

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 26 OCTOBER 2020**

CABINET

Tuesday, 13 October 2020

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

INVITEES – Councillors Curry, Harker and Snedker

ALSO IN ATTENDANCE – Councillors Wallis

C37 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

**C38 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE
GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.**

In respect of Minute C45 below, representations were made by a Member in attendance at the virtual meeting.

**C39 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON
TUESDAY, 15 SEPTEMBER 2020.**

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on 15 September 2020.

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

REASON - They represent an accurate record of the meeting.

C40 MATTERS REFERRED TO CABINET

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

C41 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C42 DEATH IN SERVICE - SALLY LAKEY

The Cabinet Member with the Adults Portfolio introduced the report of the Acting Director of Children and Adults Services (previously circulated) informing Members of the recent sad death in service on 29 September 2020 of Sally Lakey who was employed as a Business Support Officer in Business Support, and was a valued member of the Commissioning, Performance and Transformation Team.

RESOLVED - (a) That it is with great sadness that the recent death in service of

Sally Lakey, a respected and valued employee of the Council, be noted.

(b) That the actions of the Council in conveying the sympathy to Sally's family and the support offered from Human Resources, as detailed in the submitted report, be noted.

REASONS - To make Members aware of the recent death in service.

C43 REPAIR TO THE VICTORIAN INDOOR MARKET ROOF

The Cabinet Member with the Economy Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the release of previously agreed capital funds for the repairs to the roof at the Victorian Indoor Market.

The submitted report stated that in 2017 the Council entered a lease with Market Asset Management Darlington Ltd (MAM) for the management and refurbishment of the Victorian Indoor Market and the management and improvement of Darlington's outdoor market; as part of the contract negotiations with MAM it was acknowledged that the market roof was in a poor state of repair which the Council had made previous financial provision to address and repair; this commitment was over and above the agreed works MAM would carry out, to ensure that the market functioned in a more efficient manner and to transform the market, with the provision of high quality street food scene, bar and events stage, an enhanced entrance, improved trading floor for market traders and additional public toilets; and that there was currently £300,000 set aside for this work.

It was reported that MAM had carried out a tender and procurement exercise to identify a contractor to complete the repairs to the market hall roof; the cost of the works was £240,128; once this work was complete, phase 1 of the redevelopment of the market hall would commence in early 2021; the balance of £59,872 was set aside as a contingency for any unforeseen additional works that may be required; and that the final cost of works would be reported to a future meeting of Cabinet in the Capital Programme Monitoring Outturn report.

RESOLVED - That £300,000 from the agreed capital budget, be released, for the works to commence to repair the Victorian Indoor Market Roof.

REASON – Contributing to the ongoing commitment to the full refurbishment of the Victorian Indoor Market will have a positive impact upon the economic wellbeing and vitality of the Town Centre.

C44 LAND TO THE REAR OF TANDRIDGE COURT, WOODLAND ROAD, DARLINGTON - PROPOSED DISPOSAL FOR RESIDENTIAL SELF-BUILD PLOTS

The Cabinet Member with the Economy Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to identifying the plot of land to the rear of Tandridge Court, off Woodland Road, Darlington, as shown on the plan appended to the submitted report, as a potential site to be included in the Council's Self-build and Custom Housebuilding Register, with the intention that this site be made available for

future self-build development.

The submitted report stated that the Self-build and Custom Housebuilding Act 2015 placed a duty on public authorities to keep a register of individuals and associations who wished to acquire serviced plots to bring forward self-build and custom housebuilding and Local Authorities were required to publicise the register to allow people to express an interest in acquiring a self-build plot; to bear the register in mind while carrying out its functions; and to grant sufficient serviced plots to meet the identified need on the register for each year, although registration did not guarantee that a suitable plot would be identified or would become available. Darlington currently had a requirement to deliver one serviced plot by October 2020 and a second by October 2021 for two separate individuals on Part 1 of the Self-build and Custom Housebuilding Register.

It was reported that the Council owned the former Cockerton depot site at the rear of Tandridge Court, off Woodlands Road, Darlington; the plot was considered suitable for self-build use and might be able to accommodate a number of residential dwelling houses; the plot was surplus to operational requirements; the plot(s) would be available for sale with the benefit of Outline Planning Permission; prospective purchasers would be required to submit a Reserved Matters application for detailed planning consent; to protect the Council's position and ensure a quality product the Council would initially transfer the land to the self-builder under a building licence; and that the freehold interest would only be transferred once the development was completed in accordance with the planning permission and a certificate of practical completion issued.

RESOLVED - (a) That the land to the rear of Tandridge Court, as shown at Appendix 1 of the submitted report, be declared surplus to operational requirements, and it be included on the Council's Self-build and Custom Housebuilding Register.

(b) That the Director of Economic Growth and Neighbourhood Services, in consultation with the Cabinet Member with the Economy Portfolio, be authorised to dispose of the land for self-build housing development, subject to the Council receiving market value for the plot(s) and the prospective self-builder obtaining detailed planning consent.

(c) That the Assistant Director Law and Governance be authorised to complete the documentation for the disposal of the land.

(d) That the terms agreed for the subsequent sale of self-build plots, be reported on the Schedule of Transactions in due course.

REASONS - (a) To facilitate the Council's duty to have a site available and listed on the Self-build and Custom Housebuilding Register.

(b) This site has been vacant for several years and a self-build development would be a suitable use for the surplus land.

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) providing important information regarding the regulation and management of the Council's borrowing, investments and cash-flow; treasury activity for 2019/20; and seeking approval of the Prudential Indicator results for 2019/20 in accordance with the Prudential Code.

It was reported that the financial year 2019/20 presented similar circumstances to 2018/19 with regard to treasury management and the main implications of this for the Council were included in the submitted report; due to the recent low returns for cash investments new ways to improve investment returns was continually being sought; and that due to the Covid-19 pandemic, it was anticipated that the cost of short-term borrowing was anticipated to remain low for a number of years.

The submitted report summarised the capital expenditure and financing for 2019/20; the Council's underlying borrowing need; the Treasury position as at 31 March 2020; prudential indicators and compliance issues; the economic background for 2019/20; treasury management activity during 2019/20; and performance and risk benchmarking.

It was also reported that the Council's treasury management activity during 2019/20 had been carried out in accordance with the Council policy and within legal limits; financing costs had been reduced during the year; and a saving of £0.268m had been achieved from the original Medium-Term Financial Plan.

A Member in attendance at the meeting referred to the shortfall in the Council's finances caused by the Covid-19 pandemic, and in doing so, made reference to the proposal to create a Corporate Marketing function and whether this was the right time to do so. Reference was also made to the continuation of providing a subsidy to car users and to the announcement by the Bank of England that interest rates may be cut and possibly turned 'negative'. The Cabinet Members with the Resources Portfolio, Stronger Communities and Health and Housing Portfolios responded thereon.

RESOLVED - (a) That the outturn 2019/20 Prudential Indicators, as detailed within the submitted report and those in Appendix 1 of the submitted report, be noted.

(b) That the Treasury Management Annual Report for 2019/20, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2019/20 Prudential Indicators to be noted.

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

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

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

C46 REGULATION OF INVESTIGATORY POWERS ACT

The Cabinet Member with the Resources Portfolio introduced the report of the

Managing Director (previously circulated) informing and updating Members on the issues relevant to the use of the Regulation of Investigatory Powers Act (RIPA) 2000 and developments that have taken place since the last report to Cabinet in March 2020 (Minute C122/Mar/20 refers).

The submitted report stated that the RIPA 2000 enabled local authorities to carry out certain types of surveillance activity, as long as specified procedures were followed; the Investigatory Powers Act (IPA) 2016 was the main legislation governing the acquisition of communications data; the information obtained as a result of surveillance operations and acquisitions could be relied upon in court proceedings providing RIPA and IPA were complied with; and that no RIPA directed surveillance applications or communications data applications had been authorised since the last report to Cabinet.

Particular reference was made to the Inspection by the Investigatory Powers Commissioner's Office on 14 August 2020 and the comments and observations made by the Inspector.

RESOLVED - (a) That the developments that have taken place since March 2020, as detailed in the submitted report, be noted.

(b) That Cabinet continue to receive further reports on the Council's use of 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.

C47 SCHEDULE OF TRANSACTIONS

The Cabinet Member with the 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, as detailed in the submitted report, be approved, and the transactions be completed on the terms and conditions detailed therein.

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

C48 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

C49 SUPPLEMENTARY ITEM(S) - MEETING OF THE CROWN STREET LIBRARY TRUSTEES

The Leader reported at the meeting that Friday 23 October 2020 was the 135th Anniversary of the opening of the Crown Street Library.

It was reported that the library was a great philanthropic gift to the Town by the Pease Family; it had contributed very significantly to the education, advancement and well-being of the people of Darlington; to mark the anniversary, a virtual meeting, via Microsoft Teams, of the Trustees of the Crown Street Library would take place on Friday 23 October 2020 commencing at 11.00 am; the meeting would be live streamed and recorded and all were welcome to attend; and that it was intended to move a vote of thanks to Edward Pease at the meeting in addition to providing an update on the building renovation, hear how the library service had been coping during lockdown and its future plans.

RESOLVED – That it be noted that a meeting of the Trustees of Crown Street Library would take place on Friday 23 October 2020 to mark the 135th Anniversary of the Opening of Crown Street Library.

REASON – To inform Members at the earliest opportunity of the plans to mark the 135th Anniversary of the opening of Crown Street Library.

**DECISIONS DATED –
FRIDAY 16 OCTOBER 2020**