

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 23 OCTOBER 2017**

CABINET
10 October 2017

PRESENT – Councillor Dixon (in the Chair); Councillors Harker, C L B Hughes, McEwan, S Richmond, A J Scott and Wallis. (7)

INVITEES – Councillors Curry and Mrs H Scott. (2)

ALSO IN ATTENDANCE – Councillors Carson, Crudass and Donghue. (3)

C51. REPRESENTATIONS – In respect of Minutes C57 and C58 below, representations were made by members of the public in attendance at the meeting.

C52. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

C53. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 12 September 2017.

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

REASON – They represent an accurate record of the meeting.

C54. MATTERS REFERRED TO CABINET - There were no matters referred back for re-consideration to this meeting.

C55. ISSUES ARISING FROM SCRUTINY - There were no issues arising from Scrutiny considered at this meeting.

C56. KEY DECISIONS - (1) Procurement Plan Update - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources (previously circulated) requesting that consideration be given to the Annual Procurement Plan (also previously circulated); updating Members on the outcomes of procurement(s) previously designated as Strategic; and on the decisions taken by the Procurement Board to waive the Contract Procedure Rules.

The submitted report stated that based on the assessment criteria (also previously circulated) three of the contracts contained within the Annual Procurement Plan had been designated as Strategic.

Particular reference was made at the meeting to the contracts for the design and build of the new office block on Feethams and the employment of temporary agency staff.

RESOLVED - (a) That the assessment of strategic and non-strategic contracts as presented in Appendix 1 of the submitted report, be approved, and that:-

- (i) further 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 Director, as listed in the plan at Appendix 1 of the submitted report; and
- (iii) the contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1 of the submitted report, be delegated to the Procurement Board to approve and be reported back to Cabinet.

(b) That the contents of the submitted report be noted.

REASONS - (a) In respect of the strategic/non-strategic contracts the Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non-strategic. The Contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety and the contracts designated non-strategic are of a lower value and lower significance in respect of the impact on residents and public safety.

(b) In respect of Procurement Board waiver decisions, to comply with the Contract Procedure Rules and to provide Cabinet with information about the decisions made by the Procurement Board.

(2) Discretionary Rate Relief - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Neighbourhood Services and Resources and the Director of Economic Growth (previously circulated) requesting that consideration be given to the Discretionary Rate Relief (DRR) scheme for 2017 to 2021.

The submitted report stated that the Government had provided additional funding to Councils to help those businesses that had faced the steepest increases in their Business Rates as a result of the April 2017 revaluation; outlined the criteria for making awards of DRR; the principles under which the scheme would operate; the businesses that would be excluded from receiving DRR; the number of businesses that would be awarded DRR; and stated that the remaining fund would be used to assist new businesses setting up in the Town Centre.

RESOLVED - That the Discretionary Rate Relief Scheme, as detailed in the submitted report, be approved.

REASON - The Government required Councils to adopt a scheme in order to make awards of Discretionary Rate Relief and consult any major precepting authority on the design of the scheme.

(3) (URGENT ITEM) Transport for the North - The Leader introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to giving consent to the Secretary of State, to enable Transport for the North (TfN) to become a Sub-National Transport Body.

The submitted report detailed the 19 member authorities of TfN; its powers and functions; stated that in carrying out the functions it would be a statutory partner of the Department for Transport; and outlined the legal and financial implications of the proposals.

RESOLVED - (a) That consent be given to the incorporation of Transport for the North as a Sub-National Transport Body.

(b) That Chief Executive be given delegated authority to confirm to the Secretary of State the giving of consent by this Council and to take such other steps that are required to bring the creation of Transport for the North as a Sub-National Transport Body into being.

REASONS - (a) In order to help the creation of Transport for the North as a Sub-National Transport Body.

(b) To ensure the Tees Valley authorities via the Tees Valley Combined Authority maximise their potential to influence and positively shape the future transport services across Northern England.

(4) (URGENT ITEM) Christmas Parking and Bus Travel Offers – With the prior approval of the Chair to the matter being treated as urgent to enable a decision to be made at the earliest possible date, the Cabinet Member with the Economy and Environment Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to proposals for seasonal parking and bus travel offers in the Town Centre to support trading.

The submitted report outlined the parking offer; the Arriva bus offer; and the financial and practical implications to the Council of implementing the parking offer.

RESOLVED - (a) That the third hour be free in Council short stay off-street car parks from 23 November 2017 until 2 January 2018.

(b) That East Street Car Park operate a £2.00 offer for all day parking from 23 November 2017 until 2 January 2018.

REASONS - (a) To support seasonal trading in Darlington Town Centre.

(b) To attract existing and new customers to the Council's car parks.

C57. BLACKWELL GRANGE PLANNING AND DEVELOPMENT BRIEF FOR SITES HE1, HE1A, HE2 AND HE3 - The Cabinet Member with the Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the results from the consultation process (also previously circulated) for the Blackwell Grange Planning and Development Brief for Sites He1, He1a, He2 and He3; adopting the Brief (also

previously circulated) as a Supplementary Planning Document, to inform planning decisions for the site, the restoration of the Parkland and disposal of land; and requesting that consideration be given to the submission of the planning application for the Parkland Landscape and Restoration Plan.

The submitted report stated that the Planning and Development Brief had been amended following feedback from the consultation process including comments from residents, Historic England and the Council's Place Scrutiny Committee; the Brief had been written following an evidenced based approach and thorough analysis of the area; once adopted as a Supplementary Planning Document, the Brief would be a material consideration in making decisions on planning applications and disposal of Council land; and outlined the scope and content of the Brief.

The Chair of the Blackwell Grange Residents Forum addressed Cabinet in respect of the development and stated that although the Forum had worked with the Council on the development they still had concerns with the proposal to build 50 flats/apartments on plot HE2 and they felt that there was no requirement/demand for the flats. The Cabinet Member with the Economy and Regeneration Portfolio and the Director of Economic Growth responded thereon.

Discussed ensued on the density of the housing; increased traffic from the proposed developments on Carmel Road South; potential of using new energy technology on the sites; and on the development brief in general.

RESOLVED - (a) That the outcome of the public consultations and amendments made to the Planning and Development Brief, as detailed in the submitted report, be noted.

(b) That the Planning and Development Brief, as appended to the submitted report, be adopted, to inform planning decisions for the site and disposal of Council land.

(c) That a planning application for the Landscape and Restoration Plan, be submitted, and following the granting of planning permission, the marketing of the sites be commenced.

(d) That the Director of Neighbourhood Services and Resources, the Director of Economic Growth and the respective portfolio holder, be authorised to progress and finalise works to the Parkland, to release funding for the Council to undertake the works if required and to progress and finalise all works or agreements relating to the disposal of the sites and future maintenance and management of the Parkland.

REASONS - (a) The Planning and Development Brief is in line with the adopted Core Strategy and the adopted Design of New Development Supplementary Planning Document.

(b) The Brief had been prepared in conjunction with the Blackwell Residents Forum and modified to take their comments into account where practicable.

(c) The outcome of the consultation was detailed in Appendix 4 of the submitted report.

(d) The delegated authority negates the need for a further report to Cabinet.

C58. CONSERVATION AREA DESIGNATION ASSESSMENT: WHETHER OR NOT TO DESIGNATE LOW CONISCLIFFE - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to a request by Low Coniscliffe and Merrybent Parish Council to designate Low Coniscliffe as a Conservation Area.

Particular reference was made to the guidance on the designation of Conservation Areas and to the assessment of Low Coniscliffe's case for Conservation Area Status (also previously circulated).

A member of the public in attendance at the meeting requested that further consideration be given to designating Low Coniscliffe as a Conservation Area as it was felt that the village had many assets that needed protecting; it met the criteria for being assessed as a Conservation Area; and that its designation as a Conservation Area would protect the village and its assets. The Cabinet Member with the Economy and Regeneration Portfolio and the Director of Economic Growth responded thereon.

Discussion ensued on the possibility of the Low Coniscliffe being included in the High Coniscliffe Conservation Area should it not be designated a Conservation Area in its own right.

RESOLVED - That Low Coniscliffe be not designated as a Conservation Area.

REASONS - (a) Low Coniscliffe does not have the 'special' architectural or historic interest to justify its designation as a Conservation Area under the Planning (Listed Buildings and Conservation Areas) Act 1990.

(b) The National Planning Policy Framework (paragraph 127) clearly sets out that when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status to ensure the concept of conservation is not devalued through the designation of areas that lack 'special' interest.

C59. MEMBERSHIP CHANGES – RESOLVED – That the Cabinet Member with the Children and Young People Portfolio be appointed to the North East Child Poverty Commission.

RESOLVED - To comply with the nomination received.

C60. EXCLUSION OF THE PUBLIC - 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 to the Act.

C61. MORTON PALMS BUSINESS PARK, PROPOSED DEVELOPMENT AND FREEHOLD LAND DISPOSAL (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with Economy and Regeneration Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to approving the terms for the freehold sale of approximately 3.24 acres of land at Morton Palms Business Park, Darlington, as shown hatched on plan appended to the submitted

report; entering in to a conditional contract, subject to the outcome of a planning application to be submitted by the proposed purchaser; and to using the eventual capital receipt from the proposed sale to settle the outstanding financial claim from the Homes and Communities Agency, arising from the obligation contained in the original Morton Palms Joint Venture with OneNorthEast, whereby a proportion of the value of the unsold Morton Palms land is to be reimbursed to the Agency upon the expiry of the Joint Venture.

The submitted report outlined the proposed sale terms; outcome from consultation; comments received; financial implications; and legal advice.

RESOLVED - (a) That the sale of the freehold interest in approximately 3.24 acres of Council land at Morton Palms Business Park, as shown on the plan appended to the submitted report, be authorised on the terms as detailed in the submitted report, subject to the outcome of a planning application for a retail development.

(b) That the Director of Economic Growth be authorised to use the sale proceeds to settle the terms of the Joint Venture with the Homes and Communities Agency in respect of the land at Morton Palms which remains unsold, with any remaining monies being retained by the Council.

(c) That the Assistant Director Law and Governance be authorised to document the sale of the land and settlement of the Joint Venture accordingly.

REASONS - (a) To achieve a capital receipt for the Council.

(b) To facilitate the further development of land at Morton Palms.

(c) To achieve the settlement of the claim by the Homes and Communities Agency.

(d) To achieve the termination of the Joint Venture with the Homes and Communities Agency.

C62. DISPOSAL OF LAND AT FAVERDALE EAST BUSINESS PARK (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the conditional sale of approximately 2.2 acres of land at Faverdale East Business Park, Darlington, as shown hatched on the plan appended to the submitted report, subject to the grant of planning permission for development and site investigations.

Particular references were made to the valuation of the land; comments received from Planning; and the financial and legal implications.

RESOLVED - (a) That the sale of 2.2 acres of land at Faverdale East Business Park, as shown on the plan appended to the submitted report, be approved on the terms as set out in the submitted report.

(b) That the Assistant Director Law and Governance be authorised to document the sale of the property accordingly.

REASONS - (a) To achieve a capital receipt for the Council.

(b) To assist business development and job creation in Darlington.

C63. LAND AT COMMERCIAL STREET - TERMINATION OF DEVELOPMENT AGREEMENT (EXCLUSION PARAGRAPH NO 3) - The Cabinet Member with the Efficiency and Resources Portfolio introduced the report of the Director of Economic Growth (previously circulated) requesting that consideration be given to the termination of the Commercial Street Development Agreement with Cobalt Estates (Darlington) Limited and to retaining the beneficiary interest in a parcel of land within the Commercial Street car parks, as shown on the plan appended to the submitted report, known as the 'Zissler' strip.

RESOLVED - (a) That the termination of the Commercial Street Development Agreement and the retention of the third party land, as shown on the plan appended to the submitted report, be agreed.

(b) That the Director of Economic Growth be given delegated authority, in consultation with the Cabinet Member with the Efficiency and Resources Portfolio, to agree terms in line with those as outlined in the submitted report.

(c) That the Assistant Director for Law and Governance be authorised to terminate the agreement.

(d) That funds, as indicated in the submitted report, be released from the Economic Growth Capital Investment Fund, to retain the beneficiary interest in the land, as shown on the plan appended to the submitted report.

REASON - To enable the Council to regain control of the site and to be in a position to consider future development opportunities.

**DECISIONS DATED –
FRIDAY 13 OCTOBER 2017**