

**Darlington Borough Council – Decisions taken by the Leader at the Executive Decision Session on Tuesday, 28 April 2020**

| Agenda Item No | Subject and Executive Summary  | Decision, Representations Received, Attendance and Other Issues taken into Consideration   |
|----------------|--|--|
| 2              | To consider representations received from Members and the General Public on items on this agenda.  | In respect of Minutes ED3 and ED4 below, written representations were received from Members of the Council, and those representations can be viewed at Item No. 2 of this agenda.  |
| 3              | <p>Neasham Road - Compulsory Purchase Order</p> <p>To make and pursue the confirmation of a Compulsory Purchase Order to facilitate the acquisition of land at Snipe Lane, Darlington under section 226(1)(a) of the Town and Country Planning Act 1990. The acquisition of the land in question (the 'Order Land') is necessary to allow the Council to dedicate and adopt part of Snipe Lane as a public road, and to enhance other public rights of way, as part of the Scheme.</p> | <p><b>RESOLVED</b> - (a) That the use of compulsory purchase powers for the purpose of the acquisition of the Order Land under the provisions of the Town and Country Planning Act 1990, Section 226(1)(a), for the reasons and purposes as set out in the submitted report, be agreed.</p> <p>(b) That in respect of the Order Land, the Director of Economic Growth and Neighbourhood Services be authorised to:</p> <ul style="list-style-type: none"> <li>(i) take all necessary steps to secure the making, confirmation (where permitted) and implementation of the Compulsory Purchase Order, including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;</li> <li>(ii) take all necessary steps to negotiate and approve agreements with land owners and owners of affected interests setting out the terms for the withdrawal of objections to the compulsory purchase order, including where appropriate, seeking exclusion of land from the compulsory purchase order;</li> <li>(iii) take all necessary steps to bring into operation the Compulsory Order if confirmed, including all further steps required to acquire land interests including but not limited to the making of any required general vesting declaration and the payment of appropriate compensation.</li> </ul> |

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|                |                               | <p>(iv) make such amendments and additions to the draft Statement of Reasons as the Director deems necessary to properly reflect the Council's reasoning regarding the proposed CPO so as to properly present the Council's case at any inquiry; and</p> <p>(v) take all necessary steps to negotiate the acquisition of any qualifying interest in the Order Land in advance of making the compulsory purchase order.</p> <p><b>REASONS</b> – (a) To facilitate a Scheme for the development of Council-owned land off Neasham Road for housing, including much needed affordable housing.</p> <p>(b) To enable the adoption of part of Snipe Lane, including enhanced footpath and cycleway provision, as part of that Scheme.</p> <p>(c) The Scheme has a chance of early delivery, and once delivered will provide significant social and economic benefits to the Borough and will support the Council's planning targets for the provision of housing, including affordable housing.</p> <p>(d) Implementation of the Scheme and realising the benefits of the Scheme are dependent on acquiring the Order Land. The Council has no other way of acquiring good title to the land required in a reasonable timeframe.</p> <p>(e) Alternative options to the scheme have been considered and are explained in the submitted report. For the reasons set out in the Full Report, Officers consider that there is no alternative to compulsory acquisition and no impediment to the developing the Scheme, including the Order Land.</p> |

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|                |                               | <p><b>Representations Received</b> - A Member submitted a number of questions concerning the need for a CPO and the possibility of alternative options to the need for a CPO, including the possibility of purchasers obtaining defective title insurance. The questions were answered ahead of the decision session by Ian Williams (Director of Economic Growth and Neighbourhood Services) on defect of title insurance would greatly slow the sales of properties, potential purchasers may be advised against buying properties with defective title After consideration of the possible options, the only viable option was to acquire all the land for needed for development by compulsory purchase. The Leader was provided with both questions and answers ahead of the decision session. The representation received, and the response of the Director to that representation, can be seen at Item No. 2 of this agenda.</p> <p><b>Members and Officers in Attendance at the Session:</b><br/>           Councillor Johnson, Cabinet Member with the Resources Portfolio<br/>           Councillor Marshall, Cabinet Member with the Economy Portfolio<br/>           Paul Wildsmith, Managing Director<br/>           Ian Williams, Director of Economic Growth and Neighbourhood Services<br/>           Elizabeth Davison, Assistant Director – Resources<br/>           Luke Swinhoe, Assistant Director - Law and Governance<br/>           Andy Walker, Communications Manager<br/>           Lynne Wood, Elections Manager</p> <p><b>Conflicts of Interest</b> – None</p> <p><b>Alternative Options Considered</b> – Detailed in submitted report</p> |

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| 4              | <p>Central Park - Hybrid Business Innovation Centre</p> <p>To develop a Hybrid Business Innovation Centre, comprising offices and clean workshop space, known as Business Growth Hub 2 on Central Park.</p> | <p><b>RESOLVED</b> – (a) That the contents of the submitted report, in particular paragraph 27, be noted, and the release of the £500k development funding provided by Tees Valley Combined Authority, be approved.</p> <p>(b) That funding bids for £2.8m from the Tees Valley Combined Authority and £4.2m of European Regional Development Fund funding for the full design and construction phases of the project, be approved, and a further report be provided regarding the outcome and conditions associated with the funding if those bids are successful.</p> <p>(c) That delegated powers be granted to the Procurement Board to:</p> <ul style="list-style-type: none"> <li>(i) approve the appointment of a third party for the design, construction and associated infrastructure work with the appropriate breaks linked to the funding applications and planning; and</li> <li>(ii) approve the Council entering into an agreement to lease with the chosen operator for the Hybrid Business Innovation Centre and subject to satisfaction of conditions of the operator lease terms.</li> </ul> <p>(d) That the acquisition of land at Central Park from Homes England, on the terms as set out in the submitted report, be authorised.</p> <p>(e) That the Assistant Director Law and Governance be authorised to document and to put in place all the necessary legal agreements and enter into contracts to deliver the project.</p> |

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|                |                               | <p><b>REASONS</b> – (a) To enhance the environmental, social and economic well-being of the Borough.</p> <p>(b) To support actions arising from Darlington’s Economic Strategy.</p> <p>(c) To support the delivery of the Enterprise Zone on Central Park.</p> <p><b>Representations Received</b> - A Member submitted his views, welcoming the project and asking for clarification about the funding and potential risks. The issues raised were considered and answered ahead of the decision session by Ian Williams (Director of Economic Growth and Neighbourhood Services) who clarified that the Council is making a case for 100% funding (60% ERDF and 40% from TVCA) to cover capital costs and an element of revenue to cover early years. Work is ongoing to sources additional funding ERDF and TVCA funding. There will be a final price tender through SCAPE framework which will limit exposure to capital cost rise. On revenue we will be seeking to procure an operator similar to the process we did with Business Central Incubation which means that they take the upside and downside risk. The Leader was provided with both representation received and the response ahead of the decision session. The representation received, and the response of the Director to that representation, can be seen at Item No. 2 of this agenda.</p> <p><b>Members and Officers in Attendance at the Session:</b><br/>           Councillor Johnson, Cabinet Member with the Resources Portfolio<br/>           Councillor Marshall, Cabinet Member with the Economy Portfolio<br/>           Paul Wildsmith, Managing Director<br/>           Ian Williams, Director of Economic Growth and Neighbourhood Services</p> |

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|                |  | <p>Elizabeth Davison, Assistant Director – Resources<br/>                     Luke Swinhoe, Assistant Director - Law and Governance<br/>                     Andy Walker, Communications Manager<br/>                     Lynne Wood, Elections Manager</p> <p><b>Conflicts of Interest – None</b></p> <p><b>Alternative Options Considered – None</b></p>  |
| <b>A5</b>      | <p>Schedule of Transactions</p> <p>The terms negotiated in respect of the Schedule of Transactions, as detailed in the submitted report.</p> | <p><b>RESOLVED</b> - That the schedule of transactions, as detailed in the submitted report, be approved, and the transactions be completed on the terms and conditions detailed therein.</p> <p><b>REASON –</b> The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.</p> <p><b>Representations Received – None.</b></p> <p><b>Members and Officers in Attendance at the Decision Session:-</b><br/>                     Councillor Johnson, Cabinet Member with the Resources Portfolio<br/>                     Councillor Marshall, Cabinet Member with the Economy Portfolio<br/>                     Paul Wildsmith, Managing Director<br/>                     Ian Williams, Director of Economic Growth and Neighbourhood Services<br/>                     Luke Swinhoe, Assistant Director - Law and Governance<br/>                     Elizabeth Davison, Assistant Director - Resources<br/>                     Andy Walker – Communications Manager</p> |

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|  |  | <b>Conflicts of Interest – None</b><br><b>Alternative Options Considered – None</b> |
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