

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 16 MARCH 2020**

CABINET

Tuesday, 3 March 2020

PRESENT – Councillors Mrs H Scott (Chair), Clarke, Dulston, Johnson, Marshall, Mills and K Nicholson

INVITEES – Councillors Curry, Harker and Snedker

ALSO IN ATTENDANCE – Councillors Crudass, Durham, Heslop, Keir and McCollom

C113 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

**C114 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.

C115 TO APPROVE THE MINUTES OF THE MEETINGS OF THIS CABINET

Submitted - The Minutes (previously circulated) of the meetings of this Cabinet held on 4 and 11 February 2020.

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

REASON – They represent an accurate record of the meeting.

C116 MATTERS REFERRED TO CABINET

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

C117 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C118 KEY DECISIONS:-

(1) THE COUNCIL PLAN 2020/23

Pursuant to Minute C94(4)/Jan/20, the Leader introduced the report of the Chief Officers Executive (previously circulated) requesting that consideration be given to the public consultation feedback report (also previously circulated) detailing the comments received during the public consultation exercise and to recommending the Council Plan 2020/23 (also previously circulated) to Council.

The submitted report stated that all the Council's Scrutiny Committees had considered the plan; outlined the various methods of communicating and raising awareness of the plan with the public; stated that 63 survey responses had been received; and stated that the plan had received general support from the public.

RESOLVED - (a) That the consultation responses, as detailed at Appendix 1 of the submitted report, be noted.

(b) That the Council Plan 2020/23, as detailed at Appendix 2 of the submitted report, be recommended to Council.

REASON - To seek approval of the Council Plan.

(2) LOCAL TRANSPORT PLAN

The Cabinet Member with the Local Services Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) providing Members with an annual update on highways and transport from a regional and local perspective; outlining the delivery, performance and public satisfaction in 2019/20; requesting that consideration be given to the 2020/21 programme; and providing an update on the development of the Tees Valley Strategic Transport Plan and the proposed framework for consultation on the Darlington Local Implementation Plan.

The submitted report stated that in terms of delivery of the transport capital programme the Council had substantially completed the National Productivity Investment Plan funded programme of schemes which were improving access to the Eastern Growth Zone; the Sustainable Access to Employment Programme had funded the Allington Way cycle route, completed in February 2020; a funding application had been submitted for the 'Rethinking Victoria Road' scheme; additional Council funding had been used to tackle the condition of the unclassified road network, mainly in residential streets; and that generally public satisfaction with transport and highways was positive, with Darlington scoring above the national average across all categories in the annual independent survey undertaken by National Highways and Transport Network.

It was reported that the Tees Valley Combined Authority had approved the Strategic Transport Plan 2019/29 and its subsidiary documents for Bus, Rail, Freight, Road, Walking and Cycling; those plans would help to direct the investment of £256.7million into transport projects across the Tees Valley in the period 2019/29; and that Darlington would benefit directly from this investment in the development of the Darlington Northern Link Road, Darlington Station Growth Hub, bus improvement corridors, Demand Responsive Transport, travel behaviour programmes, upgraded Urban Traffic Management and Control System, Wheels to Work, Local Cycling and Walking Improvement Plan investment and electric vehicle charging infrastructure.

It was also reported that each of the five constituent local authorities needed to produce a Local Implementation Plan to set out how the local policies and programmes would support the delivery of the Strategic Transport Plan and deliver local transport to meet the local priorities; Darlington had set out a framework as the

basis for consultation; other plans would need to be reviewed to reflect and support the ambitions set out in the Local Implementation Plan; and that this would include the Rights of Way Improvement Plan, Parking Strategy, Speed Management Strategy and Asset Management Plan.

Particular reference was made to the proposal to extend a number of changes to town centre car parking charges that had been introduced on 1 November 2019, following approval by Cabinet (Minute C55(3)/Oct/19 refers) until a more comprehensive review of the parking strategy was completed in 2020/21.

Particular reference was made to the possibility of introducing some of the bus services that had been cut previously and on the possibility of introducing good practice from elsewhere, to further encourage people to use other forms of transport and keep traffic away from certain areas such as schools.

RESOLVED - (a) That the progress in delivering the Local Transport Plan, as detailed in the submitted report, be noted, and the release of £0.866m Integrated Transport Block and £1.689m Highway Maintenance Funding (£1.398m plus £0.291m incentive funding, subject to Department for Transport confirmation) to deliver the 2020/21 transport programme, be agreed.

(b) That the Pothole Fund monies, the amount to be announced, awarded by the Department for Transport, be released.

(c) That £500k, for maintenance of unclassified roads and £500k bridge parapet works in line with the capital programme approved in April 2017, be released.

(d) That delegate authority be given to the Director of Economic Growth, in consultation with the Portfolio Holder for Local Services to agree bidding on external funding opportunities, and if successful, release the funding, including the Highways Maintenance Challenge Fund and the Local Pinch Point bid, should the Expression of Interest be approved by the Department for Transport and it be noted that other national funds were due to be announced and further bids would be submitted.

(e) That £150,000, for Advanced Design Fees to bring forward projects and to prepare sites for development, be released.

(f) That the Local Implementation Plan framework, as appended to the submitted report, be approved as the basis for consultation in 2020.

(g) That the current parking offers previously agreed by Cabinet, be extended, into 2020/21 whilst the parking strategy was being reviewed.

REASONS - (a) To continue to deliver Darlington's Transport Strategy as set out in the Third Local Transport Plan until a new Local Implementation Plan is adopted.

(b) To maximise the opportunities to maintain the highway asset for the benefit of all road users.

(c) To continue to address the deterioration in the unclassified road network.

(d) To maximise the potential for investment in Darlington and to underpin our economic growth priorities, specifically supporting improved access to the town centre and north west growth zone.

(e) To provide funding for regeneration projects and bring sites forward for development.

(f) To enable residents, businesses and organisations to help shape the transport strategy for Darlington.

(g) To support the town centre economy.

C119 TEESSIDE INTERNATIONAL AIRPORT LIMITED (TIAL) JOINT VENTURE CONSENT

The Leader introduced the report of the Managing Director (previously circulated) updating Cabinet on progress in relation to the delivery of the Teesside International Airport Limited (TIAL) business case for the airport and requesting shareholder consent to enable TIAL to progress a joint venture for the development of the Southside, in line with that business case.

The submitted report stated that the Southside comprised a significant area of land to the southern side of the main airport complex and the operational areas including the main runways and airport taxiing routes; part of the site was located within the Darlington Borough, but predominantly within Stockton Borough; the site extended to approximately 109 hectares; and outlined the importance of a successful Southside development to underpin a viable airport.

It was reported that the Tees Valley Combined Authority (TVCA) had approved investment proposals for the acquisition and development of TIAL; the TVCA Cabinet and the airport board of directors had now taken decisions that would provide for the Southside land to be unlocked which would take the development of the Southside into a new stage; the upfront infrastructure had been costed at £23.6 million to provide road access, utilities and flood mitigation works; TIAL would enter into a joint venture partnership with the Theakston Land and Wynyard Business Park to deliver construction of the infrastructure and development of the business park through the establishment of a joint venture subsidiary; and that this Council, together with the other Tees Valley Councils and Durham County Council, were minority shareholders of TIAL, and consent from the minority shareholders was required to enable TIAL to enter into any partnership, joint venture or profit sharing arrangement if this was outside the normal business of the airport as a commercial airport.

RESOLVED - (a) That the decision of the Tees Valley Combined Authority Cabinet to support the development of the Southside, through a loan of £23.6m to Teesside International Airport Limited (TIAL), for enabling infrastructure, as detailed in the submitted report, be noted.

(b) That the decision of the TIAL board to enter into a joint venture and establish a subsidiary company with their selected developers Theakston Land and Wynyard Business Park, to undertake the development of the Southside, be noted.

(c) That TIAL be given consent to pursue the Southside development, including consent to the establishment of the subsidiary and the grant of a 125-year lease.

REASONS - (a) To support the Southside development and to help in securing the long-term viability of Teesside International Airport.

(b) To provide the consent required to enable the development to move forward

C120 CLIMATE CHANGE CROSS PARTY WORKING GROUP - UPDATE

The Cabinet Member with Economy Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) providing an update on the work of the Climate Change Cross Party Working Group, established by Council and chaired by Councillor Gerald Lee, to identify ways to reduce carbon emissions and achieve a carbon neutral status for Darlington Borough Council.

The submitted report stated that a Seminar had taken place in September; the Working Group had, to date, met on four occasions; a bid had been submitted to the Government for grant funding for a District Heating System in the Borough; and that Climate Change Champions and a Climate Change Officer had been appointed.

RESOLVED - That the update of the Climate Change Cross Party Working Group, as detailed in the submitted report, be noted.

REASON - To enable Council to achieve a net carbon neutral status for Darlington Borough Council.

C121 CROWN STREET LIBRARY TRUSTEES

The Leader introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the appointment of trustees of the Crown Street Library and to approve the Crown Street Library Trustee Board terms of reference (also previously circulated).

The submitted report outlined the background to the appointment of the Trustees; stated that following the appointments the Council would no longer be sole trustee; that the appointment of independent trustees would help in giving more formal recognition to the role of the wider community, given the original aims of the bequest of Edward Pease; and that the terms of reference would help clarify its purpose and the role of trustees.

RESOLVED - (a) That the Crown Street Library Trustee Board terms of reference, as appended to the submitted report, be approved.

(b) That the appointment of Elizabeth Dodds, Yvonne Richardson and Matthew Roche as trustees of the Crown Street Library Trustee Board, be agreed.

(c) That the appointment of the Leader as the Council's nominated trustee on the Crown Street Library Trustee Board, be agreed.

REASONS - (a) To give more formal recognition to the role of the wider community,

by the appointment of independent trustees.

(b) To avoid potential future conflicts of interest between the Council's service provider role and the building trustee role, by having independent trustees who will be able to discharge the trustee role.

(c) To confirm the Council's representation on the Crown Street Library Trustee Board.

(d) To clarify the terms of reference of the Crown Street Library Trustee Board.

C122 REGULATION OF INVESTIGATORY POWERS

The Cabinet Member with Resources Portfolio introduced the report of the Managing Director (previously circulated) informing Members of the issues relevant to the use of the Regulation of Investigatory Powers Act 2000 and developments that have taken place since the last report to Cabinet in September 2019 (Minute C41/Sep/19 refers).

The submitted report stated that RIPA 2000 enabled local authorities to carry out certain types of surveillance activity, as long as specified procedures were followed; the information obtained as a result of surveillance operations could be relied upon in court proceedings providing RIPA was complied with; the Investigatory Powers Act (IPA) 2016 was now the main legislation governing the acquisition of communications data; and detailed the RIPA directed surveillance applications and communications data applications, that had been authorised since the last report to Cabinet.

RESOLVED - (a) That the developments that have taken place since September 2019, as detailed in the submitted report, be noted.

(b) That Cabinet continue to receive further reports on the Council's use of the Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016 and other associated issues.

REASONS - (a) In order to ensure that the Council complies with the legal obligations under RIPA, IPA and national guidance.

(b) To help in giving transparency about the use of RIPA and IPA in this Council.

C123 PROPOSED WAITING RESTRICTIONS BANKS ROAD - OBJECTIONS

The Cabinet Member with the Local Services Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) advising Members of an objection received to a proposal for waiting restrictions on Banks Road and seeking a decision on whether to proceed with the proposal.

The submitted report stated that concerns were received from a business on Banks Road with regard to the parking at the junction of Banks Road/McMullen Road; a proposal for waiting restrictions to resolve the traffic flow and road safety issues was consulted upon; following comments received on this proposal, further waiting restrictions were proposed; and that an objection had been received to the amended proposal.

In introducing the report the Cabinet Member with the Local Services Portfolio stated that although the parking on the highway did cause issues for both businesses and users of the estate, she understood the concern and the potential impact on the business of the objector.

RESOLVED – (a) That the objection be set aside, to enable the restrictions, as detailed in the submitted report, to be progressed but they be implemented on a phased basis.

(b) That the waiting restrictions proposed at the junction of Banks Road and McMullen Road be introduced as soon as practicably possible.

(c) That the introduction of the waiting restrictions on the wider estate be delayed for a period of six months whilst private arrangements and enquiries with the Council were developed to create alternative off-street parking arrangements.

REASON - To improve the traffic flow and road safety of Banks Road. The Council, acting in its capacity as the Highway Authority, have a duty of care to ensure the safety of the travelling public and a duty under the Traffic Management Act 2004 to maintain the expeditious movement of traffic.

C124 SCHEDULE OF TRANSACTIONS

The Cabinet Member with Resources Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the Schedule of Transactions (also previously circulated).

RESOLVED - That the schedule of transactions, be approved and the transactions be completed on the terms and conditions detailed therein.

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

C125 LAND AT FAVERDALE - PROPOSED GRANT OF ACCESS AND PROPOSED ACQUISITION OF ADJACENT LAND FOR POTENTIAL DEVELOPMENT

The Cabinet Member with Resources Portfolio introduced the report of the Managing Director and Director of Economic Growth and Neighbourhood Services (previously circulated) informing Cabinet of the work undertaken by the promoter for land at Burtree Garden Village, amounting to approximately 178 Ha (439 acres) as shown shaded grey on the plan at Appendix 1; seeking Cabinet approval to sign a Memorandum of Understanding to grant an option or access rights to Homes England for the construction and adoption of a road over the Council's land to facilitate the Burtree Garden Village Masterplan proposals as shown at Appendix 2; and seeking approval to acquire 29.95 Ha (74 acres) of land as shown hatched on the plan at Appendix 3, to the east of Faverdale East Business Park (FEBP) for employment use (all also previously circulated).

The submitted report outlined the background to the report; stated that before Homes England would commit to acquiring land, they wanted to ensure that access was

available over the Council's land, and requested that the Council enter a Memorandum of Understanding (MOU) confirming the Council's intention to grant access rights; it was proposed that Homes England would fund the infrastructure to open up the site for development; stated that a Masterplan Visioning Document had been completed; and that the site had been designated Garden Village Status and was known as Burtree Garden Village.

RESOLVED – (a) That the ongoing Masterplan work, as detailed in the submitted report, be noted.

(b) That Delegated Authority be given to the Director of Economic Growth and Neighbourhood Services, in consultation with respective portfolio holders, to negotiate the Memorandum of Understanding, substantively in line with the terms as set out in Appendix 4 (Part III) of the submitted report, together with the necessary approvals and agreements required to facilitate the work as detailed in the submitted report.

(c) That the Assistant Director Law and Governance be authorised to document and complete the grant of a licence and legal rights of access/or option over its land as envisaged by the Memorandum of Understanding at Appendix 4 (Part III) of the submitted report.

(d) That the Director of Economic Growth and Neighbourhood Services be authorised to complete negotiations for the acquisition of the land to the east of Faverdale East Business Park on the terms set out in Appendix 5 (Part III) of the submitted report with the final price being reported to a future meeting of Cabinet on the schedule of transactions.

(e) That the acquisition of land to the east of Faverdale East Business Park be funded from the Capital Investment Fund with the borrowing costs funded from existing Economic Growth resources until a capital receipt is achieved to repay the debt.

(f) That the Assistant Director Law and Governance be authorised to complete the Memorandum of Understanding and associated legal agreements for the acquisition of land.

REASONS - (a) To promote new development and Economic Growth.

(b) To enable a decision to be made now on the Council's position, so there is certainty on the direction of travel.

(c) To facilitate future expansion of FEBP and ensure the availability of development land for employment related uses.

C126 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

C127 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-

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 item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 3 of Part I of Schedule 12A to the Act.

**DECISIONS DATED –
FRIDAY 6 MARCH 2020**