Contracting			
Exceptions - Contracting	<p>Heading</p> <p>EU Threshold</p>	<p>Replace with:</p> <p><i>[when the Procurement Act is in force]</i></p> <p>Procurement Act Threshold</p>	To reflect post Brexit arrangements

Exceptions – Contracting Waive Contract Procedure Rules	Strategic Procurement Council and the Procurement Board in accordance with Contract Procedure Rules	Strategic Procurement The Procurement Board in accordance with Contract Procedure Rules	Clarification – this role is not undertaken by Council
Exceptions – Contracting Waive Contract Procedure Rules	Over £100K Council and the Procurement Board in accordance with Contract Procedure Rules	Over £100K The Procurement Board in accordance with Contract Procedure Rules	Clarification – this role is not undertaken by Council
Exceptions – Contracting Extension of Fixed Term Contracts	Reference to Cabinet	Replace with Procurement Board	To reflect the Contract Procedure Rules
Exceptions – Finance			
Exceptions – Finance – Capital Expenditure	Director in consultation with the Group Director of Operations	Change across all headings to Assistant Director Resources	Current practice
Exceptions – Finance – Other	Write off Debts	Change from £500 to £1,000	Inflationary increase
Exceptions – Finance – Other	Submit bids for funding to the relevant body where the deadline occurs prior to the next meeting of Cabinet	Submit bids for funding to the relevant body	The requirement to get Cabinet approval before submitting a funding bid is an unnecessary step.

	Negotiate and manage leasing arrangements Group Director of Operations	Change across all headings to Assistant Director Resources	Current Practice
Include new	n/a	Agree the distribution and allocation of government grant funding as per the grant conditions when the Council is acting as the intermediary party Up to £100k Assistant Director in Consultation with the Assistant Director Resources Over £100k Group Director of Operations	Expediency of delivery of funding
	Write off any surplus or efficiencies in respect of one stock item	delete	No stores anymore
Exceptions – Staff and Employment			
Exceptions – Staff and Employment Dismissal of the S151 Officer (Group Director of Operations) and the Monitoring Officer (Assistant Director, Law and Governance)	Member Decision Human Resources Chief Officers Appointment Panel. An Independent report must be prepared before a decision can be made Council Decision Can be taken by Full Council	Member Decision Human Resources Committee. A report from the Human Resources Advisory Panel made by the Independent Person must be prepared before a decision can be made Council Decision Must be taken by Full Council	Clarification Ties up with Appendix 4 in the Officer Employment procedure rules

Determine Appeals against final written warnings	Group Director of Operations	All Directors	Clarification
	Directors Implement immediate action to ensure the safety of staff up to £1,000 from the existing revenue budget	Change to £2,000	Inflationary increase
To carry out the powers and duties under the Health and Safety at Work etc Act	As an employer – All Directors and otherwise than as an employer – Group Director of Services	As an employer – All Directors	Clarification
To carry out the powers and duties under the Health and Safety at Work etc Act		Add additional box Otherwise than as an employer, the Assistant Director Economic Growth	Clarification
Exceptions – Legal			
Exceptions – Legal	Institute criminal proceedings....., or which any of the Queen’s subjects may prosecute; and offences of common assault on behalf of an employee, if so required	Change to King’s	Update

PART 3 – PROCEDURE RULES

3.1 - COUNCIL PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reason/Comments
Timing and Business	1(f) appoint the Cabinet , Scrutiny Committees, Quasi-Judicial Committees....	Delete	The Leader has sole responsibility to appoint members to Cabinet
Order of Business	4(p) Questions to the Police, Crime and Victims Commissioner in accordance with the Police Reform and Social Responsibility Act 2011	Delete Add (p) Membership Changes	Dealt with at a separate meeting
Notice of and Summons to Meetings	10. The Council will give at least five days notice	add Notice will also be posted on the Council’s Website	To reflect current practice
Scope of Questions	16(b) is defamatory, frivolous or offensive;	16(b) is defamatory (or potentially so), frivolous or offensive;	Clarification
Record of Questions	17. The Assistant Director Law and Governance will keep a record of questions asked (available for public inspection) and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting	17. The Assistant Director Law and Governance will keep a record of all questions received (available for public inspection) other than those rejected under rule 16 and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions to be asked , will be circulated to all Members and will be made available to the public attending the meeting and on the Council’s Website.	Clarification

3.2 - ACCESS TO INFORMATION PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reason/Comments
Rights to Photograph, Film, Record, Blog etc at Meetings	n/a	After para 8 insert: a new paragraph 9 and renumber subsequently 9. Your attention is drawn to the Council's Protocol on photography, filming, recording and broadcasting at the Council meeting	Clarification It is suggested that the Protocol is included in the Protocols section of the Constitution. See 4.12 below
Access to Agenda and Reports at the Meeting	13. Unless the Proper Officer (Assistant Director Law and Governance), decides otherwise, all Members of the Council shall be provided with full copies of the agenda and reports to be presented to meetings, including those containing exempt and/or confidential information. The Council will make copies of the agenda and reports open to the public available for inspection at the public office of the Council (Town Hall, Darlington) at least five clear days before the meeting.	13. Unless the Proper Officer (Assistant Director Law and Governance), decides otherwise, all Members of the Council shall be provided with full copies of the agenda and reports to be presented to meetings, including those containing exempt and/or confidential information. The Council will make copies of the agenda and reports open to the public available for inspection at the public office of the Council (Town Hall, Darlington) at least five clear days before the meeting and on and on its website www.darlington.gov.uk	

3.3 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reason/Comments
Process for Developing Policy Framework	2(a) Details of Cabinet's consultation process shall be included in relation to each of these matters in the Forward Plan and published at the Town Hall, Darlington.	2(a) Details of Cabinet's consultation process shall be included in relation to each of these matters in the Forward Plan and published on the Council's website.	Updating

<p>Process for Developing Policy Framework (Brett)</p>	<p>2(q) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by Cabinet, in accordance with these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council</p>	<p>2q. In approving the budget and policy framework, the Council will also specify the extent of variation within the budget and degree of in-year changes to the policy framework which may be undertaken by Cabinet, in accordance with these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council</p>	
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3.6 - FINANCIAL PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Agreed/Comments
Budgets - Capital	<p>39(a) the actual or projected final costs of a scheme increase by the lesser of 10 % or £100,000 and the increase in costs is required to be met from the Council’s own capital resources or have an impact on the availability of resources for other schemes</p>	<p>39(a) the actual or projected final costs of a scheme increase by the lesser of 10 % or £150,000 and the increase in costs is required to be met from the Council’s own capital resources or have an impact on the availability of resources for other schemes</p>	Inflationary increase
Control of Income	<p>74. The Group Director of Operations shall write off sums up to £500 on debts which he/she considers that further action would be inappropriate after all appropriate recovery procedures have been attempted. Any other sums shall not be written off in the Council’s records without the authority of Cabinet</p>	<p>74. The Group Director of Operations shall write off sums up to £1,000 on debts which he/she considers that further action would be inappropriate after all appropriate recovery procedures have been attempted. Any other sums shall not be written off in the Council’s records without the authority of Cabinet</p>	Inflationary increase

Certification and Payments of Accounts	81. Any amendment to an account shall be made in ink and initialled by the Officer making it, stating briefly the reasons where they are not self evident	delete	All electronic now
Stores and Accounts	89 - 94	Delete	We no longer have stores.
Inventories	95. Inventories of furniture, equipment, computer hardware, plant and machinery shall be maintained by the Director of the department concerned and kept up to date. The form and extent of such inventories shall be approved by the Assistant Director Resources	Change to 95. Inventories of plant and machinery shall be maintained by the Director of the department concerned. The form and extent of such inventories shall be approved by the Assistant Director Resources	Update ICT devices are maintained by Xentrall and logged automatically when in use.

3.7 - CONTRACT PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reason/Comments
Throughout - where referenced	European Union, EU Rules ED Procedure EU Threshold Official Journal of the European Union (OJEU)	<i>When the Procurement Act 2023 is in force</i> Delete reference and replace with reference to UK legislation/arrangements, as appropriate.	To reflect post Brexit position
138.	Where contracts are completed by each side adding their formal seal, such contracts shall be signed by the Assistant Director Law and Governance or Authorised Signatory i.e. person authorised by Assistant Director Law and	Include at the end: The seals and the signature may be electronic.	Flexibility and efficiency

	Governance together with the fixing of Council's seal.		
139	Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.	Include at the end: The seals and the signature may be electronic.	Flexibility and efficiency

3.9 - OFFICER EMPLOYMENT PROCEDURE RULES

Section	Existing Wording	Proposed Wording	Reasons/Comments
Appointment of Head of Paid Service	2(1). A shortlist of applicants qualified for the post shall be selected by the Group Director of Operations in consultation with	A shortlist of applicants qualified for the post shall be selected by the Group Director of Operations (or their representative) in consultation with	
Appendix 1	12. Whenever provision is made for a notice to be sent, such notice must be in writing and may be sent by post, by e-mail or fax but in any event must be received by the recipient within the relevant period specified	12. Whenever provision is made for a notice to be sent, such notice must be in writing and may be sent by post or by e-mail but in any event must be received by the recipient within the relevant period specified	Reference to fax omitted
Appendix 2	7. A Cabinet Member objects to the appointment of a prospective Director on the grounds that he/she has a conviction for an offence involving dishonesty. The objection, would, clearly, be material and well-founded.	7. A Cabinet Member objects to the appointment of a prospective Assistant Director on the grounds that he/she has a conviction for an offence involving dishonesty. The objection, would, clearly, be material and well-founded.	
Appendix 4	2. A special meeting of Full Council will be summoned by the Assistant Director Law and Governance giving five clear working days notice,	2. A special meeting of Full Council will be summoned by the Assistant Director Law and Governance (or their representative) , giving five clear working days notice, unless the matter can	

	unless the matter can conveniently be dealt with at an ordinary meeting of the Full Council.	conveniently be dealt with at an ordinary meeting of the Full Council.	
	10. However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant a decision not to make the offer of appointment. This is seen as being very much an exceptional circumstance.	10.However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant dismissal. This is seen as being very much an exceptional circumstance.	
Appendix 5	6. However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant a decision not to make the offer of appointment. This is seen as being very much an exceptional circumstance.	6.However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant dismissal. This is seen as being very much an exceptional circumstance.	
Appendix 6	Protocol for Dismissal of Head of Service	Protocol for the Dismissal of Deputy Chief Officers	
	6. However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant a decision not to make the offer of appointment. This is seen as being very much an exceptional circumstance.	6.However, that is not enough in itself. It must also be material, i.e., it must be relevant to the process and the post and sufficient to warrant dismissal. This is seen as being very much an exceptional circumstance.	

PART 4 – CODES AND PROTOCOLS

4.4 - WHISTLEBLOWING POLICY

Section	Existing Wording	Proposed Wording	Reasons/Comments
46.	You may at any stage want to obtain help or advice from outside the Council and this can be obtained from a charitable organisation called 'Public Concern at Work'. They can be contacted through their website www.pcaw.co.uk or via their helpline at: helpline@pcaw.co.uk	You may at any stage want to obtain help or advice from outside the Council and this can be obtained from a charitable organisation called ' Protect, speak up, stop harm '. They can be contacted through their website Protect - Speak up stop harm - Whistleblowing Homepage (protect-advice.org.uk) or via their helpline at: 020 3117 2520	Change of name and contact details clarification

4.6 - PROTOCOL FOR COUNCILLORS AND OFFICER DEALING WITH PLANNING MATTERS

Section	Existing Wording	Proposed Wording	Reasons/Comments
Conduct of Officers	9(c) in all their professional activities, Officers shall not discriminate for any reason, but particularly on the grounds of age, gender, sexual orientation, disability, race, ethnicity, religion, or belief and shall seek to eliminate such discriminations by others and to promote equality of opportunity	9(c) in all their professional activities, Officers shall not discriminate for any reason, but particularly legally recognised protected characteristics along with locally agreed protected characteristics and shall seek to eliminate such discriminations by others and to promote equality of opportunity	Language used in relation to the types of protected characteristics can change (e.g. gender and sex). Suggested we don't list each characteristic.

4.7 - PROTOCOL FOR COUNCILLORS AND OFFICERS DEALING WITH LICENSING MATTERS

Section	Existing Wording	Proposed Wording	Reasons/Comments
Conduct of Officers	14(a) not discriminate in all their professional activities on the grounds of race, sex, creed,	14(a) not discriminate in all their professional activities, particularly in terms of legally recognised	Language used in relation to the types of

	religion, disability or age and shall seek to eliminate such discriminations by others and to promote equality of opportunity	protected characteristics along with locally agreed protected characteristics and shall seek to eliminate such discriminations by others and to promote equality of opportunity	protected characteristics can change (e.g. gender and sex). Suggested we don't list each characteristic.
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4.9 - CORPORATE GOVERNANCE

Section	Existing Wording	Proposed Wording	Reasons/Comments
10. Arrangements for Ensuring On-going Application and Effectiveness	The Corporate Group of officers will consist of the: - Chief Executive Group Director of Operations (S151 Officer) Assistant Director Law and Governance (Monitoring Officer) Head of Strategy, Performance and Communications	The Corporate Group of officers will consist of the: - Chief Executive Group Director of Operations (S151 Officer) Assistant Director Law and Governance (Monitoring Officer) Head of Strategy, Performance and Communications Complaints and Information Governance Manager	Updating
11. Further Information	(c) External Auditor Ernst & Young LLP Citygate, St James' Boulevard, Newcastle-upon-Tyne. NE1 4JD Tel. (0191) 2694887	(b) Forvis Mazars LLP. The Corner, Bank Chambers 26 Mosley Street Newcastle Upon Tyne, NE1 1DF www.mazars.co.uk	Updating

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4.12 – PROTOCOL ON PHOTOGRAPHY, FILMING, RECORDING AND BROADCASTING AT THE COUNCIL MEETINGS

Section	Existing Wording	Proposed Wording	Reasons/Comments
4.12	n/a – this is a new protocol	See the below text	Clarification

Protocol on photography, filming, recording and broadcasting at the Council meetings

1. Darlington Borough Council supports the principles of openness and transparency.
2. The purpose of this protocol is to provide guidance to Chairs of council meetings, Committees, Cabinet and elected Members and to the press or public on the taking of photographs, filming, recording and broadcasting of any of the Council's public meetings, including by digital and social media.
3. If the press or a member of the public proposes to film, photograph or record a meeting, it is advisable that they contact the Democratic Services Officer before the start of the meeting to ensure the necessary arrangements can be made and those participating in the meeting can be advised accordingly.

NOTE – Members of the public and film crews with more complex equipment should contact the Communications Team at least one working day prior to the meeting to allow appropriate arrangements to be made

4. When appropriate, the Chair of the Committee will make an announcement that the meeting is being filmed, photographed or recorded at the start of the meeting. They will also advise members of the public that they will not be filmed, photographed or recorded unless they have a role in the meeting, such as asking a question or making a representation, in which case they will be deemed to have given their consent.
5. Filming, recording or photographing of any public meeting must take place from a designated fixed position in the meeting room. Equipment must not block access routes, no trailing cables are allowed and equipment cannot be plugged into mains sockets.
6. Filming, recording or photographing must not include the public gallery/public seating area to avoid members of the public being filmed, photographed or recorded without their consent. No person under the age of 16 can be filmed, photographed or recorded without written permissions given by parent or guardian in advance.
7. Filming, recording or photographing must only commence at the beginning of the meeting when the Chair opens the meeting and must stop when the meeting closes, or goes into private session, or during any break in the meeting. Anything that is outside the scope of the meeting itself cannot be filmed.
8. No exempt or confidential agenda items will be filmed, recorded or photographed. Equipment must not be left in any room where a private meeting is held or a public meeting when it goes into private session.
9. Audible commentary must not be made during the meetings.

10. The use of flash photography or additional lighting is not permitted.
11. If the Chair of the meeting considers that the filming, recording or photographing is disrupting the meeting, or if the person conducting it does not abide by the protocol, the operator of the equipment will be required to stop filming, recording or photographing the meeting for the remainder of the session.

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**COUNCIL
28 NOVEMBER 2024**

REVIEW OF POLITICAL BALANCE – CHANGES TO COMMITTEE MEMBERSHIP

Councillor Stephen Harker, Leader

**Responsible Director -
Executive Director – Resources and Governance**

SUMMARY REPORT

Purpose of the Report

1. To advise Council of the outcome of a review to the political balance of the Authority resulting from a change to the membership of a political group and the recalculation of the percentage number of seats each political party/non-aligned Independents are entitled to.

Summary

2. Since the last review of the political balance of the Council in September 2024 there has been a change to the political make-up of the Council, following Councillor Robinson no longer being a Member of the Green Group on the Council.
3. Councillor Robinson will remain on the Council as an Independent Member.
4. Political Groups are allocated seats on the committees in accordance with political balance rules, which are set out in the report.
5. As a result of the change to the political balance, the Council is now required to review the allocation of seats to political groups.

Recommendations

6. It is recommended that Council :-
 - (a) Notes the change to the political balance of the Council.
 - (b) Agrees that the Green Group will lose one seat from the following Committees:
 - (i) Adults Scrutiny Committee
 - (ii) Health and Housing Scrutiny Committee, and
 - (iii) LEA Governors Committee.
 - (c) Agrees that Councillor Robinson will cease to be a member of Planning Committee and Licensing Committee;

- (d) Agrees that Councillor Coe ceases to be a member of the Climate Change Working Group;
- (e) Agrees that Councillor Robinson will be appointed to the LEA Governors Committee and the Climate Change Working Group;
- (f) Notes that the Adults Scrutiny Committee and the Health and Housing Scrutiny Committee will have one seat each that is unallocated at this time

Reason

7. To reflect the changed political balance of the Council and to comply with legislation.

Elizabeth Davison
Executive Director – Resources and Governance

Background Papers

Council Report, September 2024 – Review of Political Balance

Shirley Wright Extension 5998

Council Plan	The report contributes to the Council Plan in a number of ways through the involvement of Members in the work of those Committees
Addressing inequalities	The appointment of Councillors, will enable any inequality issues to be considered through the involvement of Councillors in the work of those Committees
Tackling Climate Change	The appointment of Councillors will enable any carbon impact issues to be considered through the involvement of Councillors in the work of those Committees
Efficient and effective use of resources	This report has no impact on the Council’s Efficiency Programme.
Health and Wellbeing	The appointment of Councillors to the various Committees will enable the health and well-being of the people of the Borough to be highlighted through the work, policies and decisions of those Committees
S17 Crime and Disorder	The report contributes to the prevention of crime and disorder, in a number of ways, through the involvement of Councillors in the work of those Committees.
Wards Affected	This report does not immediately affect any wards within the Borough.
Groups Affected	This report does not have any direct impact on the various community groups, however, the work of the Committee may have an affect on those groups.
Budget and Policy Framework	The appointment of Councillors will enable any Budget and Policy Framework issues to be considered when making decisions.
Key Decision	This is a non-Executive decision
Urgent Decision	This is not an urgent decision

Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers
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MAIN REPORT

Information and Analysis

8. The Council must allocate seats on committees to political groups in accordance with political balance rules. The rules for the allocation of seats are set out in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.
9. Section 15(5) of the Local Government and Housing Act 1989 sets out the principles as follows :-
 - (a) not all the seats on the body are allocated to the same political group;
 - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority in full council;
 - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
 - (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

Political Balance

10. The Committees to which the political balance rules apply are sometimes referred to as Counting Committees. The process for allocation is to count up the aggregate number of seats across all the counting committees and then work out the overall number of seats to be allocated to particular political groups according to their strength and also to Independent Members. Individual Committees are then considered by overall size and the number of seats is calculated by reference to the percentage representation individual political groups/ seats to be allocated to independent Members.
11. Seats are then allocated to individual committees. This is first done to fill the seats due to members of political groups and then to independent members.
12. Allocating seats in a proportionate way on individual committees to reflect the group/political distribution of members as a whole is more problematic the smaller committees become in size but also by the greater number of differing political groups. This will mean that it may not be possible to reflect the political balance on every committee, particularly for members of smaller groups, but balance will be sought as far as is reasonably practicable. This is recognised by S.15(4) of the Local Government and

Housing Act which states that the duty to allocate committee representation to political groups is 'so far as is reasonably practicable.'

13. In respect of this Council, the number of Counting seats available is 119 as follows :-

Table 1

Counting Committees	Seats
Human Resources Committee	11
Members Standards Hearing Committee	5
Audit Committee	6
LEA Governors Committee	4
Communities and Local Services Scrutiny Committee	10
Children and Young People Scrutiny Committee	10
Adults Scrutiny Committee	10
Economy and Resources Scrutiny Committee	10
Health and Housing Scrutiny Committee	10
Planning Committee	14
Licensing Committee	14
Climate Change Working Group	5
Council Decision Making and the Scrutiny Process	10
TOTAL	119

14. Using 119 as the total number of seats across the counting committees. Seats can be allocated to members of a recognised group as a proportion of the total number of councillors. The Independent members are not in a recognised political Group, so the seat allocation is made on an individual rather than group basis.

15. Following Councillor Robinson ceasing to be a member of the Green Group, the total number of seats allocated to each Group, and to individual Independent members is shown in the table below.

Table 2

GROUP	NO. OF MEMBERS	%	% OF SEATS	SEATS ALLOCATED (ROUNDED)
Labour	24	48	57.12	57
Conservatives	13	26	30.94	31
Green	6	12	14.28	14
Liberal Democrats	2	4	4.76	5
Independent (non-aligned)	1	2	2.38	2
Independent (non-aligned)	1	2	2.38	2
Independent (non-aligned)	1	2	2.38	2
Independent (non-aligned)	1	2	2.38	2
Independent (non-aligned)	1	2	2.38	2

16. The 119 seats are currently, as amended following September 2024 changes, allocated as follows :-

Table 3

COMMITTEE	LAB	CON	GREENS	LIB DEM	IND (x 4 Non- aligned)	TOTAL
Human Resources Committee	5	3	1	1	1	11
Members Standards Hearing Committee	2	1	1		1	5
Audit Committee	3	2	1			6
LEA Governors Committee	2	1	1			4
Communities and Local Services Scrutiny Committee	5	3	1	0	1	10
Children and Young People Scrutiny Committee	5	2	1	1	1	10
Adults Scrutiny Committee	5	2	2		1	10
Economy and Resources Scrutiny Committee	5	3	1	0	1	10
Health and Housing Scrutiny Committee	5	2	2		1	10
Planning Committee	7	4	2	1		14
Licensing Committee	6	4	2	1	1	14
Climate Change Working Party	2	1	1	0	1	5
Council Decision Making and Scrutiny Process	5	3	1	1	0	10
TOTAL	57	31	17	5	9	119

Revised Political balance

17. As Members will see from table 2 and 3 above, the Green Group are currently overrepresented by three seats.
18. In a situation where there has been a reduction of members of a political group, consideration will first be given to any committee where the members of the political group that have reduced in numbers now appears to be most overrepresented.
19. As matters currently stand, the Green group have 2 seats on Adults Scrutiny Committee and 2 seats on Health and Housing Scrutiny Committee. Both these committees have a membership of 10, the revised entitlement of the Green Group on a Committee of 10 is 1.20 seats.
20. The other committee where there is now over representation is the LEA Governors Committee. This committee has a membership of 4 and the revised entitlement of the

Green Group on a Committee of 4 is to 0.48 of a seat – ie no seat.

21. The suggestion is therefore is that the seats currently allocated to the Green Group on the following Committee's should be reduced by one seat on each of these Committees :-
 - (a) Adults Scrutiny Committee
 - (b) Health and Housing Scrutiny Committee, and
 - (c) LEA Governors Committee.

Change to the allocation to non-aligned Independent Members

22. One seat on the LEA Governors Committees should be allocated to a non-aligned Independents. The suggestion being that Councillor Robinson is given this seat.
23. As Cllr Robinson is no longer a member of the Green Group he will cease to be a member of Planning Committee and the Green Group will need to appoint to a Green Group vacancy on Planning Committee.
24. As Cllr Robinson is no longer a member of the Green Group he will cease to be a member of Licensing Committee and the Green Group will need to appoint to a Green Group vacancy on Licensing Committee.
25. Cllr Coe is a member of Communities and Local Services Scrutiny Committee and Economy and Resources Scrutiny Committee and the Climate Change Working Group. As a non aligned Independent member he is entitled to 2 seats.
26. The suggestion is that Cllr Coe ceases to be a member of the Climate Change Working Group and that this seat is reallocated to Cllr Robinson. This will give Councillor Robinson 2 seats

Revised Committees

27. Members will see from the table 4 below, that as a result of these changes the number of 'allocated' seats on the Counting Committees has fallen to 117 as opposed to the total of 119.
28. However, the distribution of the seats given to political groups on counting committees accords with the principles of political balance so far as is reasonably practicable and is line with the allocated percentages in table 2 above.
29. Allocating the remaining two seats to the political groups would depart from this and allocation the remaining seats between the Independent members would give members not in a political group disproportionately more seats that they are entitled to.
30. it is therefore suggested that the two seats one on the Adults Scrutiny Committee and one on the Health and Housing Scrutiny Committee should remain unallocated at this time.
31. The revised table of committees is as follows:

Table 4

COMMITTEE	LAB	CON	GREENS	LIB DEM	IND (X 5 Non- aligned)	TOTAL
Human Resources Committee	5	3	1	1	1	11
Members Standards Hearing Committee	2	1	1		1	5
Audit Committee	3	2	1			6
LEA Governors Committee	2	1			1	4
Communities and Local Services Scrutiny Committee	5	3	1	0	1	10
Children and Young People Scrutiny Committee	5	2	1	1	1	10
Adults Scrutiny Committee	5	2	1		1	9 (1 seat unallocated)
Economy and Resources Scrutiny Committee	5	3	1	0	1	10
Health and Housing Scrutiny Committee	5	2	1		1	9 (1 seat unallocated)
Planning Committee	7	4	2	1		14
Licensing Committee	6	4	2	1	1	14
Climate Change Working Group	2	1	1		1	5
Council Decision Making and Scrutiny Working Group	5	3	1	1		10
TOTAL	57	31	14	5	10	119 (2 unallocated)

Outcome of Consultation

32. No formal consultation has taken place on the report other than with the relevant Group Leaders

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COUNCIL
28 NOVEMBER 2024

COUNCIL TAX SUPPORT - SCHEME APPROVAL 2025-26

Responsible Cabinet Member – Councillor Mandy Porter, Resources Portfolio

**Responsible Director – Elizabeth Davison,
Executive Director of Resources and Governance**

SUMMARY REPORT

Purpose of the Report

1. To approve the Council Tax Support (CTS) scheme for 2025-26.

Summary

2. On 30 November 2023, Council approved the local CTS scheme for 2024-25 and the scheme became operational on 1 April 2024.
3. Councils are required to set a CTS scheme each year and as part of that exercise:
 - (a) Consider whether any changes should be made to the existing scheme, and
 - (b) Where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
4. This report sets out the details of the CTS scheme for 2025-26. No significant changes are proposed to the existing scheme.
5. This report was considered by Cabinet on 5 November 2024, who agreed its onward submission for approval by Council.

Recommendation

6. It is recommended that Council:
 - (a) Consider the contents of this report.
 - (b) Approve the CTS scheme for 2025-26 at **Appendix 1**.

Reasons

7. The recommendations are supported by the following reasons:
- (a) The Council is required to publish a local CTS scheme for 2025-26 by 11 March 2025.
 - (b) The CTS schemes since 2013 have all been implemented successfully without any major challenges.
 - (c) The continued application of a reduced entitlement for working aged people is still appropriate, given the current financial position of the Council.

Elizabeth Davison
Executive Director of Resources and Governance

Background Papers

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

Anthony Sandys: Extension 6926

Council Plan	This report supports the Council Plan's ECONOMY priority to build a strong sustainable economy and highly skilled workforce with opportunities for all
Addressing inequalities	Working aged recipients of CTS are treated differently to pensioners, whose CTS entitlement is decided under a national set of regulations
Tackling Climate Change	There are no issues which this report needs to address
Efficient and effective use of resources	The operation of the local CTS scheme continues to represent a significant financial challenge to the Council and other precepting authorities
Health and Wellbeing	The CTS scheme may have an adverse impact on the health and well-being of low-income groups
S17 Crime and Disorder	There are no issues
Wards Affected	All wards are affected but in particular, those with higher numbers of people claiming CTS
Groups Affected	Working age recipients of CTS are affected by the local scheme. Pensioners are protected under a national set of regulations.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework
Key Decision	This is not an Executive decision
Urgent Decision	This is not an Executive decision
Impact on Looked After Children and Care Leavers	Care leavers under the age of 25 are exempt from Council Tax and are therefore unaffected by the CTS scheme

MAIN REPORT

Information and Analysis

8. Since 2013, the previous national Council Tax Benefit scheme was replaced with local CTS schemes, designed and administered by local authorities. Grants are paid to local authorities to fund CTS, but the overall amount does not fully meet actual expenditure levels.
9. The Council is required to design and publish a new CTS scheme each year, in time to implement for annual Council Tax billing. A full public consultation exercise and an equality impact assessment were undertaken on the initial scheme in 2013.
10. Each year, the Council must consider whether any changes should be made to the existing scheme and, where changes are made, consider what transitional protection, if any, should apply to anyone affected by those changes.
11. Each year's scheme then must be approved by full Council.
12. The key feature of Darlington's CTS scheme is that working aged people can only receive a maximum of 80% support towards their Council Tax. From April 2023, care leavers under the age of 25 were made exempt from Council Tax, under our discretionary powers. Therefore, they are unaffected by the CTS scheme. Pensioners are protected under a national set of regulations.
13. No other changes are recommended for the 2025-26 CTS scheme however, Members should note the following:
 - (a) The applicable amounts in Table 1 and non-dependant deductions in Table 2 are those amounts currently applied to the 2024-25 CTS scheme and will be updated for 2025-26. The updated amounts will be calculated with reference to the amended Prescribed Requirement regulations. These regulations will be published in January 2025 and the CTS scheme for 2025-26 will therefore be amended before publication.
 - (b) Any other changes to the Prescribed Requirements regulations 2025 will also be incorporated into the CTS scheme for 2025-26 before publication. These changes are for reference only and do not represent a change to the local CTS scheme.

Financial Implications

14. The recommendation in paragraph 6 will not have any significant financial implications and therefore it is not intended to amend the budget in the MTFP.

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Council Tax Support Scheme

2025 - 2026

Introduction

1. Council Tax Support (also referred to as Council Tax Reduction) is the means of helping people on low incomes pay their Council Tax. Each Council Tax billing authority is responsible for setting its own local Council Tax Support scheme every year.
2. Pensioners are protected from the effects of local schemes by a national framework of rules and eligibility. Working aged people however are subject to the provisions of the locally defined scheme.
3. On 30 November 2023, Darlington Borough Council approved the Council Tax Support scheme for 2024-2025, which became operational from 1 April 2024.
4. This document sets out Darlington Borough Council's scheme for 2025-2026 and should be read in conjunction with the following regulations.
 - (a) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.
 - (b) The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012.
 - (c) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013.
 - (d) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2014.
 - (e) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014.
 - (f) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015.
 - (g) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016.
 - (h) The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017.
 - (i) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018.
 - (j) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020.
 - (k) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021.

- (l) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022.
- (m) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023.
- (n) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024.

Executive Summary

Prescribed requirements

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

Key features of Darlington's Council Tax Support scheme

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

- (b) The number of dependent children who live in the household and their circumstances.
- (c) The number of other adults who live in the household and their circumstances.
- (d) The amount of Council Tax, less any other discounts or reliefs.

Temporary absence from home

10. There are no temporary absence rules for working aged people in Darlington's Council Tax Support scheme. Anyone who is liable for Council Tax on a dwelling which is their sole or main residence and not subject to a Council Tax exemption is able to claim Council Tax Support. The temporary absence rules for pensioners are set out in Schedule 1, Part 1, paragraph 5 of the regulations.

Students

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

Extended payments

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

Backdating

13. An automatic backdating rule exists for Council Tax Support claims. Claims can be paid for any period where entitlement to Council Tax Support exists. There is no requirement for a person to show 'good cause' as to why they didn't claim earlier.

14. The backdating rules for pensioners are set out in Schedule 8, Part 2, paragraph 6 of the regulations.

Discretionary discounts

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

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

People who can claim Council Tax Support

Who can claim

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

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

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

People in receipt of a qualifying benefit

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

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

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

People with income equal to or less than their applicable amount

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

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

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

People with income more than their applicable amount

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

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

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

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

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

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

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

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

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

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

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

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

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

Pensioners with income equal to or less than their applicable amount

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

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

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

Pensioners with income more than their applicable amount

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

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

33. Having claimed Council Tax Support, this class of people will have their income compared to their applicable amount. The amount of Council Tax Support will be reduced by 20% of the amount the income exceeds the applicable amount. Entitlement will be up to a maximum

of 100% of their eligible Council Tax, less any deductions for non-dependants.

Alternative maximum Council Tax Support

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

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

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

Pensioners with war pensions

36. Pensioners with war pensions are classed as:

- (a) Pension aged
- (b) Liable to pay Council Tax on a dwelling they occupy as their sole or main residence
- (c) Not absent from the dwelling, as defined in Schedule 1, Part 1, paragraph 5 of the regulations
- (d) In receipt of a war pension, as defined by The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009.

37. Having claimed Council Tax Support, this class of people will be assessed in accordance with the prescribed regulations for pensioners. Any war pension will be fully disregarded.

Pensioners

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

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

- (a) A person is a 'pensioner' if they have attained the qualifying age for state Pension Credit; and

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

Membership of a family

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

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

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

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

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

- (a) A couple
- (b) A couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person
- (c) A person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person

- (d) A child or young person includes those in respect of whom section 145A of the Social Security Child Benefit Act 2005 applies for the purposes of entitlement to Child Benefit
 - (e) A young person does not include those who are in receipt of Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, Universal Credit; or a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.
43. The rules for circumstances in which a person is to be treated as responsible or not responsible for another are set out in paragraph 7 of the regulations. These state:
- (a) A person is to be treated as responsible for a child or young person who is normally living with them
 - (b) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household they are living in, they will be treated as normally living with;
 - i. the person who receives Child Benefit in respect of that child or young person, or
 - ii. if there is no such person, the person who has claimed Child Benefit, or the person who has the primary responsibility for them.
44. The rules for membership of a household are set out in paragraph 8 of the regulations. These state:
- (a) The claimant and any partner who are treated as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household
 - (b) A child or young person is not treated as a member of the claimant's household where they are;
 - i. placed with the claimant or their partner by a local authority under section 22C or 23(2)(a) of the Children Act 2002 or by a voluntary organisation under section 59(1)(a) of that Act, or
 - ii. placed with the claimant or their partner prior to adoption, or
 - iii. placed with the claimant or their partner in accordance with the Adoption and Children Act 2002
 - (c) A child or young person is not treated as a member of the claimant's household where they are not living with the claimant as they are;
 - i. being looked after by a local authority under a relevant enactment, unless they live with the claimant for part or all of a relevant week or the authority

considers it reasonable to do so taking into account the nature and frequency of that child's or young person's visits, or

- ii. placed with a person other than the claimant prior to adoption, or
- iii. placed for adoption in accordance with the Adoption and Children Act 2002.

Non-dependants

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

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

Persons from Abroad

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

- (a) Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme
- (b) Except where a person falls within paragraph (e) below, a person is to be treated as not being in Great Britain if the person is not habitually resident in the United

Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland

- (c) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places
- (d) A right to reside does not include a right which exists by virtue of, or in accordance with;
 - i. regulation 13 of the EEA regulations 2016,
 - ii. regulation 14 of the EEA regulations 2016, but only in a case where the rights exist under that regulation because the person, or a family member, is a jobseeker for the purpose of the definition of a 'qualified person' in regulation 6(1) of those regulations,
 - iii. regulation 16 of the EEA regulations 2016, but only in a case where the right exists under that regulation because the claimant satisfies the criteria in paragraph (5) of that regulation,
 - iv. a person having been granted limited leave to enter, or remain in the United Kingdom under the Immigration Act 1971 by virtue of;
 - 1. Appendix EU to the immigration rules made under section 3(2) of that Act (except a person who has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland and would have a right to reside under EEA Regulations 2016 if the relevant person of Northern Ireland were an EEA national),
 - 2. being a person with a 'Zambrano' right to reside as defined in Annex 1 and Appendix EU to the immigration rules made under section 3(2) of that Act;
 - 3. having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- (e) A person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, except;
 - i. a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of the Afghan Relocations and Assistance Policy, or the previous scheme for locally-employed staff in Afghanistan,

- ii. a person in Great Britain who left Afghanistan in connection with the collapse of the Afghan government that took place on 15 August 2021,
- iii. a person in Great Britain who was residing in Ukraine immediately before 1 January 2022, left Ukraine in connection with the Russian invasion, which took place on 24 February 2022 and has been granted leave in accordance with immigration rules under section 3(2) of the Immigration Act 1971, or has a right to abode in the United Kingdom within the meaning given in section 2 of that Act, or does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,
- iv. a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7 October 2023, left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7 October 2023 or the violence which rapidly escalated in the region following the attack and;
 - 1. has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 - 2. has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - 3. does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,
- v. a person who was residing in Sudan before 15 April 2023, left Sudan in connection with the violence which rapidly escalated on 15 April 2023 in Khartoum and across Sudan and;
 - 1. has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 - 2. has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - 3. does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act,
- vi. a qualified person (or their family member), for the purposes of regulation 6 of the EEA regulations 2016 as a worker or self-employed person,
- vii. a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA regulations 2016,
- viii. a family member of a relevant person of Northern Ireland, with a right to reside, provided that the relevant person of Northern Ireland is a qualified person, or would do so but for the fact they are not an EEA national,

- ix. a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020,
- x. a family member of a frontier worker, who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971,
- xi. a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees, as extended by Article 1(2) of the Protocol relating to the Status of Refugees,
- xii. a person who has been granted leave outside of the rules under section 3(2) of the Immigration Act 1971,
- xiii. a person who has humanitarian protection granted under those rules,
- xiv. a person who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of their deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom,
- xv. a person in receipt of Income Support or income related Employment and Support Allowance,
- xvi. a person in receipt of income based Jobseekers Allowance and has a right to reside in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland,
- xvii. a Crown servant or member of HM forces posted overseas and the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

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

- (a) Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in the Council's scheme, except;
 - i. a person who is a national of a state which has ratified the European Convention on Social and Medical Assistance, or a state which has ratified the Council of Europe Social Charter and who is lawfully present in the United Kingdom.
- (b) 'Persons subject to immigration control' has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

Applicable amounts

48. The applicable amount will be made up of a number of elements. These may include, depending upon individual circumstances:
- (a) A personal allowance for the claimant and their partner
 - (b) An amount for every child or young person who is a member of the family
 - (c) A family premium where at least one child or young person is part of the household
 - (d) Premiums for people in receipt of Employment and Support Allowance
 - (e) Premiums which may apply in special circumstances.
49. The weekly amounts to be included in the applicable amount are detailed below. The qualifying conditions for each of these personal allowances and premiums are set out in Schedule 3 of The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012. These are summarised in **Table 1**. The applicable amounts for pensioners are set out in Schedule 2 of the regulations.
50. The amounts detailed below in Table 1 are those stated within the 2024-2025 scheme and will be updated for 2025-2026. The updated amounts will be calculated with reference to the amended regulations.
51. People in receipt of Universal Credit will have their Council Tax Support calculated based on their Universal Credit maximum award.
52. The Family Premium does not apply from 1 May 2016, unless the conditions in paragraph 53 apply.
53. Claims for Council Tax Support where the Family Premium applied at 30 April 2016 will continue to be entitled to the Family Premium from 1 May 2016 until their claim for Council Tax Support ends or their household no longer includes at least one child or young person.

Table 1: Applicable Amounts

Personal allowances	Weekly amount 2024-2025	Weekly amount 2025-2026
Single claimant aged 18 to 24	£71.70	
Working aged single claimant aged 25 or over	£90.50	
Single claimant entitled to main phase Employment and Support Allowance	£90.50	
Working aged lone parent	£90.50	
Working aged couple	£142.25	
Couple entitled to main phase Employment and Support Allowance	£142.25	
Single claimant or lone parent who has attained pensionable age before 1 April 2021	£235.20	
Couple where one or both members have attained pensionable age before 1 April 2021	£352.00	
Single claimant or lone parent who has attained pensionable age on or after 1 April 2021	£218.15	
Couple where one or both members have attained pensionable age on or after 1 April 2021	£332.95	
A child or young person until the day before their twentieth birthday	£83.24	
Family premium	Weekly amount 2024-2025	Weekly amount 2025-2026
A household which includes at least one child or young person (but see paragraphs 52 and 53)	£19.15	
Employment and Support Allowance premiums	Weekly amount 2024-2025	Weekly amount 2025-2026
The claimant or their partner are in receipt of the work related activity component of Employment and Support Allowance	£35.95	
The claimant or their partner are in receipt of the support component of Employment and Support Allowance	£47.70	
Special circumstances premiums (entitlement limited to only one of the premiums below)	Weekly amount 2024-2025	Weekly amount 2025-2026

<p>Disability premium (single) – the claimant is registered blind, or in receipt of one or more of the following:</p> <ul style="list-style-type: none"> • Attendance Allowance • Disability Living Allowance • Mobility Supplement • Long term Incapacity Benefit • Severe Disablement Allowance • The disability or severe disability element of Working Tax Credit • Personal Independence Payment • Adult Disability Payment • Armed Forces Independence Payment 	£42.50	
<p>Disability premium (couple) – the claimant or partner is registered blind, or in receipt of one or more of the following:</p> <ul style="list-style-type: none"> • Attendance Allowance • Disability Living Allowance • Mobility Supplement • Long term Incapacity Benefit • Severe Disablement Allowance • The disability or severe disability element of Working Tax Credit • Personal Independence Payment • Adult Disability Payment • Armed Forces Independence Payment 	£60.60	
<p>Carers premium – the claimant or partner is entitled to Carers Allowance, the carers element in Universal Credit, or the carers addition in Pension Credit</p>	£45.60	
<p>Special circumstances premiums (entitlement can be applied on top of any other premiums awarded)</p>	Weekly amount 2024-2025	Weekly amount 2025-2026
<p>Severe disability premium (single rate) - for a single claimant, lone parent or couple where:</p> <ul style="list-style-type: none"> • The claimant or partner is receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or the daily living component of Adult Disability Payment at the standard or enhanced rate, or Armed Forces Independence Payment, and 	£81.50	

<ul style="list-style-type: none"> • No non-dependants aged 18 or over reside with them, and • No one is in receipt of a Carers Allowance, carers element, or carers addition for looking after them. 		
<p>Severe disability premium (double rate) – for a couple where:</p> <ul style="list-style-type: none"> • Both the claimant and partner are receiving Attendance Allowance, or the care component of Disability Living Allowance at the higher or middle rate, or the daily living component of Personal Independence Payment, or the daily living component of Adult Disability Payment at the standard or enhanced rate, or Armed Forces Independence Payment, and • No non-dependants aged 18 or over reside with them, and • No one is in receipt of a Carers Allowance, carers element, or carers addition for looking after both of them. 	<p>£163.00</p>	
<p>Enhanced disability premium (single) – where:</p> <ul style="list-style-type: none"> • The claimant has limited capability for work related activity, or • The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant’s family, or • The daily living component of Personal Independence Payment is payable for the claimant or any member of the claimant’s family, • The daily living component of Adult Disability Payment is payable at the enhanced rate for the claimant or any member of the claimant’s family, or • Armed Forces Independence Payment is payable for the claimant or any member of the claimant’s family. 	<p>£20.85</p>	

<p>Enhanced disability premium (couple) – where:</p> <ul style="list-style-type: none"> • The claimant or partner has limited capability for work related activity, or • The highest rate care component of Disability Living Allowance is payable for the claimant or any member of the claimant’s family, or • The daily living component of Personal Independence Payment is payable for the claimant or any member of the claimant’s family, • The daily living component of Adult Disability Payment is payable at the enhanced rate for the claimant or any member of the claimant’s family, or • Armed Forces Independence Payment is payable for the claimant or any member of the claimant’s family. 	<p>£29.75</p>	
<p>Enhanced disability premium (disabled child) – where:</p> <ul style="list-style-type: none"> • The highest rate care component of Disability Living Allowance is payable for a child or young person, or • The daily living component of Personal Independence Payment is payable for a child or young person, or • The daily living component of Adult Disability Payment is payable at the enhanced rate for a young person, or • Armed Forces Independence Payment is payable for a young person. 	<p>£32.20</p>	
<p>Disabled child premium – where a child or young person:</p> <ul style="list-style-type: none"> • Receives Disability Living Allowance, or • Receives Personal Independence Payment, or • Receives the daily living component of Adult Disability Payment, or • Receives Armed Forces Independence Payment, or • Is registered blind. 	<p>£80.01</p>	

Making a claim

54. The rules by which a person may apply for a reduction under an authority's scheme are set out in Schedule 7, Part 1 of the regulations. These state that:
- (a) The claim may be made in writing, by electronic communication means or by telephone
 - (b) A claim made in writing must be made to the Council on a properly completed form
 - (c) A claim is considered properly completed if it has been completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the claim
 - (d) Where a claim is defective because it has not been made on a form approved for the purpose, the Council may request the claimant to complete an approved form
 - (e) Where a claim is defective because it is not accepted as being properly completed, the Council may allow the claimant sufficient time to provide information and evidence in connection with the claim, or request further information and evidence
 - (f) If a claim made by electronic communication is defective, the Council must provide the claimant with an opportunity to correct the defect. A claim made by electronic communication is defective if the claimant does not provide all the information the Council requires.

Time and manner of making a claim

55. A claim for Council Tax Support may be made with the Council by completing the on-line claim form on the 'Council Tax Support' page of the Darlington Borough Council website. Where the Council holds sufficient information to decide entitlement to Council Tax Support, the claim may be made by telephone.
56. Where the Council becomes aware that a person may be entitled to Council Tax Support, or where a claim form has been requested, they will invite a claim by asking them to complete the on-line claim form or by contacting them by telephone.
57. Where a claim is made for Housing Benefit and the claimant or their partner is liable for Council Tax in respect of that dwelling, the claim for Housing Benefit will be deemed to be a claim for Council Tax Support.
58. Where a claimant notifies the Department for Work and Pensions of their intention to apply for Council Tax Support and as a consequence of this notification, the Department for Work and Pensions share details of the claimant's Department for Work and Pensions benefit with the Council, this data share will constitute an application for Council Tax Support.
59. The Council will offer assistance to the claimant to make their claim for Council Tax Support, where this is required.

Information and evidence

60. The rules for the information and evidence required to support a claim or ongoing award of Council Tax Support is set out in Schedule 8, Part 2, paragraph 7 of the regulations. These state:

- (a) The claim must be accompanied by a statement of the claimant's (and any other person in respect of whom they are making an application) national insurance number and information or evidence to establish that that number has been allocated to that person
- (b) Where the person has applied for a national insurance number, the claim must be accompanied by evidence of the application for a national insurance number to be allocated
- (c) The claim must be accompanied by any certificates, documents, information and evidence in connection with the claim or an award as may reasonably be required by the Council to decide the claim or a continuing award
- (d) The claimant must provide the Council with the information and evidence it requires to decide the claim or a continuing award within one month of a request to do so, or such longer time as the Council may consider reasonable
- (e) The claimant is not required to provide evidence of any income or capital which are disregarded under the Council Tax Support scheme.

61. Where information and/or evidence has already been verified by the Department for Work and Pensions in relation to a claim for Income Support, Jobseekers Allowance, Employment and Support Allowance, Universal Credit, or Pension Credit, the Council will also accept this as verified for any Council Tax Support claim or a continuing award.

Amendment and withdrawal of claim

62. The rules for the amendment and withdrawal of a claim for Council Tax Support is set out in Schedule 8, Part 2, paragraph 8 of the regulations. These state:

- (a) A person who has made a claim may amend it at any time before a decision has been made on it
- (b) A person who has made a claim may withdraw it at any time before a decision has been made on it.

Income and capital

Treatment of income

63. The income of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support. Where the person is receiving Universal Credit, the income will be the assessment of income provided by Universal Credit, plus the award of Universal Credit.

64. 'Income' includes any of the following:

- (a) Earnings
- (b) Social Security Benefits
- (c) Tax credits
- (d) Pensions
- (e) Maintenance
- (f) Income from rent / board and lodgings
- (g) Royalties
- (h) Student grants
- (i) Compensation payments.

65. Income will be calculated on a weekly basis. Any income paid for a period other than on a weekly basis, will be converted to a weekly figure. All income will be taken into account in full, unless a disregard applies.

66. The income to be taken into account will be the actual weekly income or likely average weekly income of the claimant and partner. This will be calculated over such a period as is likely, in the opinion of the Council, to provide the most accurate estimate.

67. In the case of earnings from employment, the earnings will be taken into account for the period they relate to, even if the person does not actually receive the earnings from their employer during that period.

68. In the case of earnings from employment, where employment is due to commence, an estimate of likely earnings will be based on whatever information is available from the person or the person's employer.

69. The treatment of income for pensioners is set out in Schedule 1, Part 6 of the regulations.

Earnings

70. The meaning of remunerative work is set out in paragraph 10 of the regulations. These state:

- (a) A person must be treated as in remunerative work if they are engaged on average, for not less than 16 hours a week, in work for which payment is made or expected
- (b) Where a person's working hours fluctuate, regard must be had to the normal cycle of work, the number of hours they are expected to work, or the 5 weeks immediately prior to the date of claim or such other length of time that may allow the person's weekly average hours of work to be determined
- (c) Where a person works at a school or other educational establishment, any vacation periods or holidays where they are not required to work will be disregarded for establishing the average hours for which they are working
- (d) Where no recognisable cycle can be established in respect of a person's work, regard must be had to the number of hours or average hours where these fluctuate, which they are expected to work in a week
- (e) Any periods of absence from work, such as holiday, will be disregarded for establishing the average hours for which the person is working
- (f) A person must not be treated as engaged in remunerative work if they are on maternity leave, paternity leave, adoption leave, shared parental leave, parental bereavement leave, or if they are absent from work because they are ill.

71. 'Earnings' mean any remuneration or profit derived from that employment and includes:

- (a) Bonuses or commission
- (b) Payments in lieu of remuneration
- (c) Payments in lieu of notice
- (d) Holiday pay
- (e) Payments by way of a retainer
- (f) Payments for expenses not wholly, exclusively and necessarily incurred in the performance of the employment
- (g) Statutory sick pay, maternity pay, paternity pay, shared parental pay, parental bereavement pay, or adoption pay.

72. A claimant or partner's net earnings will be the gross earnings less:

- (a) Income Tax

(b) National Insurance contributions

(c) Half of any sum paid by the employee towards an occupational or personal pension scheme.

73. Where the person is receiving Universal Credit, the earnings will be the assessment of earnings provided by Universal Credit.

74. The calculation of earned income for pensioners is set out in Schedule 1, Part 6 of the regulations.

75. The following sums will also be disregarded in the calculation of earnings:

(a) Temporary care provision payments in the calculation of earnings

(b) Payments relating to former employment paid after retirement

(c) Compensation payments for loss of employment

(d) Guarantee payments on medical or maternity grounds

(e) Payments for expenses wholly, exclusively and necessarily incurred in the performance of the employment

(f) For a single person, the first £5.00 each week of any earnings

(g) For a couple, the first £10.00 each week of any earnings

(h) For a lone parent, the first £25.00 each week of any earnings

(i) For people in receipt of contribution-based Employment and Support Allowance, Incapacity Benefit or Severe Disablement Allowance, where a permitted earnings disregard applies, the first £183.50 each week of any earnings

(j) For people entitled to the disability premium, the severe disability premium or one of the Employment and Support Allowance premiums, the first £20.00 each week of any earnings, except where the permitted earnings disregard applies

(k) For people entitled to the carers premium, the first £20.00 each week of any earnings

(l) For people in certain special occupations, the first £20.00 each week of any earnings. These are:

i. Part-time fire-fighters

ii. Auxiliary coastguards

- iii. Part-time life-boat workers
 - iv. Members of the Territorial Army or similar reserve force
- (m) For people in receipt of the additional earnings disregard in Working Tax Credit, an additional disregard of £17.10 each week of any earnings. If the additional disregard would result in a negative earned income figure, the disregard will be made from their Working Tax Credit
- (n) Disguised remuneration lump sum payments
- (o) Child care charges (see below).

76. The sums disregarded from pensioner's earnings are set out in Schedule 4 of the regulations.

Child care charges

77. Child care charges up to a maximum of £175.00 each week for one child, or £300.00 each week for two or more children, will be deducted from earned income, plus any Working Tax Credit and Child Tax Credit where:

- (a) A lone parent works 16 hours each week or more, or
- (b) Both members of a couple work 16 hours each week or more, or
- (c) One member of a couple works 16 hours each week or more and the other member of the couple is disabled, and the disability premium or one of the Employment and Support Allowance premiums is included in the couple's applicable amount due to this disability, or
- (d) One member of a couple works 16 hours each week or more and the other member of the couple is on maternity leave and receiving Statutory Maternity Pay or Maternity Allowance, or
- (e) One member of a couple works 16 hours each week or more and the other member of the couple is in hospital or prison.

78. The child must be under 15 years of age, or 16 if they are disabled, and the care must be provided by one of the following:

- (a) A registered child minder
- (b) A registered nursery or play scheme
- (c) An out of hours scheme run by an approved provider

- (d) An out of hours club provided by a school on school premises (this applies only if the child is aged 8 or over).

79. The treatment of child care charges for pensioners is set out in Schedule 1, Part 6 of the regulations.

Self-employed earnings

80. The weekly earnings of a self-employed claimant or partner will be calculated based on:

- (a) The most recent year's trading accounts, if the claimant or partner have been self-employed for one year or more, or
- (b) The estimated net weekly profit figure provided by the claimant or partner, if they have been self-employed for less than a year, together with any evidence of their recent actual income and expenses.

81. In calculating the estimated net weekly profit figure, the Council will use the gross income of the employment, less any expenses which are wholly and reasonably incurred for the purpose of the business. The following will not be allowable in the calculation of the estimated net weekly profit figure:

- (a) Sums employed or intended to be employed in setting up or expanding the business
- (b) Capital repayments on business loans, except where these are for replacing business equipment or machinery
- (c) Any other capital expenditure
- (d) Depreciation of any capital asset
- (e) Losses incurred before the beginning of the assessment period
- (f) Debts, other than proven bad debts
- (g) Business entertainment
- (h) Any sum for domestic or private use
- (i) Drawings from the business.

82. For child minders, one third of the gross profit will be used to calculate the gross income.

83. The net income will then be calculated by deducting an amount for tax, national insurance contributions and half of any pension contributions from the gross pre-tax profits.

84. In cases where the actual tax and national insurance contributions are not provided, the Council will estimate the likely tax and national insurance contributions payable.

85. The treatment and calculation of self-employed earnings for pensioners is set out in Schedule 1, Part 6 of the regulations.

Student grants

86. The whole amount of a person's grant income will be taken into account, with the exception of the following:

- (a) Payments for tuition fees or examination fees
- (b) Payments in relation to the student's disability
- (c) Payments for term-time residential study away from the student's educational establishment
- (d) Payments for another home at a place other than which the student resides during the course
- (e) Payments for books and equipment
- (f) Payments for travel expenses to attend the course
- (g) Payments for child care costs
- (h) Any special support grant, education maintenances allowances, 16-19 bursary fund payments, higher education grant, or higher education bursary for care leavers
- (i) Any other amounts intended for expenditure necessary to attend the course.

87. A student's grant income will be apportioned over the period of study the grant relates to.

Student covenant income

88. Where a student is receiving a grant and a contribution has been assessed, the whole of the covenant income will be taken into account.

89. A student's covenant income will be apportioned over the whole calendar year and an amount of £5.00 each week will be disregarded.

90. Where a student is not receiving a grant, the whole of the covenant income will be taken into account. In these circumstances, a student's covenant income will be apportioned as follows:

- (a) Any covenant income up to the amount of the standard maintenance grant will be apportioned over the period of study, less any amounts to be disregarded as set out above in 'Student grants'.

- (b) Any covenant income over the amount of the standard maintenance grant will be apportioned over the whole calendar year and an amount of £5.00 each week will be disregarded.

Student loans

91. The whole amount of a person's student loan will be taken into account, less any amounts to be disregarded in the same way as set out above in 'Student grants'. A student's loan will be apportioned over the period of study the loan relates to and an amount of £10.00 each week will be disregarded.

92. A person will be treated as having a student loan in respect of an academic year where:

- (a) A student loan has been made to them for that year, or
- (b) They could have taken reasonable steps to acquire a loan. In these cases, the amount to be taken into account will be the maximum amount they could have acquired for that year.

93. A loan for fees, known as a fee loan or a fee contribution loan will be fully disregarded.

Payments from access funds

94. A payment from access funds will be disregarded as income, with the exception of any payments intended for:

- (a) Food
- (b) Ordinary clothing or footwear
- (c) Household fuel
- (d) Water charges
- (e) Rent
- (f) Council Tax.

95. In these circumstances, the whole amount will be taken into account and an amount of £20.00 each week will be disregarded.

96. Where a payment from access funds is made to bridge the period until a student loan is received, the whole amount will be disregarded.

Student income treated as capital

97. The following amounts paid to students will be treated as capital:

- (a) A refund of tax deducted from a student's covenant income

- (b) An amount paid from access funds as a single lump sum, whatever the purpose of the payment.

Notional income

- 98. A claimant will be treated as possessing income of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.
- 99. The treatment of notional income for pensioners is set out in Schedule 1, Part 6 of the regulations.

Tariff income from capital

- 100. Where the claimant and their partner have capital in excess of £6,000 (but less than £16,000), a tariff income of £1.00 each week will be taken into account for every £250, or part of £250, over £6,000.
- 101. The calculation of tariff income from capital for pensioners is set out in Schedule 1, Part 6 of the regulations.

Other income

- 102. Any other income of the claimant or partner will be taken fully into account, with the exception of 'income disregarded' below.
- 103. Where deductions are being made from income in the recovery of overpayments or taxes, by public bodies, the gross income amount will be taken into account.

Income disregarded

- 104. The following income paid to the claimant or partner will be disregarded in full, unless otherwise stated:
 - (a) Any payment of expenses for participation in 'work for your benefit' schemes
 - (b) Any payment of expenses for attending mandatory work activity, employment, skills or enterprise schemes
 - (c) Any payment of expenses for a person who is a volunteer for a charitable or voluntary organisation
 - (d) Any payment of expenses for a person who participates as a service user
 - (e) Certain state benefits and pensions:
 - i. Adult Disability Payments

- ii. Armed Forces Independence Payments
 - iii. Attendance Allowance
 - iv. Bereavement Support Payments
 - v. Child Benefit
 - vi. Disability Living Allowance
 - vii. Discretionary Housing Payments
 - viii. Education Maintenance Allowance
 - ix. Guardian's Allowance
 - x. Housing Benefit
 - xi. Income Support
 - xii. Income based Jobseekers Allowance
 - xiii. Income related Employment and Support Allowance
 - xiv. Mobility supplements
 - xv. Personal Independence Payments
 - xvi. Any war pension, as defined by The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009
 - xvii. Widowed Mother's Allowance
 - xviii. Widowed Parent's Allowance
- (f) The income of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance
- (g) Universal Credit payments (for pension-aged claims only)
- (h) Any payment made to a person as a holder of the Victoria Cross or George Cross
- (i) Charitable or voluntary payments
- (j) Any income from capital
- (k) Any payments received from dependants or non-dependants

- (l) The first £20.00 each week of any rental payments from a person, other than a non-dependant, who occupies the claimant's home
- (m) The first £20.00 each week, and then 50% of any income over £20.00 each week, of any rental payments from a boarder, other than a non-dependant, who occupies the claimant's home
- (n) Any payment in kind made by a charity
- (o) Any income payable outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income
- (p) Any payment made for adoption, fostering, guardianship support or supported lodgings
- (q) Any payment made for a person who is not normally a member of the claimant's household, but is temporarily in their care
- (r) Any payment made by a Local Authority under section 17 of the Children Act 1989
- (s) Any payment ordered by a court for a personal injury, accident or disease in respect of the claimant or their family
- (t) Any payment made under an agreement to settle a claim for personal injury
- (u) Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments of a loan
- (v) Any income treated as capital
- (w) Any social fund payment, Local Welfare Assistance award or any equivalent scheme
- (x) Any payment for banking charges or commission, to convert a payment of income to sterling
- (y) Any payment made under the following:
 - i. The Macfarlane Trust
 - ii. The Eileen Trust
 - iii. The Independent Living Fund
 - iv. The Skipton Fund
 - v. The Caxton Foundation
 - vi. The London Bombing Relief Charitable Fund

- vii. The London Emergencies Trust
- viii. The We Love Manchester Emergency Fund
- ix. The Variant Creutzfeldt-Jacob Disease Trust
- x. An approved infected blood support scheme
- xi. The Thalidomide Health Grant or other Thalidomide Trust
- xii. Any Windrush Compensation Scheme payment
- xiii. Any historical child abuse payment
- xiv. The National Emergencies Trust
- xv. The Child Migrants Trust
- xvi. The Homes for Ukraine scheme
- xvii. The Victims of Overseas Terrorism Compensation Scheme
- xviii. Any Post Office compensation payment
- xix. Any vaccine damage payment

(z) Any payment of expenses for jurors, witnesses or prison visitors

(aa) Any refund of Council Tax

(bb) Any payment of child maintenance

(cc) The first £15.00 each week of any maintenance, other than child maintenance

(dd) Sports awards

(ee) Any victims' payments under the Victims' Payments Regulations 2020.

105. The income disregarded for pensioners is set out in Schedule 5 of the regulations.

Capital

106. The capital of the claimant and their partner will be added together, for the purpose of calculating entitlement to Council Tax Support.

107. Where the person is receiving Universal Credit, the capital will be the assessment of capital provided by Universal Credit.

108. All capital of the claimant or partner will be taken fully into account, with the exception of 'capital disregarded' below.
109. Where capital is jointly held by the claimant or partner and one or more other persons, the Council will apportion the capital to decide what share is held by the claimant or partner.
110. Where the value of the capital item is not known, the Council will calculate the value of the capital item using the information available to provide the most accurate estimate, including:
 - (a) The current market or surrender value of the capital item
 - (b) Less any costs for selling the capital item
 - (c) Less any debt or charge secured against the capital item.
111. The treatment and calculation of capital for pensioners is set out in Schedule 1, Part 6 of the regulations.

Income treated as capital

112. The following payments will be treated as capital:
 - (a) Holiday pay, paid 4 weeks or more after termination of employment
 - (b) Tax refunds
 - (c) Lump sum charitable or subsistence payments
 - (d) Arrears of Tax Credits.

Notional capital

113. A claimant will be treated as possessing capital of which they or their partner have deliberately deprived themselves of, to qualify for Council Tax Support.
114. The treatment of notional capital for pensioners is set out in Schedule 1, Part 6 of the regulations.

Capital disregarded

115. The following capital held by the claimant or partner will be disregarded in full, unless otherwise stated:
 - (a) The dwelling normally occupied by the claimant as their home
 - (b) Any property which is actively being sold

- (c) Any property acquired by the claimant which they intend to occupy as their home, whilst they are preparing for occupation
- (d) Any property acquired by the claimant, which they intend to occupy as their home, which is undergoing essential repairs or alterations
- (e) The proceeds of sale of any property formerly occupied by the claimant as their home, which is to be used for the purchase of another property intended for their occupation
- (f) Any property occupied by a partner or relative of the claimant or any member of their family, where that person is a pensioner or is disabled
- (g) Any property occupied by the former partner of the claimant as their home, where the former partner is a lone parent, or where the property is actively being sold
- (h) The capital of a person in receipt of Income Support, income based Jobseekers Allowance or income related Employment and Support Allowance
- (i) Any future interest in property, other than land or premises where the claimant has granted a lease or tenancy
- (j) The assets of any business owned by the claimant for the purpose of their self-employment
- (k) Any arrears of state pensions, benefits or tax credits
- (l) Any amount paid to the claimant, or acquired by the claimant as a loan, as a result of damage or loss of the home or personal possessions and intended for its repair or replacement
- (m) Any amount deposited with a Registered Provider, which is to be used for the purchase of another property intended for occupation
- (n) Any personal possessions
- (o) The value of the right to receive any income under an annuity or the surrender value of an annuity
- (p) Where the funds of a trust resulted from a payment for a personal injury to the claimant or their partner, the value of the trust fund and the right to receive any payment under that trust
- (q) The value of the right to receive any income under a life interest or from a life rent
- (r) The value of the right to receive any income payable in a country outside the United Kingdom where there is a prohibition against the transfer to the United Kingdom of that income
- (s) The surrender value of any life insurance policy

- (t) Where payments of capital are made by instalments, the value of the right to receive any outstanding instalments
- (u) Any payment made by a local authority under section 17 of the Children Act 1989
- (v) Any payment made for adoption, fostering, guardianship support or supported lodgings
- (w) Any social fund payment, Local Welfare Assistance award or any equivalent scheme
- (x) Any refund of tax deducted on a payment of loan interest for the purpose of acquiring a home or carrying out repairs or improvement to the home
- (y) Where a payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling
- (z) Any payment made under the following:
 - i. The Macfarlane Trust
 - ii. The Eileen Trust
 - iii. The Independent Living Fund
 - iv. The Skipton Fund
 - v. The Caxton Foundation
 - vi. The London Bombing Relief Charitable Fund
 - vii. The London Emergencies Trust
 - viii. The We Love Manchester Emergency Fund
 - ix. The Variant Creutzfeldt-Jacob Disease Trust
 - x. An approved infected blood support scheme
 - xi. The Thalidomide Health Grant or other Thalidomide Trust
 - xii. Any Windrush Compensation Scheme payment
 - xiii. Any historical child abuse payment
 - xiv. The National Emergencies Trust
 - xv. The Child Migrants Trust

- xvi. The Homes for Ukraine scheme
- xvii. The Victims of Overseas Terrorism Compensation Scheme
- xviii. Any Post Office compensation payment
- xix. Any vaccine damage payment
- (aa) The value of the right to receive any rent
- (bb) Any payment in kind made by a charity
- (cc) Any refund of Council Tax
- (dd) Any payment made by a local authority to the claimant, to be used to purchase a property for occupation as their home, or to carry out repairs or alterations to the home
- (ee) Any payments for:
 - i. travel expenses for hospital visits
 - ii. medical supplies and vouchers
 - iii. health in pregnancy grants
- (ff) Home Office payments for prison visits
- (gg) Any payment made to assist a disabled person to obtain or retain their employment
- (hh) Any payment made by a local authority under the Blind Homeworkers' Scheme
- (ii) Any capital administered on behalf of a person by the High Court, County Court, or the Court of Protection
- (jj) Any payment to the claimant as a holder of the Victoria Cross or George Cross
- (kk) Any payment made to assist a person under the self-employment route
- (ll) Any payment of a sports award
- (mm) Any payment of an education maintenance allowance
- (nn) Any payment made by a contractor for a person participating in an employment zone programme
- (oo) Any arrears of subsistence allowance

(pp) Any payment made by a local authority for a service which is provided to develop or sustain the capacity of the claimant or their partner to live independently in their accommodation, including personal budgets

(qq) Any victims' payments under the Victims' Payments Regulations 2020.

116. The capital disregarded for pensioners is set out in Schedule 6 of the regulations.

Calculation of entitlement

Maximum Council Tax Support

117. The amount of a person's maximum Council Tax Support for a day which they are liable to pay Council Tax will be 80%.
118. The amount of Council Tax Support will be calculated as A divided by B and multiplied by 80% where:
- (a) A is the amount of Council Tax set for the financial year for the dwelling the person resides in and for which they are liable, less any discount which applies
 - (b) B is the number of days in that financial year
 - (c) Less any non-dependant deductions.
119. Where a person is jointly and severally liable for Council Tax, which they are liable with one or more other persons, the maximum amount of Council Tax Support will be the amount in A divided by the number of people who are jointly and severally liable. This will not apply if the only person they are jointly and severally liable with is their partner.
120. The maximum Council Tax Support for pensioners is set out in Schedule 1, Part 5 of the regulations.

Council Tax Support taper

121. The percentage of excess income over the applicable amount (or Universal Credit maximum award) which will be deducted from the weekly maximum Council Tax Support will be 20%.

Non-dependant deductions

122. A deduction from a person's maximum Council Tax Support will be made for non-dependants, as follows. The amounts detailed below are those stated within the 2024-2025 scheme (**Table 2**) and will be uprated for 2025-2026. The uprated amounts will be calculated with reference to the amended regulations.

Table 2: Non-dependant deductions 2024-2025

Non-dependant type	Weekly amount
A non-dependant aged 18 or over in remunerative work where their normal gross weekly income is:	
Less than £256.00	£4.90
Not less than £256.00 and less than £455.00	£10.05
Not less than £455.00 and less than £554.00	£12.60
Not less than £554.00	£15.10
A non-dependant aged 18 or over not in remunerative work	£4.90

123. In calculating the gross income of a non-dependant, any amounts which would normally be disregarded for a Council Tax Support claimant, will also be disregarded for a non-dependant.
124. Only one non-dependant deduction will be made for a couple, and the amount deducted will be based on their joint income, calculated as above.
125. Where a person is jointly and severally liable for Council Tax for a dwelling they reside in, which they are liable with one or more other persons, the amount of the non-dependant deduction will be apportioned equally between those liable persons.
126. Non-dependant deductions will not be made in the following circumstances:
 - (a) Where the claimant or their partner is blind
 - (b) Where the claimant or their partner receives Attendance Allowance, or the care component of Disability Living Allowance, or the daily living component of Personal Independence Payment, or Armed Forces Independence Payment, or the daily living component of Adult Disability Payment
 - (c) Where the non-dependant normally resides elsewhere
 - (d) Where the non-dependant receives a training allowance
 - (e) Where the non-dependant is a full-time student
 - (f) Where the non-dependant is not residing with the claimant because they have been an in-patient for more than 52 weeks (without any break exceeding 28 days)
 - (g) Where the non-dependant receives Income Support, income based Jobseekers Allowance, income related Employment and Support Allowance, or Pension Credit
 - (h) Where the non-dependant receives Universal Credit, where the award has been calculated on the basis that they do not have any earned income
 - (i) Where the non-dependant is aged under 18
 - (j) Where the non-dependant is not residing with the claimant because they are a member of the armed forces and they are absent, while on operations, from the dwelling usually occupied as their home.
127. Where the income of the non-dependant is not known or has not been provided, the Council will assume that the maximum deduction will apply.
128. The rules for non-dependant deductions for pensioners are set out in Schedule 1, Part 3 of the regulations.

Date on which a claim is made and entitlement begins

129. The rules for the date on which a claim is made are set out in Schedule 8, Part 2, paragraph 5 of the regulations. These state:

- (a) Where an award of Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit has been made to the claimant or their partner; and the claim for Council Tax Support is made within one month of the date of the claim for one of those benefits; the date of claim will be the first day of entitlement to those benefits
- (b) Where the claimant or their partner is receiving Pension Credit (guarantee credit), Income Support, income-based Jobseekers Allowance, income-related Employment and Support Allowance, or Universal Credit; and they become liable for Council Tax for the first time; and the claim for Council Tax Support is made within one month of the date of the change; the date of claim will be the date on which the change takes place
- (c) Where the claimant is the former partner of a person who was entitled to Council Tax Support before the date of death or separation; and the claimant makes a claim for Council Tax Support within one month of the date of death or separation; the date of claim will be the date of death or separation
- (d) Where the claim for Council Tax Support is made within one month of a request to claim Council Tax Support, or such longer period as the Council considers reasonable, the date of claim will be the date on which the request was made
- (e) In all other cases, the date of claim for Council Tax Support will be the date the claim form is received by the Council.

130. Council Tax Support will begin on the date of claim unless:

- (a) The claimant requests the claim is paid for an earlier period, or
- (b) The Council identifies entitlement to Council Tax Support for an earlier period.

131. Council Tax Support will be awarded for an earlier period once the Council has received sufficient information and evidence to calculate entitlement to Council Tax Support for the earlier period.

132. The rules for the backdating of claims for pensioners are set out in Schedule 8, Part 2, paragraph 6 of the regulations.

Duration of award and reviews

133. Council Tax Support will be awarded for an indefinite period, until:

- (a) Council Tax liability ends

- (b) A change in the claimant or partner's circumstances results in Council Tax Support ending
- (c) The claimant fails to respond to a request for information or evidence in connection with their claim or an award.

134. The Council may review a person's entitlement to Council Tax Support at any time.

Extended reductions

135. A person who is entitled to Council Tax Support will be entitled to an extended reduction where:

- (a) The claimant or their partner were entitled to a qualifying benefit or any combination of those benefits of either;
 - i. Income Support, or
 - ii. Jobseekers Allowance (income based or contributory), or
 - iii. Employment and Support Allowance (income related or contributory), or
 - iv. Universal Credit, or
 - v. Incapacity Benefit, or
 - vi. Severe Disablement Allowance.
- (b) Entitlement to a qualifying benefit ceased because the claimant or their partner;
 - i. Commenced employment as an employed or self-employed earner, or
 - ii. Increased their earnings from their employment, or
 - iii. Increased the number of hours in their employment.
- (c) Providing that the claimant remains liable for Council Tax at the dwelling in which they reside during the extended reduction period.

136. The extended reduction period will start on the day after Council Tax Support would normally have ended after the qualifying benefit has ceased and will last for 4 weeks or up to the day Council Tax liability at the dwelling in which they reside ends, if this is earlier.

137. The amount of the extended reduction will be the higher of:

- (a) The amount of Council Tax Support which the claimant was entitled to before the qualifying benefit ceased, or

- (b) The amount of Council Tax Support which the claimant is entitled to after the qualifying benefit ceased.

138. The rules for extended reductions for pensioners is set out in Schedule 1, Part 7 of the regulations.

Extended reductions – movers into Darlington

139. The rules covering people who move into Darlington who are in receipt of an extended reduction is set out in Schedule 8, Part 1, paragraph 2 of the regulations. These state:

- (a) Where a claim for Council Tax Support is made and the claimant or their partner is in receipt of an extended reduction from another authority, the Council must reduce any entitlement to Council Tax Support by the amount of that extended reduction.

Decision making and notifications

Decisions and notification

140. The rules by which the Council must make and notify decisions for Council Tax Support are set out in Schedule 8, Part 3 of the regulations. These state:
- (a) The Council must make a decision on a Council Tax Support claim within 14 days of receiving all the information and evidence for that claim, or as soon as reasonably practicable after that date
 - (b) The Council must notify the claimant in writing of any decision relating to a Council Tax Support claim within 14 days of making the decision, or as soon as reasonably practicable after that date
 - (c) The decision notice must include a statement informing the claimant of their duty to notify changes of circumstances, explaining the consequences of failing to comply with that duty, and setting out the changes which may affect entitlement to Council Tax Support
 - (d) Where the decision is to award Council Tax Support, the notice must include a statement as to how it will be paid
 - (e) The decision notice must include the procedure by which an appeal may be made
 - (f) The claimant may request a statement of reasons about the notification, within one month of the date of the notification. The statement of reasons must then be sent to the claimant within 14 days of the request, or as soon as reasonably practicable after that date
 - (g) A person affected by a decision relating to Council Tax Support will be the claimant, or where the person who is liable for Council Tax is unable to act, the accepted or appointed person who has made an application on their behalf.

Payment of Council Tax Support

141. The rules for the payment of Council Tax Support are set out in Schedule 8, Part 4 of the regulations. These state:
- (a) Payment of Council Tax Support will be made to the person entitled to the reduction of their Council Tax liability
 - (b) Where a person is jointly and severally liable for Council Tax, payment of Council Tax Support will be paid to the person entitled to the reduction of an appropriate amount of their Council Tax liability, rounded to the nearest penny
142. Payment of Council Tax Support will be made by reducing the Council Tax liability of the person entitled to the reduction.

Electronic communications

143. The rules by which the Council can undertake electronic communications is set out in Schedule 7, Part 4 of the regulations. These state:

- (a) The Council must meet certain conditions to allow electronic communication in relation to its Council Tax Support scheme
- (b) The Council may use intermediaries in connection with electronic communication in relation to its Council Tax Support scheme
- (c) Any information delivered by the Council by electronic means must meet all the other conditions relating to its Council Tax Support scheme
- (d) Proof of identity of the sender or recipient of information will need to be verified where information is sent or received by electronic means
- (e) The Council will need to establish procedures to verify delivery of information by electronic means.

Changes in decisions

Duty to notify changes of circumstances

144. The duty to notify changes of circumstances is set out in Schedule 8, Part 2, paragraph 9 of the regulations. These state:

- (a) The claimant, or a person acting on their behalf, must notify the Council of any changes of circumstances which they might reasonably be expected to know may affect their entitlement to Council Tax Support
- (b) Notification of a change of circumstances may be made in writing, by telephone or by any other means agreed by the Council and within 21 days of the change occurring, or as soon as reasonably practicable after that date.

145. Notifications of changes of circumstances in writing may be made by completing the on-line change of circumstances form on the 'Council Tax Support' page of the Darlington Borough Council website.

Date on which a change of circumstances will affect Council Tax Support

146. The Council will review the amount of Council Tax Support, following a change of circumstances, as follows:

- (a) Where entitlement to Council Tax Support continues after the change, Council Tax Support will change on the Monday following the date the change occurred
- (b) Where entitlement to Council Tax Support ends after the change, Council Tax Support will end on the Sunday of the week in which the change occurred
- (c) Where Council Tax liability changes or ends, Council Tax Support will be changed or ended on the same day.

Ending Council Tax Support

147. Council Tax Support will end in the following circumstances:

- (a) Council Tax liability ends
- (b) A Council Tax exemption applies
- (c) A change of circumstances occurs, which ends entitlement to Council Tax Support
- (d) A change of circumstances occurs, but there is insufficient information or evidence to decide if entitlement to Council Tax Support will continue
- (e) The claimant fails to provide, when requested, sufficient information or evidence to decide if entitlement to Council Tax Support will continue, one month following the date of the request or such longer time as the Council considers reasonable.

Revisions

148. An original decision relating to a claim for Council Tax Support may be revised by the Council at any time, where:

- (a) The original decision was made in error, or
- (b) The original decision was made in ignorance of a material fact.

Appeals

149. The rules by which a person may make an appeal against certain decisions of the authority are set out in Schedule 7, Part 2, paragraph 8 of the regulations. These state:

- (a) A person who disagrees with a decision in relation to their Council Tax Support claim may appeal in writing, stating their grounds for appeal
- (b) The Council must consider the appeal and notify the person in writing of the outcome of their appeal and the reasons for the decision, within 2 months of the appeal being received
- (c) If the person is still aggrieved or if the Council fails to notify the person of the outcome of their appeal within 2 months of receiving their appeal, they may appeal to a valuation tribunal under section 16 of the 1992 Act.

Downward adjustments of Council Tax Support

150. Any additional Council Tax liability created as a result of a downward adjustment of Council Tax Support entitlement, will be treated under the national Council Tax regulations.

Discretionary reductions

151. The rules for an application for a discretionary reduction are set out in Schedule 7, Part 3, paragraph 9 of the regulations. These state:

- (a) An application for a reduction under section 13A(1)(c) of the 1992 Act may be made in writing, by telephone, or by electronic means
- (b) A claim for Council Tax Support may also be treated as an application for a reduction under section 13A(1)(c) of the 1992 Act.

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**COUNCIL
28 NOVEMBER 2024**

LEADER OF THE COUNCIL OVERVIEW

Purpose of the Report

1. To inform and update Members on the Leader's Portfolio since the last meeting of Council. The following are some of the areas of work under the Leader's Portfolio.

Strategic Transport

Active Travel and Bus Priority Improvements

2. TVCA undertook a public engagement exercise over the summer to outline plans for Active travel and bus priority work across the Tees Valley. Development work is progressing on the programme with the aim of commencing on site from September 2025, with delivery anticipated over an 18-month period. Further details on individual schemes will be provided as they are developed.

Darlington Station

3. Work on the construction of the multi-storey car park and station building at Darlington Station is continuing to be delivered on programme. The first section of the building was completed as planned, in September, allowing Network Rail to commence work for the new footbridge and platforms. The concourse shell is due to be complete by TVCA in mid-November 2024 which will then allow Network Rail to commence fit out; with final completion of the whole project by the end of 2025.
4. Alongside the TVCA led works, Network Rail continue to make good progress with their parts of the project. Work for the new platforms (5&6) is progressing well, with Smithfield Road underbridge widened to facilitate the new railway infrastructure. Demolition of the WHSmith Retail unit and removal of the roof tiles of the existing station, has commenced to prepare for the installation of the new footbridge.
5. Preliminary Design of the Western Gateway at Victoria Road is complete and been through a review panel with Department for Transport. This is enabling the project to move into the detail design and delivery phases.

Strategic Infrastructure

Local Area Energy Plans

6. Following the last update, TVCA is currently procuring consultant support to develop the Local Area Energy Plans. It is anticipated that the consultant will be appointed early in 2025, and the work will take around one-year to complete.

Bus Service Timetable improvements

7. TVCA has now taken on responsibility for the updating of at-stop information and is collaborating with local authorities to make improvements. A full update across all bus stops is progressing on the 2,592 bus stops with information cases across Tees Valley.
8. Later this year TVCA will be rolling out a new timetable template which will include information to make it easier for passengers to know who to speak to if they are unhappy with their journey, and will promote the TVCA 'Improve My Journey' webpage.
9. In addition, work is ongoing to replace the Real-Time Passenger Information with a new system which is due to go live in 2024 and replace the current obsolete displays with 90 modern display screens.

Climate Change

10. The Climate Change Cross Party Working Group met on 26 September. The Working Group heard that energy efficiency work carried out has enabled us, with the price rises over the past 3 years, to avoid almost £5m in energy costs.
11. We are also waiting on the outcome of the Climate Emergency UK Scorecards. These rank councils against what Climate Emergency UK considers we should be doing. Members will remember that last year's score carried a number of errors in their interpretation of our activity, so we hope that this year will be more accurate.

Blackwell Parkland

12. I attended the official handover of Blackwell Parkland in early October. This is the newest public park in Darlington and has been restored through Homes by Esh in conjunction with Darlington Borough Council. Chris Lloyd spoke, as ever in an informative style laced with plenty of humour, about the long history of Blackwell Grange and the Allan family that spans ten generations. The restoration is complete and now boasts mown grass paths, flora and fauna, bird houses and trees dubbed a "new, safe naturalistic space".

LGA conference

13. I attended the LGA conference, this year delayed until November because of the General election. The conversations and sessions at the conference focussed on the priorities and key challenges facing our sector, with shrinking budgets, escalating costs, and increasingly complex demands that are facing all Local Authorities.
14. The Deputy Prime Minister, Angela Rayner, addressed the conference. She expressed her gratitude to councils for their service to their communities, adding that local government is at the heart of the Government's vision for the country. The Secretary of State said Government would take a collaborative and constructive approach to councils facing financial difficulty and focus on those high-cost services and prevent people from needing them in the first place. It was a refreshing change to hear from a Secretary of State, and

her ministerial team, who genuinely understand the important role Local Authorities play in delivering vital services across the country.

Senior appointments

15. At September's Council meeting I reported that 4 senior managers had indicated their intention to retire early in the new year. Since that time Council the has started on the recruitment process, to ensure we have new appointments in place in a timely manner. I am pleased to report that there has been a healthy interest in each of the posts.
16. The HR appointment panels for each post will meet during December to consider the applications received.

External Meetings and Engagement

17. In addition to my regular meetings with outside partners, as part of my role as Leader, I have met with a number of organisations since the previous meeting of Full Council. These include: Woodlands Hospital, Lingfield Point, Darlington Building Society, Darlington Primary Care Network, Darlington College, and County Durham and Darlington Foundation Trust.
18. A special mention for the Stronger Communities awards which, with many other Councillors, I was delighted to attend. This event was first held in 2010 and provides an opportunity to publicly thank many individuals and organisations who make a positive difference to the wider community of the Borough. This year we had a record number of nominees – 422 – and a record number of people attending the awards evening.
19. In addition I have attended various meetings and engagements since the previous meeting of Council, some of which are listed below:
 - (a) Darlington Jobs Fair
 - (b) MP briefings
 - (c) Association of North East Councils
 - (d) Town Deal Board
 - (e) Annual meeting of the Darlington Library Trustees
 - (f) Remembrance Sunday and Armistice Day services

Councillor Steve Harker
Leader of the Council

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COUNCIL
28 NOVEMBER 2024

OVERVIEW OF ECONOMY PORTFOLIO

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

Environmental Health

2. The Environmental Health section has responded to 1,298 requests for service in Quarter 2 2024/2025. The main categories of these requests are:

(a) Food	109
(b) Licensing	96
(c) Noise	285
(d) Planning Enquiries	72
(e) Refuse	88
(f) Pest	217
(g) Personal searches	223

3. The Council's first Air Quality Strategy 2024 -2029 has been approved by Cabinet and outlines the actions and interventions the Council currently undertake to improve air quality and identifies new areas which are to be explored to make further improvements. Over the winter, Environmental Health is continuing with their anti-engine idling and 'Burn Right' campaigns.
4. Environmental Health has successfully prosecuted a resident of Wolsingham Terrace who failed to comply with a Community Protection Notice and continued to cause a nuisance to nearby residents from loud music and shouting persisting into the night. The court fined and awarded costs against the defendant of £1060 as well as granting the Council permission to dispose of the noise equipment which had previously been seized by officers.

Climate Change

5. We have tweaked the timings of reports to Council to bring them back in line to original timings. For various reasons, the timings had slipped, but we will bring them back to July for the full report with progress on carbon emissions reduction and January for the interim report. This means that the main report in July will be closer to the period that we are reporting on (previous year's performance).
6. The trial period for Defra's adaptation reporting power study, comes to an end in December. The report and risk assessment that must be submitted by then is being finalised. The Sustainability and Climate Change Lead Officer will cover this in the January report to Council.

Development Management

7. The application for the New Treasury Building has now been granted planning permission by the Council following a formal announcement from the Government. Further discussions have been had with the applicant's agent to further improve the design of the scheme. These discussions have been productive and are now complete. A further meeting with residents to explain the details of the scheme has taken place in conjunction with the Deputy Leader and local ward members. The Section 106 agreement associated with the permission has yet to be signed. Whilst there is a commitment to the scheme it is likely that some further amendments to the scheme will be negotiated at the applicant's request.
8. The matter was presented to Members of the Planning Committee on 7 August 2024. A decision was made to approve subject to the signing of a 106 agreement.
9. Further work is ongoing following the Outline Approvals for housing recently granted at Coniscliffe Park. A 106 legal agreement has now been signed. Discussions have been held with the developers regarding the further involvement of nearby residents prior to a formal detailed submission. This meeting has now taken place. Planning permission has been granted. Discussions with the developer for the Northern part of the site are well under way and a detailed submission is likely before Christmas.
10. Enforcement reports relating to unauthorised development are still currently increasing. Most reports continue to be solved at officer level. All more significant cases where there are ongoing investigations, Members are updated confidentially at Planning Committee on a monthly basis.
11. The National Infrastructure Project at Byers Green for solar panels is now progressing. Unlike most applications a decision on the matter will be dealt with by a Government Inspector, not the Council. The matter is currently being heard at a Public Inquiry. The Council and its partners are making submissions to the Inquiry.
12. Delivery onsite continues along Skinnergate and the Yards project, with enhancements completed to a significant number of properties and to the public realm. The planning application for Coniscliffe Road public realm proposals has been approved and is currently underway.

Building Control

13. Building Regulations applications and works progressing as normal, no issues to be reported.
14. A non-technical team member has started a 4-year levy funded training course for Building Control, which will give some future resilience to the service.
15. We now have a replacement Admin support assistant following a recent retirement.

16. Building Safety Regulator:

- (a) Internal procedures and audit reporting methodology is now in place to align with Building Safety Regulator requirements.
- (b) 4 Surveyors are now fully competence validated for the BSR with 1 surveyor progressing toward validation.

Business Investment

- 17. The number of business investment enquiries remains constant, with the main area of interests from the hospitality and hair and beauty sectors.
- 18. The Business Investment Team are promoting the range of business support services available through the UK Shared Prosperity Fund. A range of business start-up, business growth and business innovation initiatives are now available, including business advice, guidance, development activities, technical expertise and financial support to local businesses. The Business Team are working collaboratively with the Tees Valley Combined Authority and the service providers to raise awareness of these schemes and encourage Darlington businesses to engage and participate.
- 19. Almost 100 employers and support organisations attend the Darlington Jobs Fair on Wednesday 2 October. Attracting both public sector organisations and private businesses, the jobs fair boasts a wealth of opportunities for people of all ages, interests and backgrounds. Job sectors including construction, engineering, healthcare, logistics, manufacturing, professional services, retail, transport and uniformed public services were represented. Early feedback has indicated that a few employers have successfully recruited new employees following the event.
- 20. On the 2 October, the Business Team, working with Darlington Business Club, hosted an event to encourage greater awareness of DEEP (Darlington Employers Environment Partnership) and to engage with small and medium-sized enterprises. As a result, a number of businesses have now joined the Partnership and agreed to sign the DEEP pledge, which includes making sustainability a priority, reducing greenhouse gas emissions, and setting a target to reduce energy consumption.
- 21. The Business Investment team have attended the following Business Events:
 - (a) Network Network Business Festival – 24 September 2024
 - UK Science Park Association Conference – 17 October 2024
 - Tees Valley Supply Chain Showcase Event – 20 November 2024

Towns Fund

- 22. Delivery on site continues along Skinnergate and the Yards project, with enhancements completed to a significant number of properties. Planning permission is in place for the Coniscliffe Road public realm proposals and work has commenced on site.

23. The proposals for the re-development of number 156 Northgate have now received Listed Building Consent and Planning approval. The tender process to appoint a suitable contractor is underway.
24. Enabling works for the redevelopment of the former Northern Echo building, within the town centre, is underway. It is currently anticipated that the work will be completed for the new Adult Skills facility on the ground floor in the summer of 2025.
25. The design of proposals for the Edward Pease House have been submitted to the Planning Authority, alongside a Listed Building Consent application. The tender process to procure a suitable contractor has commenced.
26. The design of several property enhancements along Victoria Road are underway.
27. Following a joint valuation by the owners of Northgate House and the Council a further offer has been made to acquire the building. Awaiting response for the owners.

Estates

28. October 4 saw the official launch of the 'Blackwell Parkland', marking completion of the extensive historic parkland restoration project, which has already been admired and enjoyed by many visitors. The parkland is now open to the public and will continue to provide a naturalistic parkland for everyone to enjoy. Alongside the parkland the prestigious 'Heritage Park' residential development by Homes by Esh is progressing well with the show home due to open shortly.

Planning Policy

29. The Government has recently consulted on changes to the National Planning Policy Framework, the revised version is due before Christmas. There are several changes but one of the main changes is it is proposed that there will be mandatory targets for housing delivery for all local planning authorities. The proposed target for Darlington is 500 dwellings per year.
30. We have recently published the annual Authority Monitoring Report (AMR), which is available on our website. The AMR measures the effectiveness of the Local Plan. The headlines are that the Plan is proving very effective.
31. Headlines below:
 - (a) Development is directed to the right areas (86% of new homes in the urban area).
 - (b) Housing completions dropped to 354 from an average of around 500 in this monitoring period. This was clearly caused by the NN issue which is now resolving itself.
 - (c) Despite this lower delivery we can demonstrate a 5.4-year supply.
 - (d) 71 affordable homes were delivered in the 23/24 monitoring period. An increase from 61 the previous year.

- (e) Increasing numbers of HMOs are an issue that needs to be carefully monitored.
- (f) Take up of employment sites has been positive with more completions expected to show in 24/25. Allocations are being reduced and this will need considering in a plan review.
- (g) Town centre monitoring is now more accurate as uses in house data.
- (h) The vacancy rate for Darlington Town Centre 2023/24 is 13.9%, with 69 of 496 units being vacant. This is lower than the national average vacancy rate of around 15.3% for 2022/23 and, although based on different survey boundaries, broadly aligns with a 14.2% vacancy rate reported for 2022/23.
- (i) The district/local centres are performing very well with only 1 vacant unit in Cockerton.
- (j) Environment, Transport and Infrastructure policies are performing well.

Councillor Chris McEwan
Economy Portfolio

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COUNCIL
28 NOVEMBER 2024

OVERVIEW OF ADULTS PORTFOLIO

Purpose of the Report

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

Operational Services

Care Quality Commission

2. The Local Authority Information Return was forwarded on 12 July 2024, and we are awaiting a site visit date. Progress has been made in readiness for the inspection with the 50 case requirement. Adult Social Care Senior Leadership Team have monthly briefings with the teams as well as delivering two sessions to Councillors in readiness for CQC interviews.

Telephone changes

3. Calls which were historically answered within Customer Services (via 01325 406111), who acted as a switchboard have now been rerouted via an Interactive Voice Response (IVR) - a technology that allows telephone users to interact with a computer-operated telephone system through the use of voice and DTMF tones input with a keypad. The new IVR routes traffic to the correct Adult Social Care teams, this is an automated function which aims to ensure an interactive and efficient way for the public to access the right team easily.
4. The Safeguarding Team went live with Netcall Liberty Converse on 24 September 2024. Calls are outcome aligned and opportunities for feedback are built into the process. The IVR aligns to the Adult Social Care updated website pages with the aim of self-serve. We have seen our self-assessments increase, albeit currently small numbers following this change.

Internet review and updates

5. The Darlington Borough Council internet pages have been updated for Adult Social Care with the aim of clear signposting and clear process for self-assessment. Positive feedback has been received following these updates.

Support Plan review

6. This function has now been launched to enable outcomes to be reviewed more easily and responsively. Launched in live LAS October 2024. This will support the reduction in overdue reviews moving forward.

Disabled Facilities Grant (DFG)

7. Adult Social Care have experienced a significant increase in demand for major works and a new process has been implemented to manage the demand and flow. To date this year, we have concluded approximately 143 Disabled Facilities Grant with 67 in process (210 in total) and forecasted for another 15 and one child case. The total for 2023 was 185 cases. A risk assessment identifies those at highest risk and urgency which may result in delays for progression for those assessed at moderate or low need. Communications are being agreed for the website as well as letters for those people waiting.

Deprivation of Liberty Safeguards (DoLS)

8. DoLS referrals have reduced and this has led to a reduction in agency allocations. Adult Social Care are in the process of planning allocations within teams following Best Interest Assessor (BIA) refresher training and shadowing.

Safeguarding (SG)

9. Referrals remain stable with lower numbers of Safeguarding concerns however complexity has increased. SG contacts closed with no further action to SG remains consistent at around 53%.
10. The Risk Notification pilot continues to impact positively avoiding SG referrals where the s42 criteria hasn't been met.

Executive Strategy Process

11. Following x3 care homes in ESP earlier in the year Adult Social Care are in a positive position with organisational safeguarding with only one care home remaining within this process. The care home has evidenced significant sustainable improvements and plans to end the ESP are underway.

Adult Social Care Teams

12. Activity remains demanding; however, appropriate governance in place enabling prioritisation. Hospital discharge referrals have been allocated in a timely manner and discharges continue to be progressed as a priority. The number of people awaiting allocation for assessment has increased in the last two months to 140, however all people have had contact and risk assessed for prioritising support.

Commissioning and Contracts

County Durham & Darlington Medequip Community Equipment Service (All Ages)

13. Darlington Borough Council, NHS North of England Commissioning Support Service (NECS), Durham County Council and North East and North Cumbria Integrated Care Board (NENC ICB) have agreed to extend a jointly commissioned Medequip Equipment Service. The service will operate from 1 July 2024, for a three-year period until 30 June 2027. It is provided by Medequip and is essential in providing a flow of uninterrupted community equipment such as minor adaptations, hoists and handrails to vulnerable people. This

service facilitates timely discharge from hospital settings and also supports people to live independently, in their own homes, for as long as possible.

Quality and Monitoring Visits

14. The Contracts Team have started a programme of quality assurance monitoring visits under new contract arrangements. Initial focus will be on 20 older people homes, and it is anticipated that the team will complete these visits by the end of November 2024. This programme of monitoring visits follows the introduction of the Council's new Quality Standards and Outcomes Framework. The Framework is aligned with the Care Quality Commission's (CQC) regulatory monitoring arrangements.

Darlington Safeguarding Partnership

15. Darlington Safeguarding Partnership published a Discretionary Learning Lessons Review (LLR) for Philip and Loraine in September. Philip and Loraine were father and daughter who lived together in a privately owned home. Link to Published Report: [Philip & Loraine LLR](#)
16. The Statutory Safeguarding Partners and the Multi-Agency Safeguarding Partnership Group have not met in this period and therefore, there are no further adult safeguarding updates to provide at this time.

Councillor Anne-Marie Curry
Cabinet Member with Portfolio for Adults

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COUNCIL
28 NOVEMBER 2024

OVERVIEW OF CHILDREN AND YOUNG PEOPLE PORTFOLIO

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

Children's Front Door

2. Following the use of some agency staff during 2023 and 2024 the Children's Initial Advice Team is now fully staffed with permanent DBC staff. The team remain stable and performance is consistently good.
3. Referrals to social care have been consistently lower than this time last year following the refresher training rolled out to the Children's Initial Advice Team. Conversion rates have been low, as expected, during the school summer holidays period but it is envisaged that this will gradually increase in the next quarter.
4. The 4 Kids project continues to offer support to our children and families that have experienced domestic abuse and the feedback that they receive is consistently positive. We are currently working with performance around data on caseloads and exploring how we can report effectively on outcomes. The two workers continue to attend daily multi-agency triage.
5. The Child and Family Time Service continues to be very busy providing services for families where children and young people are cared for by the Local authority. There has been an increase in babies being cared for and a reduction in school age children therefore after school family time pressures have eased over recent weeks.

Building Stronger Families Service

6. The Early Help Assessment has been refreshed and will launch during quarter 3. Staff have participated in a number of training and development sessions over the last month in preparation for this and a working group for partners has helped shape the assessment for use with external led Early Help. There are a number of school communication events planned in December where the new paperwork will be launched in relation to schools, the Early Help Strategic Board is also helping to promote the use of this new assessment across other agencies.
7. Our Groups relaunched week commencing 9 September following the summer break. New additions to the offer include Young Carer Youth club which is monthly, Voices which is an activity session to promote social engagement with vulnerable young people and commences fortnightly and Playful Minds, a therapeutic group for parent and child, replacing our previous Theraplay group. Targeted groups are currently run from Reid Street, Polam and Carmel.

Young People's Engagement and Justice Service (YPEJS)

8. Annual Strategic plan is complete and signed off by the Youth Justice Board and feedback is that the plan is of good quality, gives a good sense of Darlington and its challenges and has a clear sense of direction.
9. This year's Duke of Edinburgh Award cohort have successfully completed their bronze award and have attended a celebration ceremony in September. The event brought together the 10 young people, their family and friends as well as partner agencies to join in the celebration of the fantastic progress and development these young people have achieved over the last 6 months.
10. The service, jointly with Durham Fire and Rescue service have supported a group of young people through the developing resilience programme. Seven young people attended 10 consecutive days and have achieved a level 1 award with The Princes Trust. The programme allows young people to connect what they already know about their resilience and link it, through practical, tangible experiences to how they can be more resilient in the future as well as reflecting on their experiences and develop helpful habits which will support the adoption of safer behaviours.

Safeguarding Assessment and Care Planning including Children with Disabilities

11. Assessment and Safeguarding and the Children with Disabilities teams are working with 98 children who are subject to a Child Protection Plan, 231 children who are subject to a Child in Need plan and 81 children who remain within the assessment period. 54 children are held 'in review' by the Children with Disabilities team, whereby they have a commissioned package of support which is reviewed.
12. Workloads for social workers remain within safe realms with only one Social Worker having a workload of over 25 children and there is a plan to reduce this. This is leading to a decrease in children becoming looked after or entering legal processes. Use of an updated legal pathway procedure is evidencing significant impact on ensuring children remain with their families if possible. We continue to see a month on month decrease to our overall number of children in our care due to a joint approach by Assessment and Safeguarding and the Looked After Through Care team to ensure children only remain looked after for as long as is required.
13. There is a current pilot taking place where pre-birth assessments are progressed to a social worker earlier into the pregnancy. This is being used to inform an updated pre-birth procedure and will be evaluated to consider impact for the family. Unborn babies are identified by the children's front door as suitable for early assessment which means we can assess and support parents much earlier into the pregnancy.
14. A programme of practice sessions for social workers continues to take place to strive for ongoing improvement and development of the service. A focused session on direct work was completed in October 2024 and attended by 50 practitioners. There are further sessions arranged to focus on legal planning, assessment and children's plans. Evidence from our relational practice sessions held earlier in 2024 have led to material changes in how write about children on their records and have shaped an updated model for legal meetings.

15. Within our Children with Disabilities team, senior managers have had specialist training on Continuing Healthcare for children. This will be used to review current commissioned packages with health and review children without a health contribution to ensure their needs are assessed and met appropriately. Training for frontline practitioners is scheduled to take place to share this learning.

Looked After and Care Leaver information

16. We continue to expand out taster flat provision with one additional flat allocation. This increases our total allocation to 13 flats. The provision is supporting young people to transition to independence with a high level of support. The flats are utilised alongside our Staying Close project to support and prepare our young people live independently within our community.
17. Three of the flats are temporarily out of commission for the next four weeks due to redecoration, refurbishment and renewal of carpets and white goods
18. From the 10 taster flats currently occupied, only two of the young people in these are under the age of 18 years. The eight who are over 18 years of age are currently bidding on properties to move on. We have two over 18's who were previously Unaccompanied Asylum Seeking Children who continue to wait for a decision on their right to remain status. They have both moved into a two-bed taster flat due to Darlington's requirement to financially support.
19. Due to a lack of available properties for our young adults to move on to, we are experiencing a bottle neck for those aged over 18 years of age, this is resulting in the service not having flats available for others to move on from expensive placement. From July to October 2024 we have had three young people living in a flat turn 18 with one further young person turning 18 in November 2024. Ongoing discussions are taking place between the service and housing colleagues.
20. As of the end of August we had 286 children in Care, a drop from June's figure of 298 and a further reduction from January 2024 when the number of looked after children was 321. 20 of these children are Unaccompanied Asylum-Seeking Children. The reduction in looked after children is a result of focused work across all services to ensure when children become looked after, all other support has been considered. Monthly tracking meetings are held to reduce delay for children and ensure plans are progressed. We are currently working hard to reunify several families back home and discharge the care order of these children.
21. There are currently 140 care leavers being supported by the team aged 18-25. An increase from 134 in March 2024, we also support 42 care experienced young people under the age of 18 years. We keep in touch with all our care leavers and there are regular opportunities for them to come together for activities and support. These events are organised daily during holiday periods such as walks, and other free activities are organised. Other examples are cookery and budgeting classes and clothes swap shops.

22. We were successful in obtaining funding for three new projects: Family Finding, Mentoring and a Safe Space youth provision. Family finding provides support from three Lifelong Links workers who are working with 27 children and young people in our care, this is an increase of 4 young people since our last report with 2 young people waiting to be allocated. The team is assisting children and young people to establish a network of support alongside contribution from a dedicated life story worker and a therapeutic worker. The service took time to gather momentum and receive buy in from colleagues and young people, we now feel we have gathered momentum, and our numbers are slowly increasing.
23. The mentoring programme offers the opportunity for care experienced adults to become mentors for younger children in care. We have successfully recruited and trained 11 care experienced young people to date. 73 young people are now attached to the programme an increase of 58 since July and 22 since March 2024, we are considering an additional two referrals. The matching process has been incredibly positive for all concerned and rewarding emotionally for all parties. Our mentors are often holding down jobs, raising their own families whilst also helping younger children in our care.
24. Safe space is a youth provision operated by the team for children in our care. It is a mix of social and focused activities aimed at reducing loneliness, anti-social behaviour and supporting children's emotional health. Sessions are delivered every Monday evening. The funding for this project is near complete and we will be celebrating the achievements of the group, we plan to seek further support from the local community and agencies with a celebration event planned for 22/10/2024.
25. Staying Close remains a significant strength, we are currently supporting 22 young people. This number remains constant as young people come to the end of their support journey and have achieved their goals. This number has increased from 21 in March and 22 in July. A further two young people are due to close to the service and replaced with two new young people. The project has developed to offer seven days per week service for young people most in need. Some comments from workers feedback about the young people are "he is growing into himself and is happy" "House Proud and in work", "Rings for help when needs it". It is a great that one young person has progressed to a level where he feels he no longer needs this intense support. "Thank you for what I have learned and your help"
26. As detailed earlier, we are currently supporting 20 unaccompanied children with one young person awaiting a placement offer taking us up to 21. We are mandated to support a maximum of 22 children and young people. We have one young person who turns 18 in October 2024. We have had three children turn 18 since July 2024. We can expect additional and new referrals in the coming months. Within the last year, we supported 14 new and additional unaccompanied children. 13 transferred from the Home Office, one on foot.
27. In addition to unaccompanied children support, we are supporting 19 young adults through leaving care support.
28. From the 13-home office mandated referrals, two young people travelled from Afghanistan, two travelled from Eritrea, two travelled from Turkey and the following countries, Iran, Iraq, Sudan, and Egypt and Vietnam

29. In terms of placement of children, we have 11 unaccompanied young people placed in Darlington and nine outside of Darlington with 6 of these placed at a distance.

Fostering and Supported Lodgings

30. We have 57 approved foster carers, with 34 households supporting 58 children, 26.5% of which are long term matched. We have 64 approved connected carers, with 32 households supporting 40 children, accounting for 26.0% of the children in foster care.

Recruitment

31. The team arranged and delivered recruitment events over the summer and included the dinosaur's event, the Legends and Fairies event and two stalls in the Collaboration space in the Town Hall. In addition to these events, we manned a Foster with Northeast table in Darlington Library as part of Darlington Pride. More recently, we held a Foster Carer Recruitment drop in on 14 October 2024 – 4pm - 6pm.
32. We have approved nine new foster carers since April 2024 and have four assessments awaiting a fostering panel date. 16 fostering applications are live between Stage 1 and Stage 2 of the fostering process.
33. We continue to promote recruitment through the DBC face book page and make links between our recruitment activities and the DBC face book page. We have established monthly meetings between the team and colleague's in Communications. This will support a regular presence in ensuring Fostering is covered in One Darlington Magazine and twin track this by pushing live news and information through social media.

Retention & Support of Carers

34. The Fostering and Supported Lodgings Team continues to run monthly coffee mornings and support meetings for carers to meet each other and to listen and interact with different speakers.
35. We are seeing a shift in demand in children requiring care, we have older children with more complex needs and less demand with babies. We are finding that we have several baby carers who have capacity, but unwilling / lacking confidence to offer a home to older children.
36. We have experienced a number of fostering breakdowns; the service will conduct a deep dive to greater understand themes to breakdowns. We will look at what support was offered to the carer and child, the matching process and whether we need to explore different strategies and pathways for some of these children. We have recently experienced two four year old children whose needs were too profound for foster carers and required Residential care.
37. Viability Assessments have transitioned over to the Fostering & Supported Lodgings Team through September – the theory supports a relational approach whereby Fostering Team can work with carers and progress through to Connected Care and/or SGO where appropriate ensuring better and more timely outcomes for children

Panels

38. We advertised for an additional Panel Chair and Panel members to support the increase and diversity of our Fostering panels. This was a successful recruitment; shortlisting is diarised to look at applicants and support a greater range of diversity within our panel's.

Homes for our Children

39. Dunrobin Children's home was inspected in September 2024 and maintained an overall grading of Good. This means that all of our Children's Homes continue to maintain a rating of Good.
40. Cedars continues to offer emergency and short break placements. We have successfully recruited to all the posts following the home moving to a full-time service.
41. Butterfield Drive received an initial inspection from Ofsted to register as a new home, unfortunately there are a few things that need to be completed before it can be fully registered. Gilling Crescent staff and young people will all move to Butterfield once registration is complete.
42. Gilling Crescent children's will be repurposed once the current young people move to Butterfield creating additional placements for children in our care. Given the ages of children as young as four placed in external residential homes, we are looking at options to repurpose the home to support children aged 4 – 12 with a planned move to support them on from the home into foster care.
43. The Registered Managers post for Gilling has gone out to advert, we previously advertised this post and sadly, we did not receive any applications.
44. Our Mainstream Children's homes continue to be at full occupancy, supporting three young people in each home.
45. Dyadic Developmental Psychotherapy (DDP) is a form of psychotherapy that can help form and repair connections and attachments between children, young people and their parent/carers. This type of therapy can help children/young people who find it hard to feel safe and secure with parents/carers due to difficult or traumatic early life experiences. These early experiences can result in the young person experiencing high levels of anxiety that result in them wanting to control their relationships and struggle with their emotions. Children's Residential Service is going to use DDP to support our young people. Four dates in November have been organised for all staff to attend with Leon Crook who is an advanced practitioner in the therapeutic service to gain an overview of DDP to put into practice within the homes.

Education

46. The Education Endowment Foundation (EEF) supports schools and settings to improve teaching and learning through better use of evidence. It is dedicated to breaking the link between disadvantage and educational achievement. The EEF is working with the

Research School Network to develop and facilitate Evidence Exploration Partnerships in a number of localities.

47. Darlington has submitted a successful proposal to set up an Evidence Exploration Partnership. This Partnership will be facilitated by the EEF, Research School based in the North East and the LA. Senior school leaders will be involved via the Darlington Education Strategy Group. The aim of a Partnership is to work together to identify a challenge that can be effectively addressed and co-construct an evidence-based solution to address it. It offers a structured and collaborative approach to data gathering and analysis, identifying potential priorities and solutions.
48. The Education Strategy Group, in consultation with the Educational Psychology Service, has developed an Inclusion Charter. The Charter exemplifies key characteristics of inclusive practice that all schools in Darlington can sign up to. This was informed by shared challenges relating to attendance, suspensions and more complex SEND. The Education Strategy Group has carefully considered the potential of an Evidence Exploration Partnership to support its work over the coming year. It is anticipated that the Inclusion Charter will provide a helpful starting point for the Evidence Exploration Partnership which will support the council and schools to develop evidence-informed practices and strategies to embed this commitment to inclusion.

Youth Unemployment

49. The Darlington 18–24-year-old claimant count has risen slightly from 530 young people in July 2024 to 540 young people in September 2024. Darlington’s claimant count at 7.2% (7.1%) is higher than the North-East average of 6.1% (5.9%) and the national average of 5.3% (5.2%). Overall, all averages have risen slightly over the last three months.
50. The September 2024 figures (July 2024 in brackets) for the Tees Valley are as follows:

(a) Hartlepool	8.4% (8.1%)
(b) Redcar and Cleveland	7.6% (7.5%)
(c) Middlesbrough	8.1% (7.9%)
(d) Stockton -on-Tees	8.4% (7.8%)
(e) Darlington	7.2% (7.1%)
51. Youth Unemployment in all Tees Valley authorities has risen over the last three months, ranging from a 0.1% increase for Darlington and Redcar to 0.6% in Stockton.
52. Since its start in March 2024, to the end of September 2024, the Darlington Employment Initiative (DEI) has worked with 101 participants, of which 48 have moved into employment. 59 (58%) of the DEI participants were aged 16-24, and of those 25 have moved into employment.
53. DEI offers employability support to economically inactive people of all ages, with a focus on; those looking after the family/home, those early retirees over 50, and those who are short term sick (under 12 months). The programme runs until 1 March 2025 and is funded through the UK Shared Prosperity Fund (UKSPF).

Children’s Commissioning and Contracts

54. In line with the Darlington Commitment to Carer's strategic objective, a refreshed Darlington Young Carers Memorandum of Understanding has been developed to:
 - (a) Develop better ways of identifying Young Carers.
 - (b) Clearly convey how Children's and Adult Services and Health will work together to support Young Carers and their families.
 - (c) Support earlier identification and assessment.
 - (d) Actively champion and mobilise the school's charter.
55. The positive impact of the MOU for Darlington Young Carers will be monitored by the Carer's Strategy Steering Group.

Darlington Safeguarding Partnership

56. Work is progressing on the Child J Local Child Safeguarding Practice Review with the final version of the report being prepared by the Independent Author in advance of being shared with SSP for final sign off in November. Discussions will take place regards publication of the report.
57. The Partnership is supporting the 'eyes on the baby' Sudden Unexpected Death in Infancy awareness programme to educate and promote safer infant sleep and prevent sudden infant deaths in Darlington. The project is a collaborative piece of work conducted by Public Health and Durham University's Infancy and Sleep Centre. The training is accessible through the Partnership's ME Learning platform.
58. The Statutory Safeguarding Partners and the Multi-Agency Safeguarding Partnership Group have not met in this period and therefore, there are no further adult safeguarding updates to provide at this time.

Councillor Wallis
Children and Young People Portfolio

COUNCIL
28 NOVEMBER 2024

OVERVIEW OF HEALTH AND HOUSING PORTFOLIO

Purpose of the Report

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

Public Health

2. Harrogate and District Foundation Trust, provider of the 0-19 public health service, has retained their gold status for the UNICEF breastfeeding award, which is a great achievement. The team continue to offer support to parents to continue their breastfeeding journey, not only in the home but with an outreach offer. They also continue to promote the Darlington breastfeeding friendly accreditation scheme to local organisations. The Dolphin Centre and Hippodrome are already adopters of this award.
3. Dame Carol Black, who carried out the independent national review on drugs which led to the 10-year strategy From Harm to Hope, alongside Andrew Brown, Head of Drug and Alcohol Improvement, came to visit Darlington on 11 September to see in practice how an effective partnership can make a real difference in enhancing the delivery of treatment and recovery services. They met with delegates from the Council, treatment and recovery workers and people who have previously/are currently receiving support, whilst visiting both Tubwell Row and Coniscliffe Road sites. Feedback received from both Dame Carol and Andrew Brown referenced the great way that the Council work with our Provider Managers and their teams to create a very integrated treatment and recovery system. They also expressed their appreciation for the open way that we approached the visit.
4. As previously shared Darlington has been selected as a case study site for the independent evaluation of the Drug Strategy Investment in Treatment and Recovery (D-SITAR) and it has now been confirmed that research staff will be visiting Darlington from 18 November for a week of interviews and focus groups. Case study sites have been selected to provide variation in terms of geography, rurality/urbanity, populations, treatment needs, and services/support that have been implemented through the drug strategy. The purpose of case studies is not to rank Local Authorities (LA), or to identify high and low performing LAs in terms of their implementation of the portfolio, but to maximise diversity in terms of how LAs are using the Drug Strategy funding to improve treatment and recovery services.
5. Our STRIDE recovery provision delivered via Recovery Connections has seen a welcome expansion of recovery activity within the borough, which has resulted in the team being nominated for a Stronger Communities Award and shortlisted as a finalist in the category; Contribution to the Community.
6. The winter months can be a difficult time for health and wellbeing, especially as the days get shorter and colder and people tend to spend more time indoors, which means

infectious diseases can spread more easily. Cold weather can worsen health issues and lead to serious complications, especially amongst those who may need extra support during winter, such as people aged 65 or older, or those with ongoing health conditions like heart or kidney disease, chest and breathing conditions, or diabetes.

7. The NHS recommends five simple things we can all do to ensure we keep ourselves and our families well over the winter months and reduce our chances of becoming unwell. These include:
 - (a) Make sure you get your flu jab. Check with your doctor what jabs you are due.
 - (b) Keep your home warm as you can.
 - (c) Contact NHS 111 if you are worried about any symptoms.
 - (d) Stock up on medicines at home. Make sure you have your prescription medicines ordered before any holidays.
 - (e) Look out for other people who may need a bit of extra help over the winter. This includes friends, family and neighbours.
8. The autumn/winter immunisation campaign is well underway. Whilst local data is not yet available for the full programme there is some early data available for the school-based flu programme in Darlington, which shows that after five weeks (commenced 16 September) coverage is 48 per cent in primary schools and 40 per cent in secondary schools. The school programme runs until 15 December.
9. Across the North East and North Cumbria footprint early indications are the overall programme is going well, with good early uptake for flu and RSV (respiratory syncytial virus). However, uptake of Covid-19 vaccination is proving more challenging. The Covid seasonal programme will end on 20 December, flu continues to 31 March 2025 and the RSV vaccine is offered all year round, to those who become eligible either because they turn 75 years of age or are pregnant.

Health and Well Being Board

10. The Health and Wellbeing Board received the 2023/24 Director of Public Health Annual Report, which was focused on Women's Health. There was a helpful discussion of the key findings and recommendations of the report. Implementation of the recommendations will be monitored going forward, with some recommendations included as priorities within the draft Health and Wellbeing Strategy.
11. It is a statutory duty of the Health and Wellbeing Board to develop a Joint Local Health and Wellbeing Strategy (JLHWS). At the meeting of the Board in September a draft JLHWS was shared, setting out the local priorities for improving the health and wellbeing of the population of Darlington. The JLHWS sets out the vision that Darlington is a place where everyone has the opportunity to thrive and live well and has adopted a life course approach. Following feedback on the draft Strategy a final version will be taken to the December meeting of the Board, for approval.

Housing Services

Preventing Homelessness and Rough Sleeping Strategy

12. Consultation on our new Preventing Homelessness and Rough Sleeping Strategy for 2025-2030 is now open, and has been developed by our Housing Services team, with the support of local partners and organisations including commissioning, adult and children's services, health, probation, police, social and private landlords and the voluntary sector. It aims to be, not just a council document, but one that is owned by partners and the people of Darlington.
13. Preventing homelessness and rough sleeping is a huge issue at both national and local levels. This strategy sets out our ambition to meet the challenges, working in partnership with local providers and others to deliver better outcomes for our residents. Everyone in Darlington should have a secure, affordable place to call home, but such are the challenges at present this is not something we can manage on our own. We need to build upon the relationships we already have, and I'd like to thank all those who have contributed to the new strategy so far, telling us what you think of our current work and sharing your ideas on how we can improve.
14. The strategy sets out our long-term vision, which is simple yet ambitious:
 - (a) To work in partnership to end homelessness in Darlington
 - (b) That every resident in Darlington has a secure, affordable place to call home
 - (c) That the right support is in place at the right time
 - (d) Where homelessness occurs it is rare, brief and non-recurrent.

Rent Collection and Universal Credit

15. As at the end of September 2024, our Council Housing rent arrears was £892,923 which is 2.88 per cent of our overall rent debit. Our Housing Services team has collected £15.7 million so far, which equates to a 99.63 per cent collection rate. Last year at the same point, the rent arrears were 2.94 per cent of the overall rent debit and we had collected £14.8 million, which was a 98.78 per cent collection rate.
16. The number of Council tenants receiving Universal Credit now stands at 2,198. The managed migration from legacy benefits to Universal Credit is now being rolled out by the Department for Work and Pensions to Darlington residents. 105 Council Tenants have migrated to Universal Credit since April 2024 and all of these have been contacted by our Tenancy Sustainment team, who can provide advice, assistance and support with the process. The average rent arrears for Council tenants receiving Universal Credit are currently £440.39 which is less than five weeks' average rent (remembering that Universal Credit is paid one month in arrears).

Afghan Refugees

17. Our Refugee Support team, based in Housing Services, are actively supporting new Afghan refugee families, placed in Darlington by the Ministry of Defence (MoD). As part of the Government's Afghan Relocations and Assistance Policy (ARAP), the MoD are resettling Afghan families into the UK, previously based in temporary accommodation abroad. The ARAP scheme acknowledges and reflects the potential risks to Afghanistan local staff who had previously worked for the UK Government.
18. Our Refugee Support team will be providing much-needed integration support for those arriving and helping them settle in Darlington. Funding is being provided to the Council by the MoD to fund all support activities and we will continue to work with national and local partners to make this process of resettlement a success.

Fire Safety

19. Our Housing Services team are currently developing a new fire safety policy for blocks of flats. In December 2022 Cabinet approved a new fire safety policy for sheltered and extra care schemes and this work of updating our policies and procedures in this important area continues, taking into consideration the recommendations from the Grenfell enquiry.
20. As part of the Fire Safety (England) Regulations 2022, the work to replace all our fire doors in blocks of flats, sheltered schemes and extra care schemes continues in line with our planned programme. To date, 215 new fire doors have been installed, with 1,174 planned over the next three years. The new regulations also require these doors to be inspected on an annual basis by a suitably qualified surveyor from our Building Surveying team, and this work will commence in January 2025 and will be monitored on a quarterly basis by our Housing Asset and Compliance team.

Tenant Involvement

21. I am pleased to report that our Housing Services Tenants Panel has recently been recognised by the Tenant Participation Advisory Services (TPAS) under their Engagement Heroes Awards. TPAS recognised our Tenants Panel for their "outstanding and valuable contribution to their local community" and reflects the important role they play in shaping and delivering services for our tenants.

Dolphin Centre

22. Swimming lessons are currently accommodating over 900 children to swim, the highest number since 2019. The Dolphin Centre Swim4Life Scheme is based upon a framework known as the National Plan for Teaching Swimming, produced by Swim England, the UK's National Governing Body for all Aquatic Disciplines.
23. The Dolphin Centre events season has had a busy start with new events added to the calendar and repeat events returning. On Sunday 29 September, the Dolphin Centre hosted the prestigious BBC Make a Difference Awards in Central Hall with people from all over the region attending. The awards are a chance to say thank you and show recognition and appreciation for people who love to make life better for others. Nominations were made across England with ceremonies taking place in each region and

over 200 attending the event in Darlington.

24. The United Dance Organisation also returned to the Dolphin Centre on Sunday 13 October in the main hall with over 600 spectators attending from all over the country, bringing a large footfall of visitors to the town centre.
25. October half term welcomed families from Darlington and the North East to enjoy full swimming facilities including slides, diving boards and the toddler pool following the reopening of the complex after extensive repair works. Bowling, soft play, and hospitality were busy, including family favourites such as Halloween parties in soft play, facepainting and Halloween themed music around the building.

Holiday Activity Programme

26. The HAF programme (Holiday Activities and Food) is for children who are eligible for benefits related free school meals. The programme ran for five weeks over the summer holidays with a vast geographical spread across the town. Over 5,000 places were booked for children aged 5-16 years of age and 1,032 free school meal children attended.
27. The team engaged 21 per cent of SEND children and a specialist SEND programme ran for five days at Beaumont Hill Academy. The programme had a digital presence in the town and was promoted on social media. A wide variety of physical and enrichment activities were provided, including NE Wake Park, Learn to Ride, Forest School, Junior First Aid and Surfing. New activities were introduced, including a visit to Hopetown Darlington and over 60 providers were used. The children were provided with a healthy meal whilst attending the programme.

Eastbourne Sports Complex

28. Eastbourne Sports Complex capital project is now complete and the new state of the art facilities and investment has seen a significant increase in visits to the site with over 243,000 visits from April to September 2024. The team are now exploring potential football foundation applications for a new clubhouse on the new artificial grass pitch and funding to improve the wider grass pitches that would support a further increase of visits to the site.

Health in Haughton Matters Project

29. The Health in Haughton Matters Project continues to provide high quality sport and physical activity sessions for the residents of Haughton. The group have recently applied to the National Lottery Awards for All grant for £20,000 to further expand the project.

Councillor Matthew Roche
Cabinet Member with Portfolio for Health and Housing

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COUNCIL
28 NOVEMBER 2024

OVERVIEW OF LOCAL SERVICES PORTFOLIO

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

Highway Maintenance Programme

2. Highway Maintenance Schemes on site:
 - (a) Unc. Roundhill Road: Carriageway Reconstruction (1.68km)
 - (b) B6280 Yarm Road Hundens Lane junction: Carriageway Reconstruction (0.231km)
3. Highway Maintenance schemes due to start:
 - (a) Unc. West Auckland Road West Back Lane: Carriageway Reconstruction (0.190km)
4. Highway Maintenance Schemes completed:
 - (a) Heighington Footways (Phase 3): Footway Reconstruction (0.319km)
 - (b) Avon Road Estate Footways (Phase 2): Footway Resurfacing (0.404km)
 - (c) C38a Neasham Road (Phase 3): Carriageway Reconstruction (0.214km)
 - (d) A1150 Salters Lane North: Carriageway Reconstruction (0.891km)
 - (e) A68 West Auckland Road: Carriageway Reconstruction (0.510km)
 - (f) Micro Asphalt / Surface Dressing Contract (4.185km, 27 sites)
 - (g) A67 Piercebridge: Carriageway Reconstruction (0.882km)

Safer Routes to School (SRTS)

5. **Table 1** below shows progress on all our SRTS schemes that are currently being developed. The construction dates are anticipated and will be dependent upon the outcome of consultation and the availability of construction resource at that time.
6. All schemes have an allocated budget from the Darlington Transport Plan (formerly Local Transport Plan, or LTP), with the exception of Mowden Infant and Junior School which has only been approved up to the feasibility stage.

Scheme	Ward Member Briefing	Scheme Consultation	Portfolio Holder sign-off	Traffic Regulation Order Consultation	Potential Cabinet (if we receive objections)	Construction (currently programmed)
Abbey Infants and Junior School 20mph scheme	Complete	Complete	Complete	Nov/Dec 2024	March 2025	Easter 2025 holidays with work carried out for two weeks during term time - four week duration
Stanhope Road North Puffin Crossing	Complete	w/c 4 Nov 2024	Awaiting outcome of consultation	Feb/March 2025	May 2025	June/July 2025
St Augustine's School 20mph scheme	Complete	Consultation ended 23 Oct 2024	Awaiting review of consultation	Feb/March 2025	May 2025	School summer holidays 2025
St Bede's School 20mph scheme	Complete	Complete	Complete	Feb/March 2025	May 2025	School summer holidays 2025
Longfield School Puffin crossing	Complete	w/c 4 Nov 2024	Awaiting outcome of consultation	May 2025	Sept 2025	Oct 2025
Mowden Infant and Junior School 20mph scheme	Jan/Feb 2025	Jan/Feb 2025	Awaiting outcome of consultation and decision on funding	TBD	TBD	TBD

Table 1: Progress of the current programme of SRTS schemes

Bus Services

7. The Tees Valley Combined Authority (TVCA) are in the process of revising the way at-stop bus information is displayed. This includes new branding and making information easier for passengers to access. The redesign also aims to improve the quality of information available.
8. A scheme offering cheaper fares for people aged under 22 is offering a £1 single fare and a £3 day ticket, which will primarily be valid in Tees Valley, but will also allow cross boundary travel into the Transport North East Area is going well. The 'kids travel free' offer during the summer holidays was also available in October half term: for every fare paying adult a child under 11 could travel with them for free.
9. The supported bus services in Darlington (including 3 and 4 (evenings and Sundays), 6/6A, 16, 17 and 18) and the Tees Flex service are all funded by TVCA until March 2025. Funding beyond March 2025 is dependent upon further Department for Transport (DfT) funding through the Bus Service Improvement Plan (BSIP) process. We are awaiting further information from the Government following the Autumn Budget to understand services and offers beyond March 2025.

Rail Education Programme

10. The Bishop Line Community Rail Partnership recruited a Rail Education Officer in September 2023 to deliver a programme of rail safety and confidence sessions in schools within a 1.5-mile corridor of the Bishop Line, between Bishop Auckland and Darlington. The two-year programme is funded by the rail industry.
 - (a) **Year 1** - Delivery in schools began in November 2023, in the first academic year the Rail Education programme was delivered to 3,791 pupils of which 1,967 are Darlington students.
 - (b) **Year 2** of delivery began in September 2024 and since the start of term we have visited 2 schools engaging with 194 pupils. With 99 being Darlington pupils.
11. The Rail Education Officer is aiming to deliver initial rail safety sessions in secondary schools during this academic year.

Hopetown Darlington

12. The Worshipful the Mayor of Darlington, Councillor Bob Donoghue, officially opened Hopetown Darlington on Friday 27 September, the 199th birthday of the Stockton and Darlington Railway.
13. Hopetown Darlington received 62,854 visitors in the first 14 weeks of operation.
14. 'Spooktown', Hopetown's Halloween programme, took place from Saturday 19 October to Sunday 3 November and featured family-friendly activities, workshops, and entertainment, including a pumpkin trail and ghost train installation.

Darlington Hippodrome

15. A packed-out run of An Inspector Calls signalled record sales for the Hippodrome from Tuesday 1 October to Saturday 5 October. Over 7,000 tickets were sold across eight performances of the National Theatre's landmark production of JB Priestley's classic thriller, with 2,000 secondary school students from across the region and beyond amongst those watching the show. The Theatre's 'A Place For Everyone' Fund has helped meet the cost of over 650 tickets to An Inspector Calls, shared across 17 schools.
16. LGBTQIA+ arts and youth charity, Curious Arts, returned to Darlington Hippodrome to deliver a Curious Takeover on Friday 1 November. Admission to the event was free with visitors invited to drop in on the day and take part in creative, family-friendly activities. The event was supported by Arts Council England and Darlington Hippodrome's 'A Place For Everyone' Fund.
17. Blood Brothers returned to Darlington on Tuesday 12 November to Saturday 16 November. The West End touring production is a strong edition to the autumn programme offering another opportunity for schools to see a curriculum set piece live on stage.
18. Manchester Camerata performed at Darlington Hippodrome on Monday 25 November. The Theatre, in partnership with Orchestras Live and Durham Music Service, planned a

programme of community engagement opportunities with professional musicians. The workshops for adult folk musicians were organised through Darlington Folk Club, and young musicians through youth folk group Cream Tees, Weardalians, Teesdale School and intermediate young musicians, provided the opportunity to build ensemble and performance skills. The workshops culminated with an opportunity to perform on stage at Darlington Hippodrome.

Libraries

19. For a second year running, Darlington Libraries have been offering STEAM and Literacy PLUS education packages to Primary and Secondary schools. The STEAM package consists of 10 workshops offered within The Hive, covering topics including coding, robotics, 3D printing, laser design, and virtual reality experiences. The Literacy PLUS package offers author visits, poetry, writing competitions and story stimulation workshops enhanced by our virtual reality headsets.
20. The packages represent good value and schools including Rydal Academy, Corporation Road, Gurney Pease and Longfield have joined the scheme, generating £4,000 of income so far this academic year.
21. Overdue book procedures have been updated to improve stock retention and customer communication. The focus has been on transitioning most customers from phone and letter notifications to cost-efficient email alerts, enabling more timely notifications at no additional cost to the service (customers using the Darlington Libraries app will continue to receive real-time updates). A small number of customers without email access will continue to receive phone calls or letters, however, the size of this group has significantly decreased due to work carried out by the service.
22. Darlington Library has introduced 'Hublets': tablet-like devices available for in-library use, which provide access to eBooks, online newspapers, educational apps, and the internet. Along with existing offers of free Wi-Fi and public-use PCs, Hublets aim to reduce digital exclusion and improve digital skills. The devices have been funded by Arts Council England.
23. A new monthly group for older adults has been introduced at Darlington Library's Reminiscence Room and Art Gallery. Attendees enjoy watercolour activities, games, puzzles, and conversation around the Reminiscence Collection, with hot drinks provided. As a Dementia Friendly Venue, this group is also suitable for individuals with dementia.

Creative Darlington

24. The counter mechanism on the Art Gallery doorway at Darlington Library showed 5,720 visits during the 'Places In Time - The Art of Kenneth Steel' exhibition, which ran from Saturday 17 August to Thursday 26 September. This was the second highest number of visits to an exhibition since the Art Gallery opened in May 2012. The exhibition by Sheffield born artist Kenneth Steel (1906 – 1970) shared images of international, national and regional locations. Of those visitors who filled in comments forms, 100 per cent strongly agreed having art exhibitions in Darlington Library is a good idea, 82 per cent marked strongly agree and 9 per cent marked tend to agree with the statement 'I enjoy the exhibitions programme here', with the remaining 9 per cent making no comment. Positive comments were made in the visitor book, e.g. 'the best exhibition since the gallery's

refurbishment', and some noted they had travelled to Darlington from Devon, Manchester and Somerset specifically to see Steel's work on display.

25. The Roger Birchall Retrospective exhibition at Darlington Library ran from Saturday 28 September to Thursday 7 November, attracting 4,915 visits to the Library. Roger has sold original work alongside prints during his exhibition at Darlington Library and Darlington Borough Council will secure commission on these sales.
26. Darlington born artist, Lizzie Lovejoy, secured and accepted an offer of Arts Council England Project funding for the Circe's Island project, with support from Darlington Borough Council's Heritage and Culture Fund budget. Circe's Island includes creative writing sessions at Darlington Library and workshops commenced in November, following recruitment of project participants.

Town Centre Partnership and Events

27. Darlington was awarded GOLD at the Northumbria in Bloom Awards for the town centre and South Park. The town was also given an extra award of 'Best Entry in Spring'. The award is part of the regional Royal Horticultural Society annual awards programme.
28. October half term saw the return of the bi-annual Restaurant Week across Darlington with many restaurants taking part in promotional activity. This event attracts visitors to taste foods in venues across Darlington and the promotional menu is often extended due to its popularity.
29. Diwali was celebrated in the town centre on Saturday 26 October with a range of activities for visitors to enjoy, including dance workshops, music and a large-scale parade through the town centre led by Dhol Drummers and dancers from Punjabi Roots. This festival of lights attracts a multi-cultural demographic from across Darlington.
30. Halloween was a popular event day in Darlington, with town centre animation and activities programmed alongside safe 'trick or treat' options. Characters were located in places across the town centre for families to meet and greet, encouraging movement around the town centre and exploration of new locations to see what the town centre has to offer.
31. 'Colour Friday', in contrast to Amazon's Black Friday, celebrates and showcases Darlington's local high street to shine a spotlight on the variety of independent businesses in Darlington and attract visitors to the town centre. A weekend of promotions is scheduled for Friday 30 November, programmed alongside colouring activities to lengthen visitor dwell time visits. Tailored packs and promotional artwork have been shared, with enthusiastic engagement from local businesses building upon previous work when, in 2023, Darlington was named 'Best Independent High Street' by Holly Tucker's initiative.
32. On Sunday 17 November, thousands of families flocked to Darlington's Market Square to see the Christmas Lights Switch On and to welcome Santa to the town centre. The event attracts a fantastic audience into the town centre, marking the start of the countdown to Christmas and the gift buying season.

33. The Purple Flag 2024 Interim Report has been completed and submitted, with results anticipated to be announced in early 2025.

Councillor Libby McCollom
Local Services Portfolio

COUNCIL
28 NOVEMBER 2024

OVERVIEW OF RESOURCES PORTFOLIO

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

Revenues and Benefits

2. Our Revenues and Benefit team recently received positive feedback from the Department for Work and Pensions (DWP) in relation to Darlington's performance over the past 12 months. In his letter, the Head of the DWPs Performance Development Team stated,

“Your Performance Relationship Manager has reviewed the last 12 months performance data and noted that:

- (a) For speed of processing, your Local Authority's processing times are indicative of a positive customer experience and your statistics have been consistently healthy.
- (b) For Verify Earnings and Pensions (VEP) and Housing Benefit Award Accuracy (HBAA), your Local Authority has completed close to or over 100% of funded activities based on our latest available management information. We continue to focus on reducing fraud, error and debt and would like to thank you for your continued commitment to tackling these important issues with us.
- (c) For Housing Benefit Debt Recovery (HBDR), we understand from our Local Authority stakeholders that this has been a difficult area of work due to the COVID-19 pandemic and the subsequent cost of living crisis. However, we have noted your Local Authority is continuing to maintain focus on HBDR.

We recognise the great work delivered across your Housing Benefit service. We also understand how difficult the last couple of years has been to keep Housing Benefit work prioritised, so we appreciate your commitment to this vital service.”

3. Following the successful approval and implementation of the Council Tax and Business Rates Recovery Strategy in January 2024, the Revenues and Benefits team has continued to implement their first committal cases, to address some long-standing Council Tax debts, as follows:
 - (a) Three debtors have approached us directly and agreed to payment plans:
 - (i) One debtor owes £7,438 and has agreed to repay this at £250 each month.
 - (ii) One debtor owes £12,400 and has agreed to repay this at £250 each month.

- (iii) One debtor owes £4,643 and has agreed to pay a £1,000 lump sum followed by £50 each month.
 - (b) Six debtors have been summoned to Court with three appearing before the Magistrates Court. Each one was found guilty of culpable neglect and issued with a warrant of commitment, suspended on the following payment terms:
 - (i) One debtor owes £6,806 and has been ordered to repay this at £195 each month.
 - (ii) One debtor owes £3,956 and has been ordered to repay this at £100 each month.
 - (iii) One debtor owes £1,560 and has been ordered to repay this at £10 each week.
 - (c) The remaining three debtors did not appear at court and have had warrants of arrests issued.
4. In addition to these committal actions, the Revenues and Benefits team continue to perform well in recovering other long-standing and large debts to the Council, as follows:
- (a) Following recovery action against a debtor who owed over £2,254 in unpaid Council Tax, it was identified that his property was up for sale. We instructed solicitors to instigate a Charging Order and payment in full has just been made.
 - (b) Following recovery action against a debtor who owed over £3,395 in unpaid Council Tax, we advised that we would commence committal action. The debtor attended the Town Hall and made payment in full.
 - (c) Following several unsuccessful attempts to contact a debtor who owed over £3,391 in unpaid Council Tax, contact was made with a relative, who advised that she was travelling and would call on her return. A process was undertaken to establish whose sole or main residence the property was and once this was completed, full payment was received.
 - (d) Following contact with a debtor who owed over £4,939 in unpaid Council Tax, it was established they were entitled to Council Tax Support. The debt was reduced to £881, which is now being repaid at £50 each month.

Customer Services

5. Some fantastic positive feedback was recently received for our Customer Services team, as follows:
- (a) "I thought I would drop you a message to say thanks for the service provided by the Customer Service Advisor team. I had a series of interviews last week and this week with candidates coming into the Town Hall for their interview. All the candidates remarked how warmly they were welcomed and made to feel at ease before their interview by the staff in Customer Services. A special mention for Lesley Wall. One of

my other visitors observed her dealing with a query from a member of the public and remarked how she showed the highest standards of customer service, making these members of public feel at ease while going above and beyond to make sure that their query was sorted out and they left happy. All the staff are excellent ambassadors for the Council.”

Capital Projects and Design Services Management

6. The Council’s capital programme has a wide range of exciting projects being developed and delivered:
 - (a) Darlington Railway Station scheme, which is being managed by TVCA, good progress is being made with works to the external envelope of the buildings and external areas mostly complete.
 - (b) The first phase of houses at the Neasham Road housing scheme have now been handed over to, whilst work continues on the second phase.
 - (c) Work has commenced at the Sherborne Phase II housing site with foundation work underway.
 - (d) The No.156 Northgate refurbishment Housing scheme is due to go out to tender shortly.
 - (e) Site clearance, strip and asbestos removal work are complete on the former Northern Echo building, with the main refurbishment work to commence.
 - (f) Business cases continue to be developed to secure additional projects from funding opportunities.
 - (g) There remains a risk of further inflation related effects on construction related costs .

Register of Electors

7. This year’s Annual Canvass commenced in mid-August, which was later than usual due to the UK Parliamentary General Election that took place in July. An initial data match with national and local data sets was undertaken prior to the Canvass commencing, and this suggested that a significant number of properties had no changes in terms of the household composition. As such, the residents within those properties were only required to respond to the Annual Canvass Form where there was a change.
8. A number of households were required to respond, and those that did not respond to the initial communication received a personal visit during either September or October, in order to encourage completion of the form. The final reminder was posted in November to those household that were still outstanding following that personal visit. The revised 2025 Register of Electors will be published on 1 December 2024.

Elections Act 2022

9. On 7 May 2024, the changes introduced in the Elections Act 2022 to the franchise of European Union (EU) citizens came into force which meant that the general right of those citizens to register, vote and stand in local government elections and Police and Crime Commissioner (PCC) elections was removed. In order to stand, or vote, in local or PCC elections EU citizens are required to be either a qualifying EU citizen or have retained rights.
10. In order to ascertain which EU citizens could remain registered, a review of all registered EU citizens commenced in October 2024. The review established that there are around 2,000 EU citizens registered, of which around 1,700 are either qualifying EU citizens or had retained rights, all of which received a confirmation of maintained registration. The remaining EU citizens were reviewed and were required to answer a question in respect of their immigration status. Any that are no longer entitled to be registered, or do not respond to the review, will be deleted from the Register of Electors prior to the deadline of 31 January 2025.
11. The final element of the Elections Act 2022 to be introduced are further changes to postal voting. Previously signatures needed to be refreshed every five years. The Elections Act introduced the requirement for a fresh application to be made every three years. This will mean that the majority of the current postal voters (around 15,000), will need to submit a fresh application by 31 January 2026. If they do not complete a fresh application their postal vote will be cancelled and they will need to visit a polling station to cast their vote at future elections. It is intended to start contacting postal voters during 2025.
12. The requirement to show Voter ID at polling stations, in order to vote, was one of the first elements of the Elections Act 2022 to be introduced. A draft statutory instrument has been laid before Parliament to include the HM Armed Forces Veteran Card to the list of photographic identifications accepted in polling stations as voter ID, in addition to the already accepted MOD 90 ID card. It is believed that the change will help around two million veterans to engage in the elections process and exercise their democratic right, with the changes set to be made in time for the 2025 local elections.

Digital Darlington Strategy 2025-30

13. A draft strategy is being developed and will be open to consultation before Christmas. It will set a clear direction on how we will maximise the benefits of the existing ICT technology associated with our online services and back office systems, and how we will consider and utilise emerging technologies to enable the council to become even more efficient and productive. There will be a key theme within the strategy that considers the impacts of digital exclusion, actions we can take to help address it, and the measures that will be in place to support people who cannot access our online services. The strategy will be aligned with the refreshed Customer Services Strategy which will also be open to consultation during the same period.

Councillor Mandy Porter
Cabinet Member with Resources Portfolio

**COUNCIL
28 NOVEMBER 2024**

OVERVIEW OF STRONGER COMMUNITIES PORTFOLIO

1. Since the last meeting of Council the updates for the Stronger Communities Portfolio are as follows:

Crime and Anti-Social Behaviour (ASB)

2. As previously reported, the criteria for reporting Crime and ASB have changed over recent years. It is therefore difficult to get like for like comparison between years but they now are getting to a point where figures are more comparable.

Local Crime and Anti-Social Behaviour (ASB)

Darlington	YTD Sept 2023	YTD Sept 2024
Crime	6378	5446
ASB	1271	1378

3. The figures in the table above show the year to date comparisons between this year and last year. There is a decrease in crime but an increase in ASB. Analysing quarter 2 incidents against quarter 1 of this year, the combined total of incidents has reduced by a total of 505 with Crime down by 16%, but ASB has increased by 13%.

Crime

4. Whilst crime figures have declined burglary, vehicle crime and shoplifting are areas being monitored and targetted. The Police, together with partners, have responded through crime prevention campaigns, target hardening initiatives, dedicated focused patrols, proactive operations, use of criminal powers and targeting suspects which has resulted in arrests.

Anti-Social Behaviour (ASB)

5. To try and tackle ASB the trailblazer project focuses patrols and activity across the eight hotspot areas. From the 1 July 2024 until 22 October 2024 a total of 575 patrols were carried out in the eight specific Trailblazer selected hotspot areas.
6. There are notable reductions in reported ASB in the North Road (-34%) and Cockerton East (-33%) hotspot areas. However, there was a significant increase in one hotspot area, the Town Centre (+35%), this increase is linked to a gathering of youths in Tommy Crooks Park moving into the Town Centre. Work continues with partners to determine any specific patterns or intervention requirements.

Youth Related Incidents

7. Future Pathways ASB evening sessions have completed the second Cohort with a total of 26 young people referred and 17 active referrals successfully completing the programme. The third cohort has begun having received a further 26 referrals.
8. As part of the recovery phase following the summer disorder Future Pathways have held the first of three community events where sporting and intergenerational activities between DBC staff, Police and young people were well received.
9. Present reporting period from 1 July 2024 to 22 October 2024.
 - (a) 27 young people were referred to Darlington Borough Council Young Peoples Engagement and Justice Service for positive intervention.
 - (b) 17 young people received first warnings for ASB
 - (c) 21 young people received acceptable behaviour agreements (ABA)
 - (d) 9 committed ABA breaches
 - (e) 6 young people are awaiting interview
 - (f) 1 Young person has a pending Civil Injunction

Environmental Crime

10. Since the last reporting period officers have continued to tackle problems associated with fly-tipping and waste in back lanes, the figures below provide an overview of activity:
 - (a) 118 environmental crime cases were received (of which 102 closed).
 - (b) Under Section 34, the duty of Care in relation to waste:
 - i) 3 Fixed Penalty Notices were issued.
 - ii) 1 alleged offender summoned to court for two S34 (waste duty of care) and 2 transporting wastes without licence offences. Failed to attend so a warrant has been issued.
 - (c) Under section 33, the unauthorised or harmful deposit of waste. i.e fly tipping 3 prosecutions have taken place totalling £851 fines, costs and victim surcharges.
 - (d) Under Section 110, intentionally to obstruct an authorised person in the exercise or performance of duties:
 - i) 7 prosecutions have taken place totalling £3548 fines, costs and victim surcharge.
 - ii) 1 court summons where the person failed to attend and warrant issued.
 - iii) 1 file submitted to legal for a S110 offence.
 - (e) In terms of Community protection notices, are issued to prevent unreasonable behaviour that negatively impacts on the local communities quality of life:
 - i) 1 prosecution for breach of the notice with £458 fines, costs and victim surcharge.
 - ii) 13 warnings issued.

Community Resilience

11. Number Forty supports anybody who needs assistance during an evening in Darlington. It has been open for more than 1300 hours with a total of 1197 people coming through it for various reasons and support during the night. Volunteers do a great job in providing support at No.40. However, the number of volunteers has declined significantly. Members are requested to promote number 40 and the opportunity for volunteering through their community engagement activity.
12. The Shopwatch network continue to exchange information and intelligence. There are currently 167 members. There is work ongoing to ensure all retail/businesses in the town have a means of communication outside of the 'shopwatch membership' i.e. financial houses, restaurants etc.
13. The Begging figures for July to September 2024 shows a 36% decrease, when compared to same period last year. There is a cohort of around 16 people continuing to beg with partners constantly engaging with them offering all available support mechanisms. The Police have an Integrated Management Unit to manage those people who continue to beg, despite all forms of support, coaching and advice. A new communication plan involving the provision of posters has also been produced to tackle the problems associated with begging in the town centre.
14. Hate Crime incidents for September (18) show a level lower than previous levels following the summer disorder. There were twelve race related incidents; five involved behaviour towards emergency services staff, with single reported incidents within a licensed premises, a retail outlet and a restaurant.

Licensing

15. Two private hire drivers have recently been convicted for illegally plying for hire in Darlington's town centre after they were seen on CCTV. Also, one of the drivers had no insurance, so in addition to fines he received six points on his licence.
16. A further two people have been summonsed for illegal dog breeding/selling and will appear at court in December.
17. The alcohol licences for Bambudda and Bambudda TAO Asian Street Food were reviewed after Immigration Enforcement found six illegal workers across both premises, which were run by the same people. Both premises had their licence revoked by the Licensing Committee.
18. A refreshed Gambling Policy is being presented to Council for approval as this is required on a three-year cycle. There a very limited changes as the Gambling Commission has not produced revised guidance as it is currently awaiting legislative changes.

Trading Standards

19. Trading Standards have successfully obtained three-month Premise Closure Orders against two persistent illegal vape and tobacco sellers namely Corner Shop, High Northgate and Ali's, Whitby Way. Illegal trade continued outside both premises which resulted in the arrest of one male and seizures of illegal goods from two vehicles.

20. Trading Standards continue to follow-up on intelligence and undertake investigations to tackle the storage and supply of illegal vapes and cigarettes.
21. E-bike sellers and repairers have been visited and given advice on the safety issues around lithium batteries and chargers.
22. All retailers licensed to sell fireworks are inspected by the Trading Standards team to ensure that everything is safe and legal. The team visit all those businesses during the fireworks sales period 15 October until 10 November each year.

Private Sector Housing

23. As part of the Government's Healthy Homes Project looking at damp and mould growth in homes, reporting has indicated that during Quarter 3, there were 24 complaints where damp and mould was mentioned or identified during an inspection. 12 of which were identified as being a category 1 hazard for either Damp and Mould or Excess Cold under the Housing Health and Safety Rating System. None of these cases resulted in formal action, with the owners of the properties resolving the hazards identified following informal action.
24. The team have recently worked with the owners of three long term empty properties that were previous prohibited bringing them back into use.

Darlington Cares

25. Darlington Cares continues to deliver initiatives across its three priority focuses, environment, education and social justice. It is on track to achieve 10,000 hours of volunteer support for Darlington.
26. Its sister project, Darlington Employers Environmental Partnership (DEEP) continues to grow and develop its activity. On 2 October DEEP shared an event with Darlington Business Club to engage smaller businesses and support them on their journey towards Net Zero. As a result four businesses have joined DEEP which was featured in the Northern Echo.

Voluntary and Community Sector

27. The Voluntary, Community and Social Enterprise sector engagement group (VCSE) continues to prove a valuable way for the Council to engage with the sector.
28. The Head of Community Safety joined the meeting in September to discuss the disturbances that had occurred in August. As a result, there is better communications with the sector should it be required for and future community safety concern.
29. The VCSE group has provided a useful forum for Youth Forum North East to work with the sector in planning the establishment of the Darlington Youth Partnership which held a launched event on 26 September 2024.

COUNCIL
28 NOVEMBER 2024

CABINET URGENT DECISIONS

Responsible Cabinet Member - Councillor Stephen Harker, Leader of the Council

Responsible Director - Chief Officers Executive

SUMMARY REPORT

Purpose of the Report

1. To report the urgent decisions made by Cabinet to which the procedure for calling-in could not be applied, as contained in this Council's Constitution.

NOTE – The topics of the reports outlined below are not to be the subject of debate by Council. However, Councillors may ask technical or factual questions to the relevant Executive Director as to the reason(s) for urgency.

Recommendation

2. That the urgent decisions taken be noted.

Reasons

3. To comply with this Council's Constitution.

Chief Officers Executive

Background Papers

Report to Cabinet entitled 'Household Support Fund' submitted on 5 November 2024.

Paul Dalton : Extension 5805

S17 Crime and Disorder	The contents of this report has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its areas. It is not considered that the contents of this report have any such effect.
Health and Well Being	Any impact in relation to Health and Well Being are referred to in the individual reports submitted to Cabinet.
Carbon Impact and Climate Change	Any impact in relation to Carbon Impact is referred to in the individual reports submitted to Cabinet.
Diversity	Any impact in relation to Diversity is referred to in the individual reports submitted to Cabinet.
Wards Affected	Any impact in relation to Wards Affected are referred to in the individual reports submitted to Cabinet.
Groups Affected	Any impact in relation to Groups Affected are referred to in the individual reports submitted to Cabinet.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	This is a non-Executive decision.
Urgent Decision	This is not an urgent decision.
Council Plan	Any impact in relation to Council Plan are referred to in the individual reports submitted to Cabinet.
Efficiency	Any impact in relation to Efficiency is referred to in the individual reports submitted to Cabinet.
Impact on Looked After Children and Care Leavers	Any impact in relation to Looked After Children and Care Leavers are referred to in the individual reports submitted to Cabinet.

MAIN REPORT

Information and Analysis

4. Contained within this Council's Constitution is a procedure for Scrutiny Committees to call-in decisions of Cabinet. This call-in procedure does not apply where the decision being taken by Cabinet or an Officer is urgent.
5. A decision will be urgent if any delay, which is likely to be caused by the call-in process, would seriously prejudice the Council's or the public interest.
6. The Constitution states that decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency and, given below, are details of such decisions taken since the Ordinary Meeting of Council held on 26 September 2024:

C65/Nov/2024	Household Support Fund	That the Household Support Fund (HSF) was extended from 1 October 2024 to 31 March 2025, and the Delivery Plan needed to be submitted to the DWP by 1 st November 2024.
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Outcome of Consultation

7. No formal consultation was undertaken in the preparation of this report.

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COUNCIL
28 NOVEMBER 2024

OVERVIEW OF ADULTS SCRUTINY COMMITTEE

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

CQC Assurance Framework – Update

2. At the time of the meeting, we were advised that there had been no further progress in relation to a date for this authority's inspection under the Care Quality Commission (CQC) Assurance Framework, despite Officers attempts to confirm a date for the inspection.
3. Members were reassured to learn that casework had been prepared in readiness for inspection, and that this was being continually kept under review to ensure that it remained up to date for any proposed inspection date.

Domestic Abuse

4. The Committee received a report from the Assistant Director – Performance, Transformation and Commissioning, which provided an overview of the requirements of this local authority under the Domestic Abuse Act 2021, and to advise on how this authority is supporting victims of domestic abuse and adhering to the Act.
5. Members learned that Domestic Abuse Act came into force in 2021 and introduced new requirements which local authorities must fulfil. We were advised that the Act created the first statutory definition of domestic abuse to ensure that "domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes". The submitted report identified examples of behaviour which constituted domestic abuse, highlighted the statutory requirements placed on the local authority by the Act, outlined the priorities contained within the 'Domestic Abuse Safe Accommodation Strategy 2021-2024', and informed Members of the actions being undertaken by this local authority to meet its obligations.
6. Concerns were raised in relation to the future funding of support services, and whilst it was noted that funding had previously been made available to the local authority via the Burdens Fund, Members sought assurances that contingency arrangements were in place should future funding not be forthcoming. Members also sought clarification in relation to the role of the Domestic Abuse Housing Options Officer, the level of actual housing stock available, the level of emergency accommodation available and provision under the sanctuary scheme.
7. We were eager to learn more in relation to the actions undertaken in terms of early identification and intervention, as outlined in Priority Two of the 'Domestic Abuse Safe Accommodation Strategy 2021-2024', the work undertaken to encourage the reporting of domestic abuse and to understand the potential barriers to reporting domestic abuse.

Members were keen to understand what more could be done to ensure that the voices of the victims of unreported domestic abuse could be heard. Members were also keen to ensure that all reporting and disclosure of domestic abuse was correctly recorded to support any future action.

8. The Committee entered into discussion on the role that Adult Social Care staff play in identifying domestic abuse, the training provided to allow staff to identify the signs of domestic abuse, and how this identification was integrated into social work practice. We also expressed an interest in scrutinising the performance data in relation to our commissioned partners, specifically in terms of waiting times for dedicated one-2-one therapy, the sanctuary scheme and accommodation.
9. At the close of discussion, focus returned to the uncertainty around the future funding of services, with reference made to the funding of the refuge by Public Health. It was acknowledged that, whilst work was being undertaken to maximise charitable trusts and manage the existing resources, there were potential risks to these services should funding not be forthcoming.

Darlington Care Network for Providers

10. The Assistant Director – Performance, Transformation and Commissioning submitted a report to provide Members with the opportunity to review and consider the provider engagement arrangements in place for Adult Social Care Providers. The report advised of the authority's duties and responsibilities for Adult Social Care, as set out in key legislation such as the Care Act (2014), the Mental Health Act (1983) and the Mental Capacity Act (2005), and that commissioned services support and meet a wide range of adults needs such as frailty, learning disabilities or autism, mental illness and substance misuse.
11. We learned that the Care Act (2014) placed a legal duty on the Council to shape the care market and ensure that there was sufficient care provision to meet the care needs of the people in Darlington. In addition, the authority was obliged to "promote diversity and quality of provision of services", and that these objectives could only be met through active engagement with care providers which promoted effective communication, consultation and co-production. It was noted that the authority had a successful track record of effectively engaging, consulting and communicating with its independent and voluntary sectors, and utilised a number of key forums, programme areas and information sharing approaches to ensure that effective communication and engagement continued.
12. Members welcomed the report and noted the high level of work undertaken to develop and maintain the relationships with our care providers, and reflected on the value that these relationships particularly had during the Coronavirus pandemic.
13. Questions were raised in relation to the support provided for grant applications and we discussed the level of influence the authority had in relation to our providers, and whilst it was acknowledged that the authority could not impose, it was heartening to discover that shared social values were encouraged.

Darlington's Commitment to Carers 2023-28

14. A report was submitted to provide Members with information in relation to Darlington's Carers' Strategy ('Darlington's Commitment to Carers 2023-28') and to provide an update on progress in terms of implementing the Strategy, which had been launched on 17 April 2024.
15. The Committee also received a presentation from the Commissioning Officer, the Chief Executive, Durham County Carers Support, and the Operations Manager, Durham County Carers Support, which provided Members with an overview of the key objectives of the Darlington's Carers' Strategy, the progress made under the Strategy to date, the focus of social media campaigns, and the support available for unpaid carers.
16. Members entered into discussion on the reasons why someone may become an unpaid carer, with it noted that many might feel a 'loving obligation' to take on the caring responsibilities for a loved one or relative, with reference also made to those carers in full-time employment, child carers and elderly carers. We were also keen to learn how Darlington Carers Support promoted the organisation, and whether there was scope for Councillors themselves to promote the organisation. We also scrutinised the number of people who accessed the service, and the factors that qualified carers to receive Carers Allowance.
17. We were keen to learn more in relation to the Hospital Discharge Project, whether any work was undertaken with other hospitals in Darlington and whether the work undertaken with the Darlington Memorial Hospital facilitated a quicker discharge process. Focus was also given to individual needs, the sustainability of discharge and the safety of discharge, especially in light of potential winter pressures.

Performance Indicators Quarter 1 2024-25

18. The Committee received a report which provided Members with performance data in line with an indicator set and Scrutiny Committee distribution agreed by the Monitoring and Coordination Group on 4 June 2018, and subsequently agreed by Scrutiny Committee Chairs. It was reported that the indicators were aligned with key priorities, and that twelve indicators were reported to this Committee, of which eight indicators were reported on at the end of Quarter 1 2024/25.
19. Of the eight indicators reported at this point, one of the indicators showed performance better than at this time last year (ASC002 – Older people aged 65+ admitted on a permanent basis in the year to residential or nursing care per 100,000 of the 65+ population). It was noted that during Quarter 1 of 2024/25 the total number of individuals who moved into permanent residential or nursing care was 38 individuals. This marked a decrease from 47 in 2023/24 and 41 in 2022/23.
20. We were also informed that the average age of individuals moving to permanent residential or nursing care is 86 years-old, which was an increase from the previous two years where the figure was 84 years-old. This reflected well on the work being undertaken to maximise independence and delay dependency.

21. Four indicators were comparable with the same time last year - ASC003 (Adults aged 18-64 admitted on a permanent basis in the year to residential or nursing care homes, per 100,000 population), ASC019 (Percentage of people who have no ongoing care needs following completion of provision of a reablement package), ASC049 (Proportion of people using social care who receive self-directed support) and ASC050 (Proportion of carers using social care who receive self-directed support).
22. Three of the indicators were not comparable and were reviewed at a point in time - ASC208 (Number of Safeguarding concerns (initial enquiries) started – year to date), ASC209 (Number of Safeguarding concerns (initial enquiries) started – per month) and ASC211 (Number of strategy meetings undertaken i.e. concerns progressed to strategy per month).
23. Discussion ensued on the number of adults aged 18-64 years-old who were admitted on a permanent basis to residential or nursing care homes and the challenging complex needs and comorbidities within this cohort. Members were informed that whilst long term residential care is utilised it is not necessarily a placement for life, with regular reviews undertaken and alternative options explored where appropriate. Members were keen to understand the complex needs of these adults, and whether these were primarily physical or mental needs, with Members advised that it was a combination of both.

Climate Change

24. The Committee gave consideration to the recent request from the Cabinet Member with Portfolio for Economy to consider the revised briefing note for scrutiny committees drafted by the Sustainability and Climate Change Lead Officer, in relation to this Council's commitment to tackling climate change. The briefing note reminded Members that tackling climate change was a shared responsibility, and that scrutiny had a critical role to play in these cross-cutting issues.
25. Whilst climate change, as a stand-alone issue sits within the remit of the Economy and Resources Scrutiny Committee, we recognised that everything that the Council does either has an impact on, or is impacted by, climate change, and it is therefore important that all Scrutiny Committees ensure that everything that comes before us has considered this.
26. We recognised that whilst there is probably very little within this Committee's remit that can be done to directly reduce carbon emissions, we can seek to ensure that resilience is built into everything we do.
27. The Committee have therefore resolved to ensure that the questions outlined in the revised briefing note appear as an appendix to our Agenda at all meetings and form part of any submitted Quad of Aims, to ensure that these questions remain at the forefront of Members' mind when scrutinising reports, and that all internal reports coming to this Committee have a section at the end of each report entitled 'Climate Considerations', with a brief note to outline any considerations which have been given to climate change by Officers.

Councillor Andrew Anderson
Chair of Adults Scrutiny Committee

COUNCIL
28 NOVEMBER 2024

OVERVIEW OF CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

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

Adoption Tees Valley Annual Report 2023/24

2. We received the Adoption Tees Valley Annual Report 2023/24. Contents were noted with members agreeing to forward any questions to officers for response.

Performance Indicators Quarter 1 2024/25

3. The Assistant Director Children's Services presented the report to provide performance information (April 2024- June 2024) in line with an indicator set agreed by Monitoring and Coordination Group on 2 July 2018.
4. Points of note included that at the end of Q1 2024/25, there were 205 families, 416 children open to the Building Stronger Families team. A further 60 families with 108 children were open to an external agency supporting the families. 115 children were subject to a Child Protection plan (CP) as at the end of June 2024 with a rate of 51.7 per 10,000 population with a CP plan. This is an increase on previous years and comparable to the increase in CiN plans open and decrease in Children in Care seen during the same period last year.
5. Areas for improvement were highlighted which included in Q1 2024/25, 81.0% of the children had their referral completed within 1 working day not meeting our 90% target. 7.5% of Child Protection statutory visits were completed within 10 working days in Q1 2024/25 and 94.9% of the visits were completed within 15 working days. Although below target (90%), this is an improvement on Q1 2023/24 where 70.1% of visits occurred within timescale.
6. Discussion was held with regards to the volume of information being presented to members in performance indicator reports with a member suggesting that a review of many indicators KPIs would be useful as well as an analysis of trends or notable anomalies. Officers noted this input and reiterated to members that realistic additional indicators can always be requested by members.
7. Members also stated that performance figures paint a picture of the service as a whole and that they are useful in presenting the work and progress that officers are undertaking.
8. We noted the content of the performance information provided.

Children and Young People's Plan 2024-2027

9. We welcomed the Assistant Director - Commissioning, Performance and Transformation who provided members with an overview of the Children and Young People's Plan 2024-2027. The Children and Young People's Plan (CYPP) is one of the identified delivery plans within the Council Plan and identifies what key actions will be taken to deliver the agreed priority for children – the best start in life, realising potential and raising aspirations while being driven by the children themselves.
10. This is a partnership plan which shows how organisations and agencies in Darlington will work together collectively to improve outcomes for all children and young people in Darlington. A multiagency Steering Group has been in operation since 2017 and will continue to be responsible for implementing the CYPP over the next three years.
11. We were presented with the video that has been produced to support the plan (available on the Council's website) in which Children and members of our Youth Parliament outlined the purpose and priorities of the plan.
12. We raised questions which included whether members will have access to updates on the progress of the plan with officers confirming that the website will be updated with the latest progress reports on a six-monthly basis.
13. A member asked if it would be possible to have a further video produced by the children solely for scrutiny members in the future with officers agreeing to look into the viability of this.
14. We applauded the work being done around the plan, the quality of the video and the performance of the children who are involved. A member highlighted that signposting and raising awareness of the existence of the plan would be worth the time investment to draw attention to such a positive piece of work.
15. We noted the content of the report and support the recommended next steps for the plan.

Learning and Skills Annual Report 2023/24

16. We welcomed the Head of Skills and Employability who provided members with an update on the performance of the Learning & Skills Service for academic year 2023/24. Members were informed of the range of training provided by the service and those whom the service seeks to support.
17. Points of note included that the service was inspected by Ofsted in June 2022, retaining its assessment of 'Good' overall.
18. In 2023/24 the service had 1,501 across a wide range of programmes, including:
 - (a) 73 16–18-year-olds on Study Programme
 - (b) 1,370 people on Adult Skills courses
 - (c) 58 Apprenticeship starts

19. We asked questions that included whether the services we provide are the same as those offered by local Colleges with officers responding that a mix of provision is present and that the service works closely with Darlington College, with no curriculum issues being present.
20. We also clarified TVCA funding – members were informed that although funding has not been cut, the final figures from last year's over-delivery have not been consolidated into this year's budget. Ideally the final figures from the previous year would be used as a baseline for the following year's funding but this has not been the case. Members expressed that greater funding-assurance from TVCA would be desirable.
21. We noted the content of the report and commended the service for the positive work being carried out.

Children's Service Self-Assessment

22. We welcomed the Assistant Director Children's Services who provided Scrutiny with the Annual Self- Assessment for Children's Services which aims to provide a constructive 'critical friend' challenge to drive improvement in public services.
23. The self-assessment draws on existing documentation and activity and reflects the local authority's business for children's services. It identifies what leaders are doing to maintain or improve good practice for children and their families, demonstrating the effectiveness of our actions and address weaknesses in practice, with clear, appropriate plans to improve services.
24. The self-assessment aims to address three questions:
 - (a) What do we know about the quality and impact of social work practice in our local authority?
 - (b) How do we know it?
 - (c) What are our plans for the next 12 months to maintain or improve practice?
25. We asked questions that included whether the assessment has highlighted any areas for improvement with officers noting the key challenges around the increased need and complexity of many cases on which the early-help service is focussing.
26. A member asked if the assessment is too time consuming for the service with officers providing assurance that time spent on the assessment is worthwhile in order to solidify a shared understanding across the service and highlight areas for improvement.
27. A member suggested that a six-monthly update on the most notable aspects of the assessment would be useful for the committee.
28. We noted the content of the report, and the information covered in the self-assessment.

Independent Reviewing Officer Annual Report 2023-24

29. We welcomed the Service Manager – Children’s Services who presented the annual report which includes an overview of the work undertaken by Independent Reviewing Officers, who, in Darlington, provide independent reviewing and associated functions in relation to:

- (a) Children who are Looked After
- (b) Children who are the subject of Supervision Orders
- (c) Children who are the subject of Child Protection Conferences and / or multi-agency Child Protection Plans.

30. In addition to the contents of the report, we were informed that team structures are to be reviewed in the near future. Members were also reminded that due to low numbers involved in many statistics, percentage increase / decreases in can be misleading and do not generally represent trends in the short-term.

31. We noted the content of the report.

Work Programme 2024/25

32. We gave consideration to the Work Programme for this Committee for the Municipal Year 2024/25 and possible review topics. The work programme is a rolling work programme, and items can be added as necessary.

Councillor Hilary Allen
Chair of Children and Young People Scrutiny Committee

COUNCIL
28 NOVEMBER 2024

OVERVIEW OF COMMUNITIES AND LOCAL SERVICES SCRUTINY COMMITTEE

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

Towns Centre Events Programme

2. We received a report which provided an overview to Members of the Town Centre Events Programme. The report included a review of 2024 events which demonstrated the variety and quantity of animation delivered this year and the impacts events have on Darlington's businesses and visitors.
3. The report explained that the programme aims to offer diverse, cultural, and family friendly events. The Diwali event was programmed for the first time in November 2023 and had a fantastic response which thousands of visitors came and took part. It also included feedback from town centre businesses, the team developed town centre animation events which encouraged visitors to move around the Town Centre such as Dinosaur Day, Vintage Car Rally, Etc.
4. The report included how hard the team worked to attract sponsorship for the event programme 2023/24 which totalled too £40,160 so far, sponsors had included Cummins, HC One, Hays Travel, Darlington College, Etc. The budget was £196,000 which included the events direct costs, infrastructure and staffing.
5. The report also set out the proposed events in Darlington for 2025, as next year celebrates the 200th anniversary of the first journey on the Stockton and Darlington Railway (S&DR200) there would be a 9-month international festival taking places across County Durham and Tees Valley. The S&DR200 Festival would present a series of free large scale outdoor events and exhibitions.
6. We wanted to establish whether it would be possible to host a niche event for villages surrounding Darlington, officers advised with the upcoming events for S&DR200 Festival it could incorporate smaller villages.
7. We were pleased with the report details and will be looking forward to the events to come. Discussion ensued around advertisement, whether events had been promoted through different digital platforms such as adverts during Spotify etc.
8. Discussion ensued around sponsorship of events, had it got harder to receive funding from sponsors and whether there are enough funding behind the events for 2025.

Environment Act 2021 – Household Waste Management Arrangements

9. We received a report which outlined the requirements of the Environment Act 2021 and provided details on the development of the new statutory weekly food waste collection service.
10. The report included the main requirements of the act which are Food Waste Collection, Simpler Recycling, Extended Producer Responsibility (EPR) and Deposit Return Scheme. The report outlined the current household waste management arrangements and what actions the council would need to consider when introducing the weekly food waste collections.
11. The report explained that from the end of March 2026, local authorities must collect food waste weekly from all residential properties unless transitional arrangements had been agreed.
12. The report stated that new 'Simpler Recycling' collections would be introduced, with the aim to produce standardisation with the same materials: plastic, metal, glass, paper, card, food waste and garden waste (charge to be applied for garden waste) collected from homes, workplaces and schools.
13. Under EPR it explained that this element of the Act placed responsibility onto packaging producers to cover the full net cost of the packaging they placed on the market, it was explained that Local Authorities would receive payments from 2025/26 however nothing had been confirmed.
14. The report described the Deposit Return Scheme and how it would be operational from October 2027, Individuals would be able to return polyethylene terephthalate (PET) bottles, steel and aluminium cans from 150ml to 3l and receive a refund on deposit paid.
15. The report outlined the current waste management services, data on the 2022/23 collection arrangements and The Waste and Resources Action Programme Charity's (WRAP) involvement with the Council.
16. The report enclosed the options which the Council proposed to Members to review and feedback to Cabinet but to consider the uncertainty of the financial forecast.
17. We discussed the success rates of residents adhering to the new waste management arrangements, whether any communication/education would be given out for the public to follow.
18. We discussed the options further, and how Option2 had concerns to waste management staff due to the manual handling style that would be required.
19. Discussion ensued around finance implications regarding the new waste management arrangements, the uncertainty of the amount of funds that would be obtained from the government.

20. We discussed the advantages and disadvantages of the transition from a 240l to a 180l bin, Members wanted to know if Darlington used a medical waste collection service and the possibility for plans of recycling batteries.

Draft Minutes of the Meeting of The Tees Valley Combined Authority Transport Committee

21. We received the Draft Minutes of the Tees Valley Combined Authority Transport Committee, which was held on 28 May 2024.
22. We discussed the punctuality of the Arriva Buses in and around Darlington, and how there is now a QR Code available for which the public can report any issues during journeys.

Councillor James McGill
Chair of Communities and Local Services Scrutiny Committee

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COUNCIL
28 NOVEMBER 2024

OVERVIEW OF ECONOMY AND RESOURCES SCRUTINY COMMITTEE

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

Revenue Budget Monitoring 2024/25 Quarter 1

2. We received a report which provided an early forecast of the 2024/25 revenue budget outturn as part of the Council's continuous financial management process to be presented at 5 November Cabinet.
3. We were provided with the second revenue budget management report 2024/25 which included financial records to August and managers projections for the remainder of the year. Assumptions had been made concerning the future demand for services, in particular Social Care.
4. The report included the Council's projects revenue reserves position at the end of 31 March 2025 are £10.979m, £1.364m lower than the initial 2024-28 MTFP position. The position related to the £2.519m of departmental pressures and a decline of £0.166m from corporate resources, offset by £1.321m of additional balances following the 2023/24 outturn.
5. We discussed the figures in the report and what the predicted outcome would be for next year. Members discussed the waste management and Housing and Revenue figures further.
6. We scrutinised the overspend figures in crematoriums due to the additional running costs and reduced projected numbers of cremations, Members wanted to know if this would be reflected on the set budget for next year.

Project Position Statement and Capital Programme Monitoring Quarter 1 2024/25

7. We received the report which is to be presented at 5 November Cabinet.
8. We considered the report which provides information on the delivery of the Council's capital programme and a summary of current construction projects. The report included the projected outturn of the Capital Programme is £331.717m against an approved programme of £332.202m.
9. We entered discussion around 156 Northgate and noted that the tender was to be issued in September, Members wanted to understand if this had been completed.
10. Conversation ensued around the Skinnergate demolition works, we wanted to understand what stages had been completed so far and when the next phase was due to start.

11. In appendix 1, we wanted to understand what the reasons behind the reduction of the approved budget for the Home Upgrade Grant were from £6.2m to £1.8m.

Council Tax Support – Scheme Approval 2025-26

12. We received a report which provided an overview to us on the Council Tax Support Scheme (CTS) for 2025-26.
13. The report included the key features of Darlington's CTS scheme which explained that working aged people can only receive a maximum of 80% support towards their Council Tax. From April 2023, care leavers under the age of 25 were made exempt from Council Tax under discretionary powers. The report stated that pensioners are protected under a national set of regulations.
14. The report stated that there were no other changes recommended for the 2025-26 CTS scheme however we should have noted the following change: The amounts in Table 1 and non- dependant deductions in Table 2 were amounts applied to the 2024-25 CTS scheme and would be uprated for 2025-26. The uprated amounts would be calculated with reference to amended Prescribed Requirement regulations. The regulations would be published in January 2025 and the CTS scheme for 2025-26 with amendments before publication. We should have also noted that any other changes to the Prescribed Requirements regulations 2025 would be incorporated into the CTS scheme for 2025-26 before publication. The changes were for reference only and do not represent a change to the local CTS scheme.
15. We entered discussion around the grants paid to local authorities to fund the CTS Scheme, but wanted to understand what was missing when the overall amount did not meet the actual expenditure levels.

Climate Change Update

16. We received a report which provided us with an update on the Council's net zero target. The report included that following the Council elections in 2023, the Climate Change Emergency Declaration was re-affirmed, and the Council's carbon neutral target was brought forward to 2040.
17. The report included the Councils' reduction trajectory had been amended 50% reduction every 5 years. The emissions for 2023/24 were 6,190 t/ CO₂, the emissions were made up of the energy used in Council buildings, business mileage, fleet emissions, streetlighting and signs. The carbon emissions for 2023/24 had reduced by almost 53% compared to the baseline emissions of 2010/11.
18. The report included the 109 actions reported at the end of 2023/24, 91 of those were on track and 5 had been completed.
19. We discussed how progress had been made with regards to the Dolphin Centre, but the target would likely be missed. Officers advised that a review on this had been received so this could require updating.

20. Conversation ensued around value for money with regards to Climate Change, we wanted to understand further if we were on track for the target, Officers explained we were halfway to achieving the target.
21. We wanted to understand why there had been limited progress made on the Governance action, what were the delays upholding the Cabinet and Scrutiny reports including a Climate Change impact assessment.
22. We scrutinised the E05 and E06 actions on appendix 1, how there had been limited or no progress made. Members were concerned about the potential of retrofit becoming difficult.

Constitution Update

23. We received a report which provided us with the proposed changes to the Constitution.
24. The report included details of how the process followed for reviewing the constitution and proposed amendments which were described as general housekeeping.
25. The updates and amendments detailed in the report, ensured the constitution will remain up to date and fit for purpose.
26. We entered discussion around the rights of the public to film, record and blog meetings subject to there being no disruption caused to the meeting because of this. We discussed whether the council could ask or require people filming to advise where the material obtained would be uploaded. We touched on whether the public should have insurance in place if bringing filming equipment on site to record meetings.
27. We entered conversation around all councillors having a basic Disclosure and Barring Check, as compared to an Enhanced DBS check.
28. The deadlines for committees was raised, whether a Committee such as the Planning Applications Committee should have a forward plan, so that the public and other Members can have early notice when an item is going to be considered at a meeting.

Councillor Rebecca Baker
Chair Economy and Resources Scrutiny Committee

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COUNCIL
28 NOVEMBER 2024

OVERVIEW OF HEALTH AND HOUSING SCRUTINY COMMITTEE

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

Substance Misuse Services Update: Support Treatment and Recovery In Darlington Through Empowerment (STRIDE)

2. We welcomed a report and PowerPoint presentation updating Scrutiny Members on the current performance, provision and composition of STRIDE specialist substance misuse treatment and recovery services delivered within Darlington.
3. Details were provided of the Supplemental Substance Misuse Treatment and Recovery Grant (SSMTRG) 2022-2025, three years of additional ring fenced funding for treatment and recovery. The presentation outlined funding allocations for Darlington's treatment system and details were provided of performance outcomes.
4. We also welcomed a PowerPoint presentation by the Head of Service Delivery, WithYou, outlining the offer in Darlington, including partnership working and figures of recovery support, which included supporting 88 people per month on average. The presentation also detailed referrals to STRIDE for the year to date. Particular reference was made to the low referral rate from probation and Members were informed that increasing referrals from criminal justice, primary care and hospitals is a key area of focus for STRIDE. We noted the next steps for STRIDE.
5. Two service users in attendance at the meeting provided Members with their personal stories of substance misuse and recovery.
6. We did discuss training for children and young people in primary and secondary schools and Members were assured that the training package is evidence based and age appropriate, with the primary aim of building resilience.
7. Following a query, Members were informed that the Access Team or WithYou should be the first point of contact for anyone requiring support for drug and alcohol use and we were informed of the WithYou [webpage](#), which includes a range of resources and online referral into the service.

Housing Services Tenant Involvement Strategy 2024/29

8. We received a report from the Assistant Director Housing and Revenue requesting that consideration be given to the draft Housing Services Tenant Involvement Strategy 2024-2029.

9. The strategy sets out how the Council will involve and empower its tenants, including how engagement activities will be monitored and reported and how the Council will involve tenants in decisions about the services they provided.
10. The Tenants Panel have been consulted on the draft strategy in September 2024, who overall support the proposed Housing Services Tenant Involvement Strategy 2024-2029.
11. Members did query the mechanism for contribution for residents that were not on the Tenants Panel and highlighted the need to improve feedback to residents from estate inspections. The Head of Housing informed Members that a digital Tenants Panel has been established for residents unable to attend in person meetings and tenants can provide feedback via coffee mornings, events and corporate complaints and comments. We were informed that You Said We Did is being used to provide feedback to residents following estate inspections.
12. We support the onward submission of the Housing Services Tenant Involvement Strategy 2024-2029 to Cabinet.

Joint Local Health and Wellbeing Strategy 2024-2028

13. We gave consideration to the draft Joint Local Health and Wellbeing Strategy (JLHWS), which has been informed by the Joint Strategic Local Needs Assessment and a series of workshops with members of the Health and Wellbeing Board and wider partners.
14. The JLHWS sets out the local priorities for improving the health and wellbeing of the population of Darlington and has adopted a life course approach with the themes of Best Start in Life – Children and Young People, Staying Healthy – Living Well and Staying Healthy – Ageing Well, with an additional theme of Healthy Places in recognition of the importance of taking action to improve the wider determinants of health.
15. Particular discussion ensued regarding the additional theme of Healthy Places and the importance of addressing wider determinants of health. The Director of Public Health recognised the importance of strengthening wider determinants of health within the strategy.
16. Members queried need for the Life Course Data Map within the strategy and were provided with details as to what this will capture.
17. We noted the contents of the draft Joint Local Health and Wellbeing Strategy, including the overarching priorities identified to improve the health and wellbeing of the population of Darlington. Members agreed to forward any further suggested changes to the Director of Public Health by 8 November 2024.

Work Programme

18. We have given consideration to the Work Programme for this Committee for the Municipal Year 2024/25 and possible review topics. The work programme is a rolling programme and items can be added as necessary.
19. We considered a request for an item to be included on the work programme in relation to

mental and psychological support for residents in Darlington who are living with long term conditions and chronic illnesses. The majority of Members felt that the scope of this request was too broad, therefore this item will not be added to the work programme at this time.

Councillor Mary Layton
Chair of the Health and Housing Scrutiny Committee

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