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DARLINGTON
Borough Council

Cabinet Agenda

5.00 pm

Tuesday, 4 November 2025

Council Chamber, Town Hall, Darlington, DL1 5QT

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

1. Introductions/Attendance at Meeting.

2. Declarations of Interest.

3. To hear relevant representation (from Members and the General Public) on items on this Cabinet agenda.

4. To approve the Minutes of the Meeting of this Cabinet held on 7 October 2025 (Pages 5 - 10)

5. Matters Referred to Cabinet – There are no matters referred back for reconsideration to this meeting

6. Issues Arising from Scrutiny Committee – There are no issues referred back from the Scrutiny Committees to this Meeting, other than where they have been specifically consulted on an issue and their comments are included in the contents of the relevant report on this agenda.

7. Council Tax Support Scheme 2026-2027 – Report of the Assistant Director of Housing and Revenues (Pages 11 - 62)

8. Revenue Budget Monitoring - Quarter 2 – Report of the Executive Director of Resources and Governance (Pages 63 - 86)

9. Project Position Statement and Capital Programme Monitoring - Quarter 2 –

Report of the Executive Director of Environment, Highways and Community Services and Executive Director of Resources and Governance (Pages 87 - 100)

10. To Consider the Use of Land at Faverdale Including Former St Modwen Land for Biodiversity Net Gain and Nutrient Neutrality Credits – Report of the Executive Director of Economy and Public Protection (Pages 101 - 118)

11. Membership Changes - To consider any Membership Changes to Other Bodies to which Cabinet appoints.

12. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting.

13. Questions.

EXCLUSION OF THE PUBLIC AND PRESS

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

PART III NOT FOR PUBLICATION

15. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting.

16. Questions.

A. C. Wennington

Amy Wennington
Assistant Director Law and Governance

Monday, 27 October 2025

Town Hall
Darlington.

Membership
Councillors Curry, Garner, Harker, McCollom, McEwan, Porter, Roche and Wallis

If you need this information in a different language or format or you have any other queries on this agenda please contact Olivia Hugill, Democratic Officer, Resources and Governance, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays (e-mail olivia.hugill@darlington.gov.uk or telephone 01325 405363).

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DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY, 20 OCTOBER 2025

CABINET
Tuesday, 7 October 2025

PRESENT – Councillors Harker (Chair), Curry, Garner, McCollom, McEwan, Porter and Roche.

APOLOGIES – Councillors Wallis.

INVITEES - Councillors Snedker and Dulston.

C21 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C22 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.

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

C23 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON 9 SEPTEMBER 2025

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 9 September 2025.

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

REASON – They represent an accurate record of the meeting.

C24 MATTERS REFERRED TO CABINET

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

C25 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C26 KEY DECISIONS:-

C27 PROCUREMENT PLAN UPDATE

The Cabinet Member with the Resources Portfolio introduced the report (previously circulated) of the Executive Director of Resources and Governance for Cabinet to consider and approve the assessment of contracts that are considered to be strategic or non-strategic.

The report presented the outcomes of procurements previously designated as Strategic, the decisions taken by the Procurement Board to waive the Contract Procedure Rules and an update concerning Social Value.

RESOLVED - It is recommended that:-

(a) Members approve the assessment of strategic and non-strategic contracts as presented in Appendix 1 and that:

i) Further reports/ updates on the procurement process for those contracts designated as strategic (including decisions made by the Procurement Board) be brought to Cabinet.

ii) The contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Directorate as listed in the plan at Appendix 1.

iii) The contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1, be delegated to the Procurement Board to approve and will be reported back to Cabinet.

(b) that Members note the contents of this report in respect of the update of strategic procurements, Procurement Board waiver decisions, and Social Value.

REASON - The recommendations are supported by the following reasons for strategic and non-strategic procurements:-

(a) The Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic and:

(b) Contracts designated strategic are of high value and high significance in respect of the impact on residents, Health & Safety and public safety.

(c) The contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

In respect of Procurement Board waiver decisions, the recommendations are supported by the following reasons: -

(a) In order to comply with the Contract Procedure Rules.

(b) To provide Cabinet with information about the decisions made by the Procurement Board.

(c) To supplement the reports that are taken to Cabinet about proposed spend over £100,000, that are set out in the Annual Procurement Plan and the in-year update to that report.

C28 TEES VALLEY ENERGY RECOVERY FACILITY (TVERF) - UPDATE

The Cabinet Member with the Local Services Portfolio introduced the report (previously circulated) of the Executive Director of Environment, Highways and Community Services to seek supplementary approval and delegations to support the previous Cabinet decisions on the project.

The report explained that the five Tees Valley Authorities, Durham County Council and Newcastle City Council are working collaboratively to procure a contractor to design, build, operate and finance a new Energy Recovery Facility (ERF) located in the Tees Valley.

It was illustrated that a governance framework had been developed to manage the development and operation of the project. Cabinet had previously approved the progression of the project and the creation of a Special Purpose Vehicle (SPV) which will be a limited company owned by all seven councils. The SPV will enter into the contract with the preferred bidder, Viridor. The SPV will manage the contract throughout the design, build, operation and financing of the ERF.

The report explained how Cabinet had previously entered into an agreement with the Shareholders and the Waste Supply and Support with the SPV. Cabinet had also agreed that the SPV would enter into a contract with the successful bidder at a financial close and enter a 50 year lease with the South Tees Development Corporation (Teesworks) for the TVERF Site.

The report also clarified that as part of the previous approvals, Cabinet delegated authority to the Group Director of Services in consultation with the Cabinet Member for Local Services for them to enter into two guarantees: the first for the SPV and the second to underwrite the SPV's obligations under the 50-year-old lease for the site. The report also stated that delegated authority was approved to finalise and agree the business plan for the SPV and agree an equalisation agreement between the Tees Valley Authorities for the transfer and bulk transportation of material to the TVERF.

It was explained that project has a team of external specialist advisors, the legal advisors producing the contract documentation had advanced the development of the documentation and governance framework; there is a suit of associated agreements and ancillary documents that are required. The report seeks to supplement previous approvals, make appointments to the SPV and seek approval and delegations for the ancillary documents developed as part of the governance framework.

Reference was made at the meeting around whether there would be opportunity for Scrutiny to explore the Tees Valley Energy Recovery Facility further.

RESOLVED - It is recommended that the following appointments to the SPV are approved:

(a) The Assistant Director of Environment and Community Safety as Darlington Borough Council's Director on the Board of the SPV and to authorise them, and any successors, to take all decisions as set out in the SPV and associated documents for the good governance of the SPV and TVERF and to authorise them to appoint an alternate representative to act as their substitute or deputy.

(b) The Executive Director of Environment, Highways & Community Services, and any successors, as the Shareholder Representative and to authorise that Shareholder Representative to appoint an alternate representative to act as their substitute or deputy.

It is recommended that the following authorisations in relation to the SPV are approved:

(d) authorise the Shareholder Representative and their alternate to make decisions under the Shareholder Agreement, the articles of association, including the making of shareholder resolutions on behalf of the Council.

(e) Endorse the Council being a shareholder, approve and adopt the Articles of Association and the Council subscribing for shares in the SPV.

(f) Delegate authority to the Assistant Director of Environmental Services and Community Safety in consultation with the Executive Director of Environment, Highways & Community Services, Chief Finance Officer and Cabinet Member for Local Services to enter into all other necessary agreements or legal documents on behalf of the Council or the SPV.

It is recommended that the following authorisations are approved

(a) To delegate authority to the Assistant Director of Environmental Services and Community Safety in consultation with the Executive Director of Environment, Highways & Community Services and Cabinet Member for Local Services to enter the Council into the following agreements

(i) The Shareholder Agreement

(ii) The Second Inter Authority Agreement

(b) To delegate authority to the Assistant Director of Law and Governance to sign the Local Government Contracts Act (LGCA) Certificate.

(c) To delegate authority to the Assistant Director of Environmental Services and Community Safety in consultation with the Executive Director of Environment, Highways & Community Services and Cabinet Member for Local Services to enter into the following agreements on behalf of the SPV.

(i) Shareholders Agreement and associated documents
(ii) Service Level Agreement
(iii) Secondment Agreement
(iv) Council Guarantee of the Project Agreement
(v) Novation of the Option Agreement
(vi) Side deed of the estate owner
(vii) Environmental Deed
(viii) The Lease and Lease Guarantee and associated documents
(ix) Waste Supply and Support Agreement

REASON - The recommendations are supported by the following reasons:

(a) External solicitors were appointed to advise and represent the Councils and have been advising on the necessary documentation. They have advised that an ancillary suite of documents and agreements are approved to compliment the governance of the contract and its future monitoring and management.

C29 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

C30 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-

C31 QUESTIONS.

DECISIONS DATED –
FRIDAY, 10 OCTOBER 2025

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CABINET
4 NOVEMBER 2025

COUNCIL TAX SUPPORT - SCHEME APPROVAL 2026-27

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 consider the draft Council Tax Support (CTS) scheme for 2026-27 before approval by Council on 27 November 2025.

Summary

2. On 28 November 2024, Council approved the local CTS scheme for 2025-26 and the scheme became operational on 1 April 2025.

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 2026-27. No significant changes are proposed to the existing scheme.

5. This report was considered by the Economy and Resources Scrutiny Committee on 30 October 2025, which at the time of writing has not taken place. It is anticipated the Committee will have agreed its onward submission for consideration by Cabinet. The responsible Cabinet Member for Resources will provide confirmation at the meeting.

Recommendation

6. It is recommended that Cabinet consider and approve the draft CTS scheme for 2026-27 at **Appendix 1** and for it to be submitted to Council for decision.

Reasons

7. The recommendations are supported by the following reasons:

(a) The Council is required to publish a local CTS scheme for 2026-27 by 11 March 2026.

(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. There is no specific Government grant to fund CTS; the scheme is funded from the overall grants paid to the Council and through Council Tax income. The estimated cost of the CTS scheme for 2025-26 is £9.7m.

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 2025-26 CTS scheme and will be uprated for 2026-27. The uprated amounts will be calculated with reference to the amended Prescribed Requirement regulations. These regulations will be published in January 2026 and the CTS scheme for 2026-27 will therefore be amended before publication.

    (b) Any other changes to the Prescribed Requirements regulations 2026 will also be incorporated into the CTS scheme for 2026-27 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

2026 - 2027

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 28 November 2024, Darlington Borough Council approved the Council Tax Support scheme for 2025-2026, which became operational from 1 April 2025.

4. This document sets out Darlington Borough Council's scheme for 2026-2027 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.

(o) The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2025.

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(o), 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.

<u>People receiving Universal Credit with income equal to or less than their Universal Credit maximum award</u>

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.

<u>People receiving Universal Credit with income more than their Universal Credit maximum award</u>

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:

<u>Pensioners with income equal to or less than their applicable amount</u>

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.

<u>Pensioners with income more than their applicable amount</u>

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

(e) For the purposes of this regulation, an award of Universal Credit is to be disregarded during the relevant period, or where regulation 60A of the Universal Credit (Transitional Provisions) Regulations 2014 applies in respect of the award

(f) "Relevant period" means the period beginning with the day on which the person and their partner has attained the qualifying age for state Pension Credit and ending with the day on which the last assessment period for Universal Credit ends.

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.

<u>Non-dependants</u>

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.

<u>Persons from Abroad</u>

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 2025-2026 scheme and will be uprated for 2026-2027. The uprated 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 2025-2026	Weekly amount 2026-2027
Single claimant aged 18 to 24	£72.90	
Working aged single claimant aged 25 or over	£92.05	
Single claimant entitled to main phase Employment and Support Allowance	£92.05	
Working aged lone parent	£92.05	
Working aged couple	£144.65	
Couple entitled to main phase Employment and Support Allowance	£144.65	
Single claimant or lone parent who has attained pensionable age before 1 April 2021	£244.40	
Couple where one or both members have attained pensionable age before 1 April 2021	£366.00	
Single claimant or lone parent who has attained pensionable age on or after 1 April 2021	£227.10	
Couple where one or both members have attained pensionable age on or after 1 April 2021	£346.60	
A child or young person who is a member of the family until the day before their twentieth birthday	£84.66	
Family premium	**Weekly amount 2025-2026**	**Weekly amount 2026-2027**
A household which includes at least one child or young person (but see paragraphs 52 and 53)	£19.48	
Employment and Support Allowance premiums	**Weekly amount 2025-2026**	**Weekly amount 2026-2027**
The claimant or their partner are in receipt of the work related activity component of Employment and Support Allowance	£36.55	
The claimant or their partner are in receipt of the support component of Employment and Support Allowance	£48.50	
Special circumstances premiums (entitlement limited to only one of the premiums below)	**Weekly amount 2025-2026**	**Weekly amount 2026-2027**

Disability premium (single) – the claimant is registered blind, or in receipt of one or more of the following: • 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 • Pension Age Disability Payment	£43.20	
Disability premium (couple) – the claimant or partner is registered blind, or in receipt of one or more of the following: • 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 • Pension Age Disability Payment	£61.65	
Carers premium – the claimant or partner is entitled to Carers Allowance, the carers element in Universal Credit, the carers addition in Pension Credit, or Carers Support Payment	£46.40	
Special circumstances premiums (entitlement can be applied on top of any other premiums awarded)	**Weekly amount 2025-2026**	**Weekly amount 2026-2027**
Severe disability premium (single rate) - for a single claimant, lone parent or couple where: • 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	£82.90	

enhanced rate, or Armed Forces Independence Payment, or Pension Age Disability Payment, and • No non-dependants aged 18 or over reside with them, and • No one is in receipt of a Carers Allowance, Carers Support Payment, carers element, or carers addition for looking after them.		
Severe disability premium (double rate) – for a couple where: • 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, or Pension Age Disability Payment, and • No non-dependants aged 18 or over reside with them, and • No one is in receipt of a Carers Allowance, Carers Support Payment, carers element, or carers addition for looking after both of them.	£165.80	
Enhanced disability premium (single) – where: • 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.	£21.20	

Enhanced disability premium (couple) – where: • 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.	£30.25	
Enhanced disability premium (disabled child) – where: • 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.	£32.75	
Disabled child premium – where a child or young person: • 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 • Receives Child Disability Payment, or • Is registered blind.	£81.37	

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.

<u>Time and manner of making a claim</u>

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 £195.50 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. Child Disability Payments

vii. Disability Living Allowance

viii. Discretionary Housing Payments

ix. Education Maintenance Allowance

x. Guardian’s Allowance

xi. Housing Benefit

xii. Income Support

xiii. Income based Jobseekers Allowance

xiv. Income related Employment and Support Allowance

xv. Mobility supplements

xvi. Pension Age Disability Payments

xvii. Personal Independence Payments

xviii. Any war pension, as defined by The Housing Benefit and Council Tax Benefit (War Pension Disregards) (Amendment) Regulations 2009

xix. Widowed Mother’s Allowance

xx. 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.

<u>Income treated as capital</u>

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.

<u>Notional capital</u>

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.

<u>Capital disregarded</u>

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 2025-2026 scheme (**Table 2**) and will be uprated for 2026-2027. The uprated amounts will be calculated with reference to the amended regulations.

Table 2: Non-dependant deductions 2025-2026

Non-dependant type	Weekly amount
A non-dependant aged 18 or over in remunerative work where their normal gross weekly income is:	
Less than £266.00	£5.00
Not less than £266.00 and less than £463.00	£10.20
Not less than £463.00 and less than £577.00	£12.80
Not less than £577.00	£15.35
A non-dependant aged 18 or over not in remunerative work	£5.00

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, the daily living component of Adult Disability Payment, or Pension Age 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.

<u>Extended reductions – movers into Darlington</u>

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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CABINET
4 NOVEMBER 2025

REVENUE BUDGET MONITORING 2025/26 – QUARTER 2

Responsible Cabinet Member -
Councillor Mandy Porter, Resources Portfolio

Responsible Director -
Elizabeth Davison, Executive Director - Resources and Governance

SUMMARY REPORT

Purpose of the Report

1. To provide an early forecast of the 2025/26 revenue budget outturn as part of the Council's continuous financial management process.

Summary

2. This is the second revenue budget management report to Cabinet for 2025/26. The latest projections show an overall decline of £1.872m on the 2025-29 Medium Term Financial Plan (MTFP), an improvement of £0.294m from Quarter 1.

Recommendation

3. It is recommended that:-

   (a) The forecast revenue outturn for 2025/26 be noted.

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

Reasons

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

   (a) To continue effective management of resources.

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

Elizabeth Davison
Executive Director - Resources and Governance

Background Papers

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

Brett Nielsen : Extension 5403

Council Plan	The Council's revenue budget contributes to all priorities outlined within the Council Plan.
Addressing inequalities	This report is providing an update on the revenue budget position therefore there is no impact as a result of this report.
Tackling Climate Change	This report provides an update on the revenue budget position, which supports the council's responsibilities and ambitions to tackle climate change.
Efficient and effective use of resources	This report contains updated information regarding efficiency savings contained within the MTFP.
Health and Wellbeing	This report is providing an update on the revenue budget position therefore there is no impact as a result of this report.
S17 Crime and Disorder	This report has no implications for crime and disorder
Wards Affected	No specific impact on an individual area as a result of this report
Groups Affected	No specific impact on an individual area as a result of this report
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework
Key Decision	This is not 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 Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

5. This is the second revenue budget management report to Cabinet for 2025/26 and provides an early forecast of the latest revenue position as part of the Council's continuous financial management process.

6. The information in this report has been taken from the financial records to August and managers' projections for the remainder of the year. Assumptions have been made

concerning future demand for services over the year, therefore changes in the projected outturn are inevitable as the Council is a large and complex organisation.

7. Overall, the projected General Fund reserves position as at the 31 March 2026 is £6.517m, which is £1.872m less than the planned balances in the 2025-29 MTFP. This change relates to £2.880m of departmental pressures, a decline in corporate resources of £0.481m, offset by £1.489m of additional balances following the 2024/25 outturn.

Departmental Resources

8. Departmental resource projections are summarised in **Appendix 2** and detailed in **Appendices 2(a) to 2(e)**.

9. **People Group** budgets are projected to be overspent by £2.969m at the end of the financial year, a reduction of £0.856m from Quarter 1. The main changes from the Quarter 1 position are detailed below:

(a) **Children's Services** are projecting an overspend of £4.352m at the year end, an increase of £0.457m from Quarter 1. The main changes are;

a) The Adoption and Placements budget is projected to be overspent by £4.117m, an increase of £0.440m from Quarter 1. This movement is mainly due to residential care, with a one new placement with projected costs of £0.205m. One child has remained in an existing placement as plans to step down have been delayed costing an additional £0.112m and another child has moved to a different location to meet complex needs, costing an additional £0.100m.

b) The Disabled Children division is reporting a projected underspend of £0.065m, this is largely due to lower usage of day services and some additional health income for complex cases.

c) The overall Children's staffing divisions are projected to be overspent by £0.300m, an increase in overspend from Quarter 1 of £0.082m, due to additional staffing and agency costs to cover demand.

(b) **Adult Social Care & Health** are projecting an underspend of £1.291m, an improvement of £1.273m from Quarter 1**.**

a. **External Purchase of Care** has seen an improvement of £1.240m from Quarter 1. This is due to;

i. An increase in activity on short break stays (£0.162m) and an increase in the use of daycare (£0.036m).
ii. Additional assessed contributions income (£0.470m).
iii. Attrition across care packages (£0.161m), reduced costs due to people with mental health needs not discharged from hospital as projected (£0.118m) and a reduction in expected mental health demographic changes (£0.061m), has reduced expenditure.

iv. A reduction for direct payments (£0.022m), domiciliary care hours (£0.586m), due to movements in care activity.

11. **Environment, Highways and Community Services** budgets are projecting an underspend of £0.125m, a reduction of £0.264m from Quarter 1. The main changes are detailed below:

    (a) **Highways & Capital Projects** is projected to be underspent by £0.072m, a reduction of £0.100m from Quarter 1. Slippage of projects within the Building Design service is expected to see a net shortfall on income of £0.100m. Work is underway to address the issue to support both Building Design and Capital Projects income targets.

    (b) **Community Safety** is expected to be underspent by £0.110m, a reduction of £0.140m from Quarter 1. Patronage at the Council's car parks has remained positive with the expected levels of income estimated to be £0.110m more than budgeted. This has been adjusted to reflect updated projections, as more data on usage has been gathered since the Quarter 1 position.

12. **Resources and Governance** budgets are projecting a year end budget overspend of £0.028m, a slight decrease from Quarter 1, due to the increased pay award for Xentrall Services employees, offset by additional grant income and savings on running costs across the division.

13. **Economy and Public Protection** is projected to break even, with any projected pressures offset by savings within the Group.

14. The School balances and allocations are shown in **Appendix 2(f)**.

Council Wide and Corporately Managed Resources

15. Corporate Resources budgets are forecast to be £0.481m overspent, a movement of £0.315m on the Quarter 1 reported position. Grant income from Government is £0.143m less than budgeted following receipt of the final Local Government Finance Settlement and Financing Costs have risen as interest rates have not fallen as predicted when the MTFP was set. In addition the ending of one of the Council's property fund investments has reduced dividend income, though the funds returned from the fund have been used to repay loans that were maturing therefore saving on interest payments, whilst options are considered for future investment opportunities.

Housing Revenue Account (HRA)

16. HRA projections are shown in **Appendix 3** with an overall projected balanced budget. The movement in contribution from balances is £0.764m, primarily due to continuing inflationary increases on the cost of repair and maintenance works, along with replacement of fire door and fire compartmentalisation works at the sheltered schemes following a fire audit and increased demand for repairs across properties.

Conclusion

17. The Council's projected revenue reserves at the end of 2025/26 are £6.517m, £1.872m lower than the initial 2025-29 MTFP position. This position relates to £2.880m of departmental pressures, a decline in corporate resources of £0.481m, offset by £1.489m of additional balances following the 2024/25 outturn.

18. Pressures in children's social care continue to be a concern in Darlington and nationally, with increasing complexity in child need and the lack of provision in the market increasing the cost of accommodating our children. All packages of care are continually reviewed and monitored to ensure that the placement provides the assessed care needed for the individual as well as financially to ensure the best use of resources.

19. All services continue to scrutinise their budget, challenging expenditure or increasing income to assist with the current and future years budget pressures.

20. As a Council we continue to highlight to Government the pressures Council's are facing to deliver statutory services.

Outcome of Consultation

21. No external consultation has been carried out in preparing this report.

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Appendix 1

REVENUE BUDGET MANAGEMENT 2025/26

Projected General Fund Reserve at 31st March 2026

		2025-29 MTFP (Feb 2025)
Medium Term Financial Plan (MTFP) :-		£000
	MTFP Planned Opening Balance 01/04/2025	11,458
	Approved net contribution from balances	(3,069)
	Planned Closing Balance 31/03/2026	**8,389**
Increase in opening balance from 2024-25 results		1,489
Projected corporate underspends / (overspends) :-		
Council Wide		(146)
Financing Costs		(192)
Changes in grant income received		(143)
Projected General Fund Reserve (excluding Departmental) at 31st March 2026		**9,397**
Planned Balance at 31st March 2026		**8,389**
Improvement		**1,008**

Departmental projected year-end balances

	Improvement / (decline) compared with 2025-29 MTFP £000
People Group	(2,969)
Environment, Highways & Community Services Group	125
Resources and Governance Group	(28)
Chief Executive	(8)
Economy & Public Protection	0
TOTAL	**(2,880)**

Summary Comparison with :-	2025-29 MTFP £000
Corporate Resources - increase in opening balance from 24/25 results	1,489
Corporate Resources - additional in-year Improvement/(Decline)	(481)
Departmental - Improvement / (Decline)	(2,880)
Improvement / (Decline) compared with MTFP	**(1,872)**
Projected General Fund Reserve at 31st March 2026	**6,517**

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Appendix 2

GENERAL FUND REVENUE BUDGET MANAGEMENT 2025/26

	Budget			Expenditure	
	Original 2025/26	Approved Adjustments	Amended Approved Budget	Projected Outturn	Variance
	£000	£000	£000	£000	£000
Departmental Resources					
People Services	90,541	1,707	92,248	95,217	2,969
Environment, Highways & Community Services	26,169	2,048	28,217	28,092	(125)
Resources and Governance	15,569	532	16,101	16,129	28
Chief Executive	329	20	349	357	8
Economy & Public Protection	1,832	467	2,299	2,299	0
Total Departmental Resources	**134,440**	**4,774**	**139,214**	**142,094**	**2,880**
Corporate Resources					
Council Wide	663	(678)	(15)	131	146
Financing Costs	4,028	0	4,028	4,220	192
Joint Venture - Investment Return	(1,977)	0	(1,977)	(1,977)	0
Changes in Grant Income	0	0	0	143	143
Contingencies Budget					
Apprentice Levy	272	0	272	272	0
Total Corporate Resources	**2,986**	**(678)**	**2,308**	**2,789**	**481**
Net Expenditure	**137,426**	**4,096**	**141,522**	**144,883**	**3,361**
Contributions To / (From) Reserves					
Planned Contribution to General Fund Reserves (MTFP)	(2,639)	0	(2,639)	(2,639)	0
Departmental Brought Forwards from 2024/25	0	(4,096)	(4,096)	(4,096)	0
Already approved Carry Forwards	0	0	0	0	0
General Fund Total	**134,787**	**0**	**134,787**	**138,148**	**3,361**

Note: *Appendix 1 shows an increase in reserves of £1.489m brought forward from 2024/25*

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Appendix 2a

REVENUE BUDGET MANAGEMENT UPDATE 2025/26

	Budget			***Expenditure***			
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	(Under)/ Over Spend £000
Council Wide							
Procurement Savings	(50)	0	(50)	27	(96)	(69)	(19)
Pay Award	713	(878)	(165)	0	0	0	165
Project Management Costs	0	200	200	0	200	200	0
In Year Over/(Under) Spend	**663**	**(678)**	**(15)**	**27**	**104**	**131**	**146**

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Appendix 2b

REVENUE BUDGET MANAGEMENT UPDATE 2025/26

	Budget			Expenditure			
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	(Under)/ Over Spend £000
People Group							
Director and Departmental	193	2	195	49	149	198	3
Adults & Children Services							
Performance & Transformation	810	10	820	289	510	799	(21)
Business Support	1,745	22	1,767	590	1,195	1,785	18
	2,555	**32**	**2,587**	**879**	**1,705**	**2,584**	**(3)**
Children's Services							
Children's Services Management & Other Services	672	7	679	259	508	767	88
Assessment & Care Planning	4,577	(128)	4,449	1,193	3,389	4,582	133
First Response & Early Help	4,036	267	4,303	951	3,431	4,382	79
Youth Offending	320	(8)	312	138	174	312	0
Adoption & Placements	21,927	54	21,981	10,475	15,623	26,098	4,117
Disabled Children	1,632	11	1,643	626	952	1,578	(65)
Quality Assurance & Practice Improvement	138	(37)	101	(114)	215	101	0
	33,302	**166**	**33,468**	**13,528**	**24,292**	**37,820**	**4,352**
Development & Commissioning							
Commissioning	2,081	292	2,373	522	1,843	2,365	(8)
Voluntary Sector	292	0	292	185	105	290	(2)
	2,373	**292**	**2,665**	**707**	**1,948**	**2,655**	**(10)**
Education							
Education	868	124	992	9,930	(9,020)	910	(82)
Schools	0	0	0	326	(326)	0	0
Transport Unit	3,362	54	3,416	1,537	1,879	3,416	0
	4,230	**178**	**4,408**	**11,793**	**(7,467)**	**4,326**	**(82)**
Public Health							
Public Health	0	0	0	2,265	(2,265)	0	0
	0	**0**	**0**	**2,265**	**(2,265)**	**0**	**0**
Adult Social Care & Health							
External Purchase of Care	39,948	912	40,860	6,640	32,911	39,551	(1,309)
Intake & Enablement	735	27	762	1,161	(399)	762	0
Older People Long Term Condition	2,090	27	2,117	1,043	1,037	2,080	(37)
Physical Disability Long Term Condition	6	0	6	5	1	6	0
Learning Disability Long Term Condition	2,331	30	2,361	1,020	1,364	2,384	23
Mental Health Long Term Condition	1,228	24	1,252	480	779	1,259	7
Service Development & Integration	977	(11)	966	213	778	991	25
Workforce Development	573	28	601	233	368	601	0
	47,888	**1,037**	**48,925**	**10,795**	**36,839**	**47,634**	**(1,291)**
In Year Over/(Under) Spend	**90,541**	**1,707**	**92,248**	**40,016**	**55,201**	**95,217**	**2,969**

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Appendix 2c

REVENUE BUDGET MANAGEMENT UPDATE 2025/26

Environment, Highways & Community Services	*Budget* Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	*Expenditure* Expenditure to August £000	Projected Spend £000	Total Projection £000	(Under)/ Over Spend £000
Executive Director - Environment, Highways & Community Services	189	2	191	78	113	191	0
Highways & Capital Projects							
AD - Highways & Capital Projects	115	2	117	58	58	116	(1)
Building Design Services	(21)	7	(14)	77	9	86	100
Capital Projects	394	74	468	189	279	468	0
Car Parking R&M	613	0	613	529	54	583	(30)
Concessionary Fares	2711	56	2,767	19	2,606	2,625	(142)
Flood & Water Act	90	233	323	(187)	511	324	1
Highways	4114	233	4,347	(219)	4,566	4,347	0
Highways - DLO	-344	0	(344)	2,388	(2,732)	(344)	0
Investment & Funding	97	406	503	52	451	503	0
Sustainable Transport	99	28	127	(310)	437	127	0
	7,868	**1,039**	**8,907**	**2,596**	**6,239**	**8,835**	**(72)**
Community Services							
AD - Environmental Services & Community Safety	155	18	173	84	89	173	0
Allotments	21	0	21	1	20	21	0
Building Cleaning - DLO	29	8	37	(490)	562	72	35
Cemeteries & Crematorium	(716)	5	(711)	(305)	(406)	(711)	0
Street Scene	7,074	287	7,361	1,437	5,889	7,326	(35)
Transport Unit - Fleet Management	0	6	6	370	(364)	6	0
Transport Unit - Fleet Management MOT & Private	(15)	1	(14)	42	(56)	(14)	0
Waste Management	4,492	0	4,492	1,276	2,966	4,242	(250)
Winter Maintenance	642	3	645	284	361	645	0
	11,682	**328**	**12,010**	**2,699**	**9,061**	**11,760**	**(250)**
Community Safety							
CCTV	309	32	341	(129)	470	341	0
Community Safety	843	83	926	140	786	926	0
Parking	(2,459)	35	(2,424)	(976)	(1,548)	(2,524)	(100)
Parking Enforcement	20	(3)	17	(94)	101	7	(10)
	(1,287)	**147**	**(1,140)**	**(1,059)**	**(191)**	**(1,250)**	**(110)**
Leisure and Culture							
Dolphin Centre	1,052	167	1,219	111	1,077	1,188	(31)
Eastbourne Complex	33	42	75	55	20	75	0
Hippodrome	158	62	220	(1,007)	1,267	260	40
Hopetown Darlington	470	30	500	1,258	(538)	720	220
Indoor Bowling Centre	20	12	32	4	25	29	(3)
Libraries	1,055	10	1,065	442	627	1,069	4
Move More	39	(39)	0	(298)	298	0	0
Outdoor Events	471	21	492	119	373	492	0
Community Catering - DLO	0	0	0	1	(11)	(10)	(10)
Culture and Heritage Fund	125	8	133	32	101	133	0
	3,423	**313**	**3,736**	**717**	**3,239**	**3,956**	**220**

Appendix 2c

REVENUE BUDGET MANAGEMENT UPDATE 2025/26

Environment, Highways & Community Services	***Budget*** Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	***Expenditure*** Expenditure to August £000	Projected Spend £000	Total Projection £000	(Under)/ Over Spend £000
Building Services							
Construction & Minor Works - DLO	(361)	15	(346)	(3,723)	3,377	(346)	0
	(361)	**15**	**(346)**	**(3,723)**	**3,377**	**(346)**	**0**
Corporate Landlord							
Corporate Landlord	4,445	204	4,649	1,806	2,943	4,749	100
General Support Services							
Works Property & Other	78	0	78	0	68	68	(10)
Joint Levies & Boards							
Environment Agency Levy	132	0	132	129	0	129	(3)
In Year Over/(Under) Spend	**26,169**	**2,048**	**28,217**	**3,243**	**24,849**	**28,092**	**(125)**

Appendix 2d

REVENUE BUDGET MANAGEMENT UPDATE 2025/26

Resources and Governance	Budget Original Budget £000	Budget Approved Adjustments £000	Budget Amended Approved Budget £000	Expenditure Expenditure to August £000	Expenditure Projected Spend £000	Expenditure Total Projection £000	(Under)/ Over Spend £000
Executive Director of Resources & Governance	140	2	142	49	93	142	0
Resources							
AD Resources	127	2	129	42	87	129	0
Financial Services	1,608	81	1,689	328	1,263	1,591	(98)
Financial Assessments & Protection	320	5	325	140	207	347	22
Xentrall (D&S Partnership)	2,108	36	2,144	880	1,330	2,210	66
Human Resources	711	135	846	223	618	841	(5)
Health & Safety	205	8	213	93	120	213	0
	5,079	**267**	**5,346**	**1,706**	**3,625**	**5,331**	**(15)**
Head of Strategy Performance & Communications							
Communications & Engagement	1,055	70	1,125	389	736	1,125	0
Systems	1,226	118	1,344	955	389	1,344	0
	2,281	**188**	**2,469**	**1,344**	**1,125**	**2,469**	**0**
Law & Governance							
AD Law & Governance	140	2	142	35	83	118	(24)
Complaints & FOI	344	43	387	35	335	370	(17)
Democratic Services	1,581	12	1,593	364	1,222	1,586	(7)
Registrars	(39)	6	(33)	(109)	76	(33)	0
Administration	439	6	445	137	277	414	(31)
Legal Services	1,899	13	1,912	553	1,425	1,978	66
Procurement	253	4	257	86	199	285	28
Coroners	334	0	334	0	382	382	48
	4,951	**86**	**5,037**	**1,101**	**3,999**	**5,100**	**63**
Xentrall Shared Services							
ICT	812	(44)	768	(119)	913	794	26
	812	**(44)**	**768**	**(119)**	**913**	**794**	**26**
Building Services							
Maintenance - DLO	(718)	0	(718)	3,360	(4,078)	(718)	0
	(718)	**0**	**(718)**	**3,360**	**(4,078)**	**(718)**	**0**
Housing & Revenues							
Local Taxation	506	11	517	465	85	550	33
Rent Rebates / Rent Allowances / Council Tax	1,061	0	1,061	5,363	(4,302)	1,061	0
Housing Benefits Administration	716	12	728	394	289	683	(45)
Customer Services	256	5	261	137	75	212	(49)
Homelessness	329	5	334	(1,571)	1,920	349	15
Service, Strategy & Regulation and General	156	0	156	(1,789)	1,945	156	0
	3,024	**33**	**3,057**	**2,999**	**12**	**3,011**	**(46)**
In Year Over/(Under) Spend	**15,569**	**532**	**16,101**	**10,440**	**5,689**	**16,129**	**28**

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Appendix 2e

REVENUE BUDGET MANAGEMENT UPDATE 2025/26

	Budget			Expenditure			
Chief Executive. Economy & Public Protection	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Expenditure to August £000	Projected Spend £000	Total Projection £000	(Under)/ Over Spend £000
Chief Executive							
Chief Executive	222	3	225	77	156	233	8
Darlington Partnership	107	17	124	(260)	384	124	0
	329	**20**	**349**	**(183)**	**540**	**357**	**8**
Economy and Public Protection							
Executive Director Economy & Public Protection	194	2	196	130	66	196	0
Emergency Planning	97	0	97	(3)	101	98	1
Building Control	170	4	174	17	148	165	(9)
Development Management	65	8	73	(47)	84	37	(36)
Economy	314	75	389	73	316	389	0
Environmental Health	374	6	380	(24)	394	370	(10)
Planning Policy, Economic Strategy & Environment	595	102	697	(18)	705	687	(10)
Property Management and Estates	(377)	152	(225)	(623)	397	(226)	(1)
Head of Public Protection	0	78	78	0	78	78	0
Private Sector Housing	125	3	128	(110)	238	128	0
General Licensing	0	32	32	18	49	67	35
Taxi Licensing	0	2	2	7	25	32	30
Trading Standards	275	3	278	54	224	278	0
	1,832	**467**	**2,299**	**(526)**	**2,825**	**2,299**	**0**
In Year Over/(Under) Spend	**2,161**	**487**	**2,648**	**(709)**	**3,365**	**2,656**	**8**

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Appendix 2f

BUDGET MANAGEMENT 2025/26

SCHOOLS PROJECTED BALANCES 2025/26					
School Name	Opening Balance at 1st April 2025	Formula Budget Allocation*	Total Available	Closing Balance at 31st March 2026	Projected Closing Balance as proportion of Formula Budget Allocation
	£000	£000	£000	£000	%
Primary					
Federation of Darlington Nursery Schools	134	1,275	1,409	96	8%
Harrowgate Hill Primary	(39)	2,548	2,509	(193)	(8%)
Red Hall Primary	156	1,577	1,733	68	4%
Rise Carr College, Clifton House & Eldon House	244	2,268	2,512	192	8%
Primary Total	**495**	**7,668**	**8,163**	**163**	

*Federation of Darlington Nursery Schools/Rise Carr College original budget. Actual allocation based on attendance.

Appendix 3

HOUSING REVENUE ACCOUNT 2025/26

Housing Revenue Account	Budget				
	Original Budget £000	Approved Adjustments £000	Amended Approved Budget £000	Total Projection £000	(Under)/ Over Spend £000
Income					
Rents Of Dwellings (Gross)	(24,180)	0	(24,180)	(23,968)	212
Sundry Rents (Including Garages & Shops)	(513)	0	(513)	(609)	(96)
Charges For Services & Facilities	(3,593)	0	(3,593)	(3,669)	(76)
Contribution towards expenditure	(1,527)	0	(1,527)	(1,550)	(23)
Interest Receivable	(374)	0	(374)	(374)	0
Total Income	**(30,187)**	**0**	**(30,187)**	**(30,170)**	**17**
Expenditure					
Operational	6,390	0	6,390	6,455	65
Service Charges	3,593	0	3,593	3,612	19
Maintenance	6,693	0	6,693	7,356	663
Capital Financing Costs	4,430	0	4,430	4,430	0
Revenue Contribution to Capital Outlay	15,947	0	15,947	15,947	0
Increase in Bad Debt Provision	263	0	263	263	0
In year contribution to/(from) balances	(7,129)	0	(7,129)	(7,893)	(764)
Total Expenditure	**30,187**	**0**	**30,187**	**30,170**	**(17)**
(Surplus)/Deficit	**0**	**0**	**0**	**0**	**0**

HRA Balances	**£000**
Opening balance 01/04/2025	23,346
Contribution to/(from) balances	(7,893)
Closing balance	**15,453**

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CABINET
4 NOVEMBER 2025

PROJECT POSITION STATEMENT & CAPITAL PROGRAMME MONITORING QUARTER 2 2025/26

Responsible Cabinet Member -
Councillor Mandy Porter, Resources Portfolio

Responsible Director -
Dave Winstanley, Executive Direction – Environment, Highways & Community Services
Elizabeth Davison, Executive Director – Resources & Governance

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SUMMARY REPORT

Purpose of the Report

1. This report provides:

    (a) A summary of the latest Capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme.

    (b) An update on the current status of all construction projects currently being undertaken by the Council.

2. It also seeks approval for a number of changes to the programme.

Summary

3. The projected outturn of the current Capital Programme is £339.385m against an approved programme of £339.992m. The investment is delivering a wide range of improvements to the Council's assets and more critically, to Council services. Refurbishment of council homes, improved learning environments in schools, better traffic flows and opportunities for sustainable travel have been achieved and are detailed within the report. The programme, including commitments, remains affordable within the Medium Term Financial Plan (MTFP) for 2025/26 – 2028/29.

4. The Council has a substantial annual construction programme of work. The current project position statement (PPS) shows there are 19 live projects currently being managed by the Council with an overall projected outturn value of £131.241m. The majority of projects are running to time, cost and quality expectations but are being monitored given the current pressures on resources in the construction sector nationally.

5. The projects are managed either by the Council's in-house management team, a Framework Partner or by Consultants sourced via an open/OJEU tender process.

Recommendations

6. It is recommended that Cabinet:

   (a) Note the attached status position on construction projects.
   (b) Note projected capital expenditure and resources.
   (c) Approve the adjustments to resources as detailed in paragraph 21.

Reasons

7. The recommendations are supported by the following reasons:

   (a) To inform Cabinet of the current status of construction projects.
   (b) To make Cabinet aware of the latest financial position of the Council.
   (c) To maintain effective management of resources.

Dave Winstanley
Executive Director – Environment, Highways & Community Services

Elizabeth Davison
Executive Director – Resources & Governance

Background Papers

(i) Capital Medium Term Financial Plan 2024/25 – 2028/29
(ii) Project Position Statement and Capital Monitoring Outturn 2025/26

Brian Robson : Extension 6608
Steve Wake : Extension 5424

Council Plan	The Capital Programme referred to in the report supports delivery of the Council plan.
Addressing inequalities	There are no specific implications for Addressing Inequalities.
Tackling Climate Change	Tackling Climate Change issues are assessed and reported in individual projects.
Efficient and effective use of resources	The recommendations support the effective and efficient use of resources.
Health and Wellbeing	There are no issues relating to Health and Wellbeing which the report needs to address.
S17 Crime and Disorder	This report has no implications for crime and disorder.
Wards Affected	All wards are affected.
Groups Affected	The proposals do not affect any particular groups within the community.
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	The report does not represent a key decision.
Urgent Decision	For the purpose of the 'call-in' procedure this does not represent an urgent matter.
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

2025/26 Capital Spend and Resources

8. **Appendix 1** is for information and lists all live construction projects and provides details on numbers, type and details of the key individuals responsible for the delivery of the projects. It also provides a statement on the current status position on each project, details of actions being taken, where required and any current issues.

9. **Appendix 2** summarises the Council's capital commitments which are yet to be financed and also shows how it is intended for them to be financed. The total value of commitments, including available resources brought forward from previous years and 2025-26 schemes previously released by Cabinet, is £135.566m.

10. **Appendix 3** shows the Council's projected capital receipts and how they are going to be utilised to help finance the capital programme over the life of the MTFP.

Project Position Statement

11. Project management procedures require the production by project managers of a Project Position Statement (PPS) for all projects over £75,000. This report brings together the pertinent data from the current PPS with financial information from the Financial Management System (FMS) and approvals by Cabinet.

12. The Project Position Statement (Appendix 1) details the current live construction projects, up to the end of August 2025, by delivery area, and provides details on numbers, type and details of the key individuals responsible for the delivery of the projects. It also provides a statement on the current status position on each project, details of actions being taken, where required and any current issues. The statement excludes any completed projects or those on hold.

13. The overview of live construction projects is as follows:

	Projects	Current Approved Budget £ / p	Projected Outturn £ / p	Variance %	Variance (Value) £ / p
Environment, Highways & Community Services	10	77,026,795	77,779,395	1.0	752,600
Resources & Governance	3	38,485,621	37,691,715	(2.1)	(793,906)
Economy & Public Protection	6	15,813,360	15,770,360	(0.3)	(43,000)
TOTAL	**19**	**131,325,776**	**131,241,470**		**(84,306)**

14. The table shown above includes a column for current approved budget. In certain cases this budget figure may be different from the original approved budget. This could be as a result of variances identified during construction or other variables not known at the initiation stage. The original budget and all subsequent changes have been reported to and approved by Cabinet.

15. The live projects are at the following stages:

Department	Brief	CP1	CP2	CP3	CP4	CP5	Total
Environment, Highways & Community Services	0	0	0	4	2	4	10
Resources & Governance	0	0	0	2	0	1	3
Economy & Public Protection	0	0	1	4	1	0	6
TOTAL	**0**	**0**	**1**	**10**	**3**	**5**	**19**

Control Point 1 (CP1) – Start Up: is used to define the position of a project at its conception stage.

(a) **Control Point 2 (CP2) – Initiate**: defines a project at feasibility stage and will likely include a desktop assessment of a project and the use of informed estimates.

(b) **Control Point 3 (CP3) – Define**: the point that the project is progressed to RIBA Stage F, i.e. detailed design.

(c) **Control Point 4 (CP4) – Construction Phase**: is the stage at which work begins on the project, i.e. for a construction project on site through to build completion.

(d) **Control Point 5 (CP5) – Evaluate**: is the stage post completion of the project at which time the project is reviewed and lessons learned are discussed in order that they can be taken to the next or similar projects.

16. The status on live projects is as follows:

Department	Red	Blue	Green
Environment, Highways & Community Services	3	7	0
Resources & Governance	0	1	2
Economy & Public Protection	0	5	1
TOTAL	**3**	**13**	**3**

(a) Colours (Green better Red worse than) are used to identify projects that have variances which are:

(i) More than £5,000, if the variance is also more than 5% of the approved budget for the project, or

(ii) More than £50,000 regardless of the percentage variance

(b) Projects that are within these margins are symbolised with the colour Blue.

(c) In addition to cost, the same colours are used to indicate similar levels of variances in time and quality/outputs/outcomes.

17. Current projects with the red colour are as follows:

Project	Reason for Variance	Action
Skinnergate Re-development Housing	This project is flagged as red for programme due to a number of delays that have occurred on this project, including the need to produce a revised design to satisfy concerns raised by English Heritage at the planning application stage and the requirements for Nutrient Neutrality.	The remaining phase of demolition is now underway.
Hopetown Darlington	This project is flagged as red for budget. As reported previously the PPS is showing the worst-case number which represents an overspend of 2%.	We are seeking legal advice on the areas of dispute and continuing to engage with Network Rail on costs.
Woodland Road LCWIP Phase 2	This project is flagged as red for programme due to delays in receiving a Grant Funding Agreement.	Project unable to advance into construction stage until a Grant Funding Letter is received from TVCA. This is expected by the end of Q3.

Reconciliation of Project Position Statement to Capital Programme

18. The table shown below reconciles the differences between the Capital Programme (CP) and the Project Position Statement (PPS). Differences occur because the Project Position Statement includes all construction projects over £75,000 in value funded from Capital and Revenue sources. Spending within the Capital Programme is not always of a construction nature, can be of any value and excludes Revenue funded schemes.

	Value £m
Live Projects from Project Position	131.241
Schemes closed or on hold within CP but awaiting post project review.	6.802
Annualised Schemes excluded from PPS - Housing Repairs & Maintenance	27.042
Annualised Schemes excluded from PPS - Highways Maintenance	15.814
Annualised Schemes excluded from PPS - Childrens Services School Maintenance	0.509
Non construction excluded from PPS	14.534
Capital Investment fund excluded from PPS	99.224
Projects under 75k excluded from PPS	2.245
Capital Schemes not yet integrated into PPS reporting	21.061

Included in PPS & CMR	0.000
Funding not yet allocated	20.913
Capital Programme	**339.385**

19. The table below shows the split of the approved capital programme of £339.992m, between the different service areas and also the various categories of spend. When compared to the table above it shows that there is a projected £0.607m underspend on the approved capital programme, however, it should be noted that most of this amount is made up of grant funding or borrowing and therefore is not available for other capital uses.

	Construction							
	Live Schemes 75k & Over	Annualised Schemes	Completed Schemes awaiting review	Live Schemes under 75k	Non construction	Capital investment fund	Housing New Build - not yet allocated	Total
Area	£m	£m	£m	£m	£m	£m	£m	£m
Housing	43.551	26.945	0.000	0.033	2.097	0.000	15.925	88.551
Economic Growth	33.057	0.099	0.440	0.348	8.284	77.834	3.476	123.538
Highways/Transport	50.023	15.687	2.756	1.304	2.418	17.977	1.512	91.677
Leisure & Culture	22.026	0.125	2.545	0.310	0.000	3.974	0.000	28.980
Education	3.768	0.509	1.061	0.177	0.079	0.000	0.000	5.594
Adult Social Care	0.000	0.000	0.000	0.000	0.071	0.000	0.000	0.071
Other	0.000	0.000	0.000	0.000	1.581	0.000	0.000	1.581
Total	**152.425**	**43.365**	**6.802**	**2.172**	**14.530**	**99.785**	**20.913**	**339.992**

Capital Programme

20. Paragraph 21 shows the movements in the Capital Programme since the approval of the 2025/26 Capital MTFP, some of which have not yet been approved by Members.

21. Adjustment to resources requested by departments:

Adjustments to note which have been prior released

Department	Scheme	Value £	Reason for adjustment	Resource type adjusted
Environment, Highways & Community Services	Symmetry Park - Amazon - Bus Service	£156,176	Release of S106 funds to fulfil requirement of s106 agreement - Tritax Symmetry 07/00041 - Highways & Sustainable Transport	None
TOTAL		**£156,176**		

Adjustments needing approval release

Department	Scheme	Value £	Reason for adjustment	Resource type adjusted
Resources & Governance	Capitalised repairs	£27,867	Release of RCCO 25/26 Contribution towards Town Hall Block C Works	RCCO
Environment, Highways & Community Services	Various Transport Capital Schemes	£1,682,176	Release of s106 funds in order to fulfil requirements of the s106 agreement's.	S106
Environment, Highways & Community Services	Transport Highways Maintenance	£901,812	Additional release of Highway Maintenance Funding from CRSTS/TVCA	CRSTS
Environment, Highways & Community Services	Lime Lane 25/26	£120,000	Release of RCCO 24/25 Contribution towards Highways Maintenance at Lime Lane	RCCO
Environment, Highways & Community Services	Flood Prevention Works	£45,000	Release of RCCO 24/25 Contribution towards Flood Prevention Works	RCCO
TOTAL		**£2,776,855**		

Outcome of Consultation

22. There has been no consultation in the preparation of this report.

Project	CP1 Start Up	CP2 Initiate	CP3 Design	CP4 Delivery	CP5 Review	Status Symbol	Status	Client Dept	Delivery Dept	Internal Project Sponsor	Internal Project Manager	Cost Centre	Feasibility Budget	Original Approved Budget	Increase To Initial Approved Budget	Current Approved Budget	Project Expected Out Turn Cost	Variance (%)	Variance (value)	Original Planned Project Completion Date	Revised Approved Project Completion Date	Anticipated Project Completion Date	Schedule Variation (Days)	CDM Notifiable Project	Principal Designer	Previous Plan Progress	Plan Progress	Budget Progress Report	Issue Status Report
Yards Phase 2							Live	Economy & Public Protection	Economy & Public Protection	Trevor Watson	Mike Bowron	R0180	£0	£800,000	£450,000	£1,250,000	£1,250,000	0%	£0	31 March 2023	29 March 2026	29 March 2026	0	Y	Lee Darvill	Works continue to be progressed on the final properties	Works have recently commenced on a further 2 properties. 4 other properties will be completed during September		
Skinnergate Re-development Housing							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Anthony Sandys	Brian Robson	H6748	£0	£4,950,000	£1,515,000	£6,465,000	£6,465,000	0%	£0	30 May 2025		30 May 2026	365	Y	Andrew Bumfrey	Works to demolish No.2 Raby Terrace are now complete. A tendering exercise for the remaining properties to be demolished is underway. Party Wall Agreement is still to be finalised.	Works are now ongoing with the final phase of demolition on site although a delay has been encountered with the works. The tender package for the new build elements has been issued to Building Services and is under review		
Sherborne Close Phase 2							Live	Resources & Governance	Resources & Governance	Anthony Sandys	Ben Waldie	H6749	£0	£2,375,962	£2,232,456	£4,608,418	£4,608,418	0%	£0	08 March 2023	08 April 2026	08 April 2026	212	Y	Neil Wennington	Building Services are reviewing construction programme to advise of updated completion date, Housing Board to approve once received	Revised completion programme presented to housing board and approved for issue. Project completion now scheduled for April 2026		
Hopetown Darlington							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Ian Thompson	Brian Robson	R0155	£210,000	£20,000,000	£17,259,900	£37,259,900	£38,051,620	1%	£791,720	30 September 2024		30 September 2024	0	Y	Space Architects	The site has been operational since 16th July, VR pod is now operational, project is now in the defects period.	Project is now in the defects period.		
Neasham Rd							Live	Resources & Governance	Resources & Governance	Anthony Sandys	Ben Waldie	H6745	£0	£31,069,000	£1,008,203	£32,077,203	£31,643,297	-1%	-£433,906	02 May 2025	25 February 2026	25 February 2026	0	Y	Lee Darvill	Cost to project of criminal damage, being prepared for insurance claim. Project still currently within approved budget.	Revised handover sequence shared from contractor, completion April 26 still forecast. Play area install completed and awaiting final inspection. 12 month defect inspections commenced to Phase 1A		
Eastbourne Sports Pitches & Drainage							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Ian Thompson	Rebecca Robson	L0154	£0	£1,610,000	£942,808	£2,552,808	£2,552,808	0%	£0	31 July 2023	31 August 2023	07 June 2024	241	Y	SPACE	CP5 and £1m report will be done once the end of defects certificate has been received from Space and the £18k retention paid.	Currently seeking defects certificate to enable the project to be closed.	Final account agreed, awaiting on the end of defects certificate to be received to enable the £18k retention to be paid.	
Civic Theatre Refurbishment & Theatre Hullaballoo							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Ian Thompson	Brian Robson	L0115	£50,000	£50,000	£16,019,000	£16,069,000	£16,069,000	0%	£0	01 August 2013	06 November 2017	06 November 2017	0	Y	Todd Milburn	Works Complete. Following some remedial works on the Parkgate Elevation Demolition works now complete, perimeter fencing to be installed defects certificate has now been issued.	Works Complete. Following some remedial works on the Parkgate Elevation Demolition works now complete, perimeter fencing to be installed defects certificate has now been issued.		
156 Northgate							Live	Economy & Public Protection	Economy & Public Protection	Trevor Watson	Joanne Wood	R0194	£0	£1,000,000	£800,000	£1,800,000	£1,800,000	0%	£0	31 August 2024	31 March 2026	31 March 2026	0	Y	Alan Rees - Napper	Works ongoing. During the construction works an underground cellar has been discovered. Additional structural design and works will be required and it may cause additional works and a slight delay. Any additional costs can be accommodated within the contingency sum	Works ongoing. Additional design has now been produced. Possible delay, awaiting full confirmation. Also awaiting the full additional costs of the cellar works.		
142 Northgate, Pease House							Live	Economy & Public Protection	Economy & Public Protection	Trevor Watson	Joanne Wood	R0184	£18,000	£425,000	-£8,000	£417,000	£417,000	0%	£0	05 September 2025		12 December 2025	98	Y	Graeme Dodd, Napper Architects	The tender pack is with Compass who are currently preparing their proposal.	The tender return was significantly above the original budget, so options are being considered.		
Coniscliffe Road							Closed	Economy & Public Protection	Economy & Public Protection	Trevor Watson	Michael Bowron	R0193	£0	£500,000	£49,000	£549,000	£544,000	-1%	-£5,000	01 March 2024	31/06/2025	31/06/2025	0	Yes	Noel Walecki	Project has been completed and closure documentation has started	Project review carried out, final documentation to be signed off		
Feethams House							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Ian Williams	Jenny Dixon & Jane Sutcliffe	D0161	£246,000	£8,500,000	£0	£8,500,000	£8,460,880	0%	-£39,120	30 July 2019	31 May 2020	15 May 2020	-16	Yes	Tim Rainford (Nappers)	The CP5 is to be drafted and the full project closure process is anticipated to be completed in May 2025	The CP5 is to be drafted and the full project closure process is anticipated to be completed in May 2025	The project is currently 39k underspend but it is anticipated the final archaeological report will identify spend against this.	
Dolphin Centre M and E Refurb							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Lisa Soderman	Ben Waldie	D0191	£230,000	£2,200,000	£550,000	£2,750,000	£2,750,000	0%	£0	01 October 2025	01 December 2025	01 December 2025	0	Y	A & N Consultants Andrea Nicholls	Phase 1 works continue to be delayed by nesting gulls to Sports Hall roof, Pool roof area PV panels now energised and operational.	Due to nesting bird delays, contractor completion is now Nov 25 for Phase 1 works. Phase 2 costs have been prepared and issued to Cabinet for approval to deliver further essential capital works, beyond the current timeframe.	Phase 2 costings presented to Cabinet for approval.	
Northern Echo Building							Live	Economy & Public Protection	Economy & Public Protection	Trevor Watson	Ian Stewart / Rebecca Robson	R0179	£0	£11,359,360	£0	£11,359,360	£11,359,360	0%	£0	31/03/2026	31/12/2026	31/12/2026	0	Y	Mark Black - Adavo	Key Dates: Building Regs Inspections – Taking place – no issued to report. Ground floor handover – November 2025 Ground floor fit out – December 2025 College and L&S open to students – January 2026 1st Floor completion – March 2026 2nd Floor completion – June 2026 3rd Floor completion – December 2026	Key Dates: Building Regs Inspections – Taking place – no issued to report. Ground floor handover – November 2025 Ground floor fit out – December 2025 College and L&S open to students – January 2026 1st Floor completion – March 2026 2nd Floor completion – June 2026 3rd Floor completion – December 2026	An additional claim of £1m has been received from the contractor, Adavo. This has been returned with a request for more information. The claim is for unknown/additional works relating to the asbestos removal, structural repairs and infilling the mezzanine.	
Haughton Road - Tornado Way							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Andy Casey	Noel Walecki	TP722	£0	£1,539,433	£38,887	£1,578,320	£1,578,320	0%	£0	31 March 2020		31 July 2021	487	N	Noel Walecki	Awaiting closure report.	Awaiting closure report.	Budget comprises £1,367,433 NPIF + £172,000 LTP match funding.	
Home Upgrade Grant							Live	Resources & Governance	Resources & Governance	Trevor Watson	Christine Booth	H6755 supported by 16063	£0	£6,210,000	-£4,410,000	£1,800,000	£1,440,000	-20%	-£360,000	31 May 2025		31 May 2025	0	Y	TBA	All measures delivered as part of an agreed extension of scheme to 25.04.25. Final accounts and reconciliation ongoing, closure report anticipated June 2025.	All measures delivered as part of an agreed extension of scheme to 25.04.25. Final accounts and reconciliation ongoing with Turner and Townsend, closure report anticipated September 2025.	80 Properties delivered by scheme delivery end 25.04.25 - therefore maximum capital grant reduced to £1,440,000.	Project delivery reduced from 300 to 100 properties following mid-term review - Project value changed to £1,800,000 as of 01.04.24. Informal Change request submitted 18.06.24 to revert to 120 properties £2,160,000 capital funding. 80 Properties delivered by scheme delivery end 25.04.25 - therefore maximum capital grant reduced to £1,440,000. £1,907,117.26 received in grant funding therefore clawback of expected of approx. £190,000 expected following final reconciliation settlement anticipated to be in June 2025.
Victoria Road shop frontage improvements							Live	Economy & Public Protection	Economy & Public Protection	Trevor Watson	Michael Bowron	R0188	£30,000	£588,000	-£150,000	£438,000	£400,000	-9%	-£38,000	01 March 2024	31 March 2026	31 March 2026	0	Yes	Lee Darvill	Works are progressing on the final properties	Final two properties being worked on		
Victoria Road Access to Station							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Andy Casey	Noel Walecki	TP818	£0	£1,146,701	£11,738	£1,158,439	£1,158,439	0%	-£0	31 March 2020	31 July 2022	31 July 2022	0	Y	Noel Walecki	Awaiting closure report before cost centre can be closed and removed from PPS.	Awaiting closure report before cost centre can be closed and removed from PPS.		
Walking Cycling Route MSG Yarm Road Mill Lane							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Andy Casey	Noel Walecki	TP241	£0	£325,000	£74,261	£399,261	£399,261	0%	£0	31 March 2022	31 March 2026	31 March 2026	0	Y	Noel Walecki	WSI is being progressed, and we've asked for options on offset sites for the ecology.	Planning consent has been received with conditions of written scheme investigation and BNG conditions. We're currently investigating options for offset sites for the ecology. Work on site has now been delayed to 2026 (work can not take place during the winter due to site tending to flood).		
Woodland Road LCWIP Phase 2							Live	Environment, Highways & Community Services	Environment, Highways & Community Services	Andy Casey	Ben Waldie	TP244	£0	£294,067	£0	£294,067	£294,067	0%	£0	01 April 2025	01 September 2025	01 September 2025	0	Y	Noel Walecki	Delays with TVCA actioning Grant Funding Agreement, project start likely Sept 25.	Project unable to advance into construction stage until a Grant Funding Letter is received from TVCA. This is expected by September 2025. This is delaying the programme.		
Total													**Sum of Feasibility Project Budget**	**Sum of Original Approved Budget**	**Sum of Increase to Original Approved Budget**	**Sum of Current Approved Budget**	**Sum of Project Expected Outturn Cost**		**Sum of Variance Value**										
Total													£784,000	£94,942,523	£36,383,253	£131,325,776	£131,241,470		-£84,306										

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2025/26 Capital Resources Summary

Row Ref.		Approved Commitments £M	Virement of Resources £M	Variance £M	Total £M
1	**Capital Commitments**				
2	Brought forward from 2024/25	96.151			
3	2025/26 Capital Programme (released by Cabinet)	39.415			**135.566**
4	Projected (Under)/Over Spend				
5	**Total Commitments**	**135.566**	**0.000**	**0.000**	**135.566**
	To Be Funded By:				
	External and Departmental Resources				
6	External Funding and Departmental Supported Borrowing	20.328	-	-	**20.328**
7	Departmental Unsupported Borrowing	0.000	-	-	**0.000**
8	Capital Grants	52.447	-	-	**52.447**
9	Capital Contributions	0.000	-	-	**0.000**
10	Revenue Contributions	19.041	-	-	**19.041**
11	Capital Receipts - HRA	0.300	-	-	**0.300**
	Total	92.116	0.000	0.000	**92.116**
	Corporate Resources				
12	Capital Receipts (General Fund)/ Prudential Borrowing	43.450	-	-	**43.450**
	Total	43.450	0.000	0.000	**43.450**
13	**Total Resources**	**135.566**	**0.000**	**0.000**	**135.566**

Corporate Resources Analysis

		£M
14	Required Resources to fund 2025/26 expenditure (see above)	43.450
15	**Total Planned Use of Corporate Resources**	43.450
16	Less: Total Projected net Capital Receipts 25/26 (as per Appendix 3)	(6.436)
17	Add: projects already released and included in the capital commitments above	5.812
18	**Corporate Resources required to fund capital programme**	**42.826**

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Capital Receipts Utilisation - latest projection

	2025/26	2026/27	2027/28
	£m	£m	£m
Projected Opening Balance as at 1 April	2.681	1.891	4.235
Projected net Capital Receipts	3.755	4.444	4.262
Total projected Capital Receipts	6.436	6.335	8.497
Less (as per approved capital programme)			
Capitalisation utilisation as per MTFP	0.000	(1.400)	0.000
Council funded schemes	(0.400)	(0.250)	(0.250)
Economic Growth Investment Fund	(0.500)	0.000	0.000
Earmarked receipts	(0.182)	0.000	0.000
Slippage from previous years	(3.463)	(0.450)	0.000
Projected available Capital Receipts as at 31 March	1.891	4.235	8.247

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CABINET
4 NOVEMBER 2025

TO CONSIDER THE USE OF LAND AT FAVERDALE INCLUDING FORMER ST MODWEN LAND FOR BIODIVERSITY NET GAIN AND NUTRIENT NEUTRALITY CREDITS

Responsible Cabinet Member -
Councillor Chris McEwan, Economy Portfolio

Responsible Director -
Trevor Watson, Director of Economy and Public Protection

SUMMARY REPORT

Purpose of the Report

1. To seek approval for the use of land at Faverdale East Business Park (Partly former St Modwen Land), specifically including using the site to generate Biodiversity Net Gain and Nutrient Neutrality credits but also to investigate the possibility of disposal of part of the land for employment purposes.

Summary

2. The site is approximately 35 hectares (Shown on the plan at **APPENDIX 1**). The site is wholly owned by Darlington Borough Council (DBC), comprising land previously in DBC ownership and land purchased from St Modwen in 2020.

3. The land is identified as an existing employment site in the Local Plan, and it was always intended that it would be used for employment purposes.

4. During discussions with a prospective developer it came to light that nearly 25% of the site is listed as Open Mosaic Habitat which is defined by Natural England as a priority habitat. This part of the site is expensive to replace if developed but highly valuable in biodiversity terms.

5. There has been interest in part of the site for employment purposes, and this needs to be investigated to ensure the best value for the Council.

6. Consideration needs to be given as to whether part or all of site could be used for Biodiversity Net Gain (BNG) and Nutrient Neutrality (NN) Credits.

7. The financial considerations are explained in **APPENDIX 3,** which will be considered under Part III.

Recommendations

8. It is recommended that Cabinet agrees:

(a) To approve the use of part of the land to generate Biodiversity Net Gain and Nutrient Neutrality Credits. Primarily for sale on the open market but also for use in Council developments.

(b) That Officers are authorised to initially register the land labelled Area one (Shown on the plan at **APPENDIX 2**) with Natural England for the purposes of Biodiversity Net Gain credits and to market the credits.

(c) That officers investigate the sale of Areas two and three on the plan at Appendix 2 for employment purposes. If the conclusions are that the land will generate a greater income for Biodiversity Net Gain and Nutrient Neutrality credits within two years of this decision that officers are authorised to register with Natural England either Area two or three or both sites

(d) That the necessary funds are approved from existing budgets and the capital Investment Fund to allow fencing off parcels of land and for the registration of the land with Natural England so that the credits can be marketed.

(e) That the Council enters into a Conservation Covenant with a registered 'Responsible Body' to ensure that the land is maintained in accordance with the Habitat, Management and Monitoring Plan (HMMP).

Reasons

9. The recommendations are supported by the following reasons:

(a) That the statutory requirement for developments to provide at least 10% in biodiversity net gain has put into question the viability of the site for employment purposes, either due to the lack of developable land or the costs associated with developing the whole of the site.

(b) There is a financial benefit to the Council if the conclusions are that the site would be better used for environmental credits, with the land registered with Natural England for the sale of credits.

(c) By registering Area one we can seek the financial benefits at an early stage and by further considering Areas two and three we ensure we get the best value for the Council.

(d) If the land is registered in phases, the land needs to be physically separated to manage the land.

(e) To register the land with Natural England there needs to be a Habitat Monitoring and Management Plan in place and a legal agreement to ensure the HMMP is delivered.

Trevor Watson
Director of Economy and Public Protection

Background Papers

No background papers were used in the preparation of this report

David Hand: Extension 6294

Council Plan	Efficient and effective use of resources: by considering the best and most financially beneficial use of the Council's assets it ensures the best value for money to ensure we can continue to deliver services.
Addressing inequalities	N/A
Tackling Climate Change	If the conclusion is the use of land for environmental credits, this could only have a beneficial effect on climate change as there will be no emissions from the site and only carbon capture.
Efficient and effective use of resources	This report intends to examine the best use of the Council's assets.
Health and Wellbeing	If the conclusions are that the land is used for environmental credits it can only have a positive impact on Health and Wellbeing of residents
S17 Crime and Disorder	No Implications
Wards Affected	Brinkburn and Faverdale
Groups Affected	None
Budget and Policy Framework	The conclusions of the report may have a positive impact on the budget
Key Decision	No
Urgent Decision	No
Impact on Looked After Children and Care Leavers	None

MAIN REPORT

Information and Analysis

10. The whole site is approximately 35 hectares (shown on the plan at Appendix 1). The site is wholly owned by Darlington Borough Council, comprising land previously in DBC ownership and land purchased from St Modwen in 2020. The land is identified as an existing employment site in the Local Plan, and it was always intended that it would be used for employment purposes.

11. During discussions with a prospective developer it came to light that nearly 25% of the site is listed as Open Mosaic Habitat which is defined by Natural England as a priority habitat. This part of the site is expensive to replace if developed but highly valuable in biodiversity terms.

12. There is however still developer interest on parts of the site outside the Open Mosaic Habitat. These areas are shown as Area two and three on the plan at Appendix 2. These areas are less valuable per hectare for credits than the Open Mosaic Habitat but still have some value. It is considered these areas should be investigated further to determine whether the potential for an immediate capital receipt may be financially beneficial than registering the land for Biodiversity Net Gain and Nutrient Neutrality where there is no certainty of the timeline of income. By registering all the land in the first instance that would prevent any development of land for at least 30 years. We can register the further areas at a later date if it is best value for the Council, this would involve more costs, but these are expected to be marginal.

13. Whilst over the last year there has been some interest in the land for employment purposes, this was at a time when the implications of the 10% Biodiversity Net Gain were not known. The costs of developing the whole of the site just in terms of biodiversity are included in Appendix 3 (to be considered in Part III).

14. Members will be aware that March 2022 saw the introduction of Nutrient Neutrality in the Tees Catchment Area, which affects the whole of Darlington Borough. The implications are that there needs to be mitigation to ensure any development even down to a single dwelling does not increase the flow of nitrogen into the rivers. Mitigation or partial mitigation can be provided on site by various means, such as small packet treatment works or removing land from agricultural purposes.

15. Natural England set up the first Nutrient Neutrality mitigation credits scheme in the Country in the Tees Catchment area in 2023. This scheme has successfully unlocked housing developments throughout the Tees Valley including over 2000 homes in Darlington. The Council's joint venture projects have made use of this credit scheme. These credits must be provided by sites within the River Tees catchment area; they do not have to be sited within the individual local authority boundaries.

16. Whilst the Natural England scheme has been hugely beneficial to the Tees Valley in unlocking housing sites, it is a bidding process where Darlington Borough Council has no control over which sites have been successful.

17. Natural England set up the mitigation credits scheme to unlock housing developments as an immediate solution, but it is not part of their normal business and are now encouraging the market to provide alternative solutions such as private credit schemes under the strict control of Natural England. The use of the Council's land for these purposes would result in the Council maintaining control over how the credits are used, so could be used for its own developments or for sale.

18. Whilst this site could provide some credits, the whole of the site could not be used for credits as it would not mitigate against the flow of nitrogen into the water courses. The provision of credits from this site and their estimated value are outlined in Appendix 3 (to be considered in Part III). These credits will only be generated by Areas two and three.

19. February 2024 saw the introduction of a mandatory requirement that all major development sites (including commercial and residential) must show how they are providing at least 10% biodiversity net gain. Minor developments were added to this requirement in May 2024; this currently applies to a single dwelling or large household extension. It is hoped that the net gain in most instances can be provided on-site but this is not always the case. Biodiversity can be provided off-site, where a developer has control of other land and can guarantee its use and management for those purposes for 30 years. A legal agreement and monitoring would be required to secure this, and monitoring arrangements would be put in place at a cost to the developer.

20. An alternative solution to on-site and off-site mitigation is the purchase of Biodiversity net gain credits. Several companies and landowners have already seen this as a commercial opportunity as unlike Nutrient Neutrality, where there may be other technical solutions there is a long-term requirement. The credit costs have been set relatively high as they are the least favourable solution. Unlike the Nutrient Neutrality credit scheme, Biodiversity Net Gain credits can be bought from anywhere in the Country.

21. To enter into the sale of credits, the land to be used needs to be placed on a national register managed by Natural England and need to have a Habitat Management and Monitoring Plan in place and the legal agreements to secure the credits. Any land used for credits will have to be registered with the Land Registry as it can only be used once in 30 years.

22. The registration of the land for the sale of credits would involve entering into a Conservation Covenant with a Responsible Body. The land would be retained in the Council's ownership and after a 33-year period has lapsed it could consider its options for the land going forward.

23. As of February, there were 90 sites registered in England covering over 1,000 hectares. There is only one site registered in Darlington Borough.

Financial Implications

24. The financial value of using the land for the sale of Nutrient Neutrality and Biodiversity Net Gain credits including indicative costs are highlighted in Appendix 3 (to be considered in Part III).

Legal Implications

25. There would have to be legal agreements over the Conservation Covenant.

Estates and Property Advice

26. Estates and Property have been aware of this report coming forward.

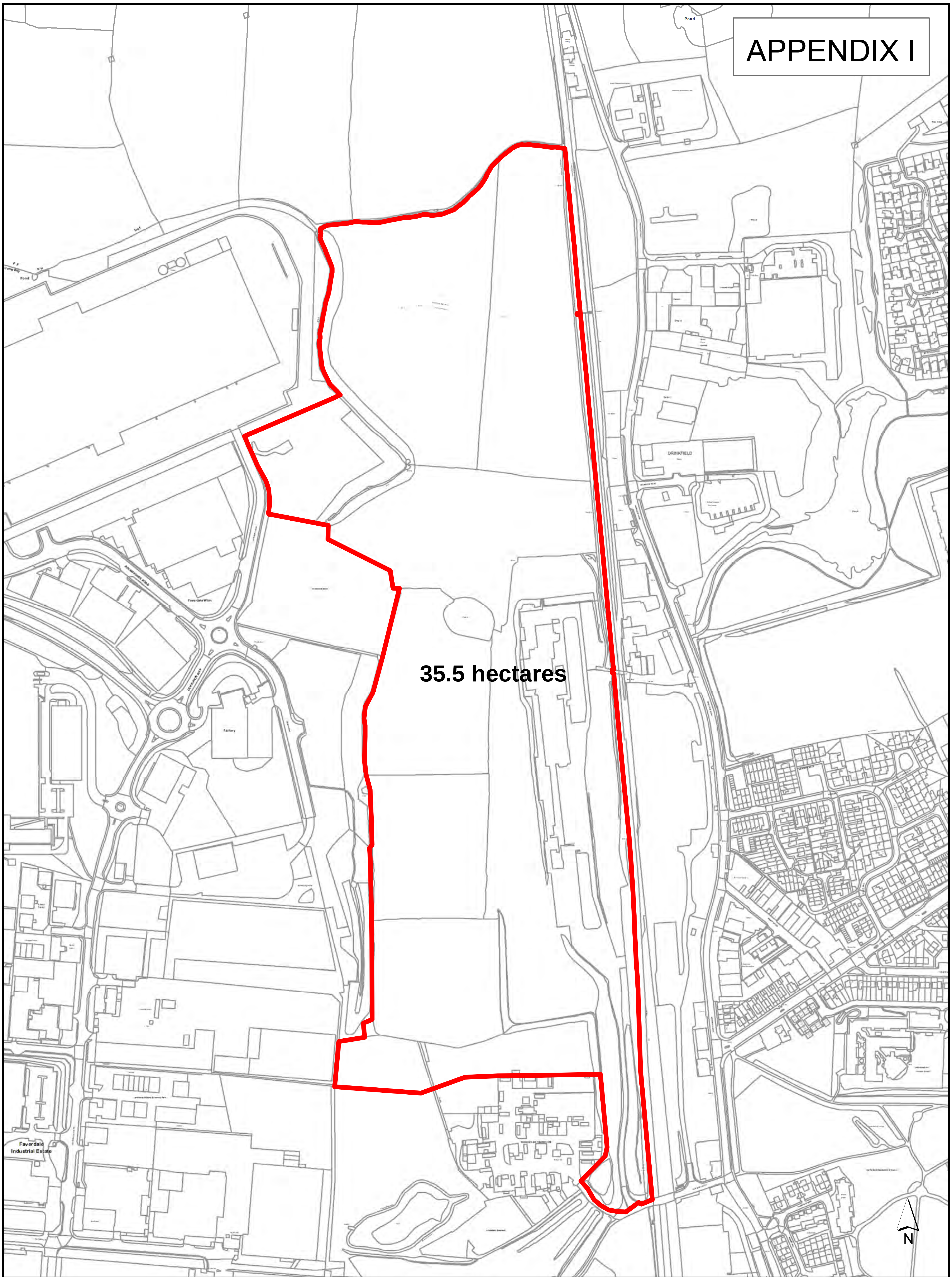
Procurement Advice

27. There are no procurement implications at this stage, depending on the conclusions of the investigations, any procurement which may be required will be discussed with the relevant departments.

Carbon Impact and Climate Change

28. The use of the land for environmental credits will have a positive benefit on carbon impact and climate change.

APPENDIX I



DARLINGTON BOROUGH COUNCIL ECONOMIC GROWTH GROUP PLANNING POLICY, TOWN HALL, FEETHAMS, DARLINGTON, Co. DURHAM, DL1 5QT	Project Title: LAND AT FAVERDALE INCLUDING FORMER ST MODWEN LAND	Scale: 1:4,000 Date: 25/09/25 Drawn: LB	Ref: A3 Area: 35.5ha

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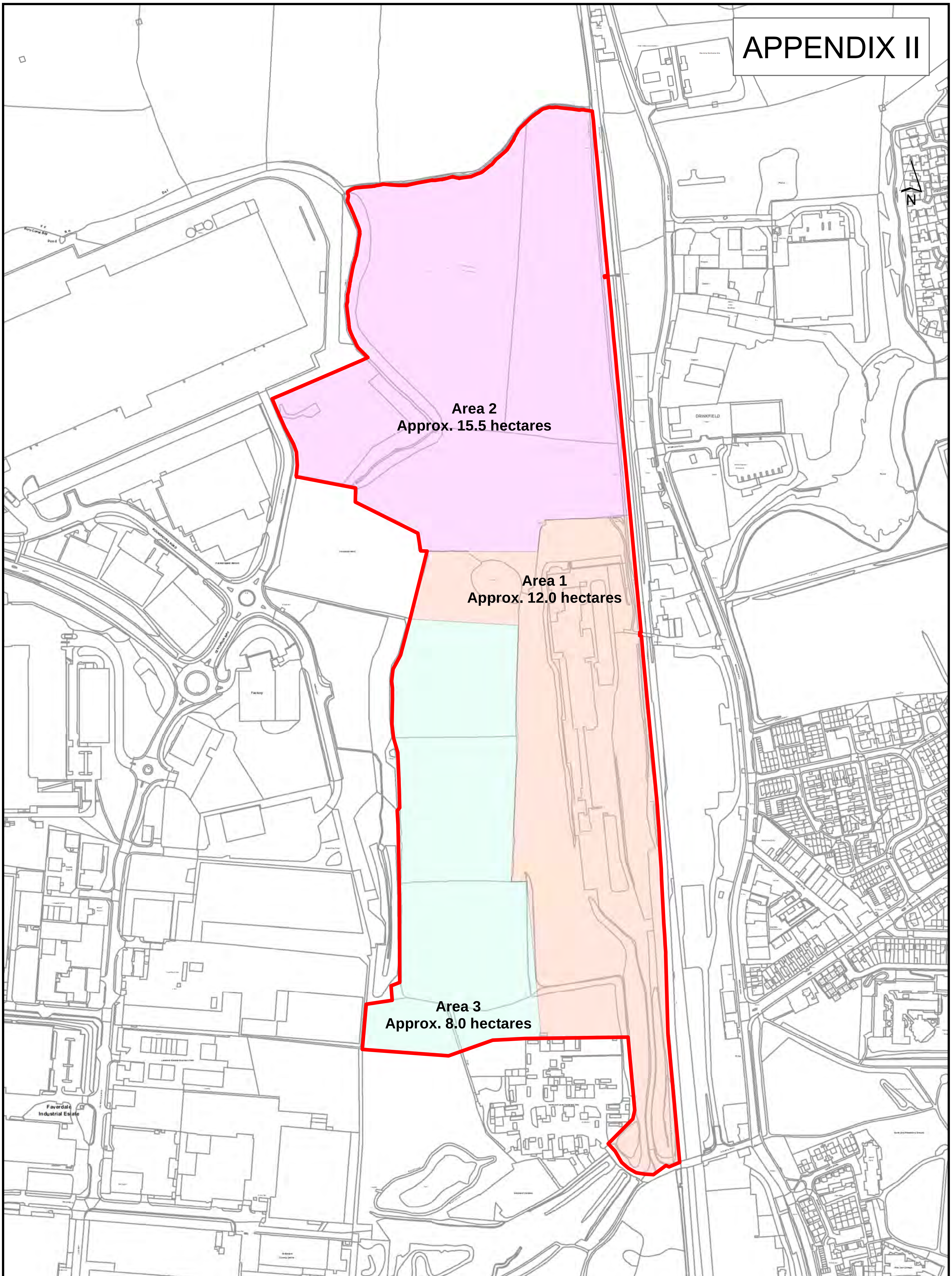
APPENDIX II



DARLINGTON BOROUGH COUNCIL
ECONOMIC GROWTH GROUP
PLANNING POLICY,
TOWN HALL, FEETHAMS,
DARLINGTON,
Co. DURHAM, DL1 5QT

Project Title:

LAND AT FAVERDALE INCLUDING FORMER ST MODWEN LAND

Scale:	1:4,000	Ref:	A3
Date:	25/09/25	Area:	33.9ha
Drawn:	LB		

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

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