

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 23 NOVEMBER 2020**

CABINET

Tuesday, 10 November 2020

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

INVITEES – Councillors Curry, Harker, Snedker and Tait

ALSO IN ATTENDANCE – Councillor C L B Hughes

C50 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C51 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.

In respect of Minute C55(2) below, a Member in attendance at the meeting made representations in respect of that item.

C52 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY, 13 OCTOBER 2020.

Submitted – The Minutes (previously circulated) of the Meeting of this Cabinet held on 13 October 2020.

RESOLVED – That the Minutes be agreed.

REASON – They represent an accurate record of the meeting.

C53 MATTERS REFERRED TO CABINET

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

C54 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C55 KEY DECISIONS:-

(1) DISABLED FACILITIES GRANT POLICY AND REGULATORY REFORM ORDER POLICY (2020/23)

The Cabinet Member with the Adults Portfolio introduced the report of the Acting Director Children and Adults (previously circulated) requesting that consideration be given to the updated Disabled Facilities Grant Policy and Regulatory Reform Order Policy 2020/23 (both also previously circulated); advising of the capital resources

available for Disabled Facilities Grants (DFG's); and requesting that consideration be given to releasing those resources.

The submitted report stated that the DFG was a means tested statutory grant provided by the Government to undertake adaptations to homes for disabled adults or children to enable them to live independently in their own homes; DFG's were governed by housing legislation and therefore had set guidance and eligibility criteria which governed how funding could be allocated; historically those conditions had restricted the way in which funding could be released which resulted in year on year underspends on the budget; the Government had increased the DFG grant paid to local authorities nationally from £220m in 2016/17 to an estimated £500m in 2019/20; in February 2020 an additional £505m was made available for the DFG; and that the increase in allocated Government funding together with carry forward amounts had resulted in a DFG budget for 2020/21 of approximately £2.5M.

It was reported that the Regulatory Reform (Housing Assistance) Order gave local authorities permission to broaden the scope of how DFG's were used to support housing renewal and assist with improving housing conditions and that the proposed updated Darlington DFG policy had been developed in a way which would enable the Council to make use of the powers provided under the Regulatory Reform (Housing Assistance) Order and use the funding in an appropriate way, to the benefit of residents.

In welcoming the report and the greater flexibility that it gave to keep people in their own homes, reference was made, at the meeting, to the possibility of re-assessing those people who had previously been refused grants and requesting that consideration be given to providing additional drop kerbing, to support people when leaving their home. The Cabinet Member with the Adults Portfolio and the Acting Director of Children and Adults responded thereon.

RECOMMENDED – (a) That the Disabled Facilities Grant Policy (2020/23) and the associated Regulatory Reform (Housing Assistance) Order (2002), both as appended to the submitted report, be approved.

(b) That the capital funds, as detailed in the submitted report, be released, and be utilised in accordance with the Darlington Borough Council Disabled Facilities Grant Policy (2020/23) and the associated Regulatory Reform (Housing Assistance) Order (2002), both as appended to the submitted report.

REASONS - (a) To enable the adaptations for those individuals who are eligible to receive a Disabled Facilities Grant for 2020/23 to proceed.

(b) The updated Disabled Facilities Grant Policy and Regulatory Reform Order Policy 2020/23, will allow the Council to create an environment of greater innovation and flexibility to maximise the benefit of DFG funding.

(2) THE COUNCIL PLAN 2020/23

The Leader introduced the report of the Chief Officers Executive (previously circulated) requesting that consideration be given to the Council Plan 2020/23 (also previously circulated).

The submitted report stated that the Council Plan set out the proposed vision for the Council together with key actions to achieve that vision; the draft plan was originally presented to and approved by Cabinet on 7 January 2020 (Minute C94(4)Jan/20 refers); following a period of public consultation, a further report on the outcome of the consultation was presented to Cabinet on 3 March 2020 (Minute C118(1)/Mar/20 refers) when it was agreed the draft plan be presented to Full Council to seek approval; the Coronavirus pandemic lockdown had prevented the Plan from being submitted to Full Council; and that nine months had passed since the Plan was originally given Cabinet approval, and that while the plan remained largely unchanged, it had been updated to reflect the impacts of COVID-19, progress against some of the original key actions, and a change to one of the portfolio holders.

A Member in attendance at the meeting addressed Cabinet in respect of the plan particularly in relation to children and young people and highlighted the need to improve relations with all of Darlington's education bodies from nurseries through to sixth form colleges; youth employment, which was significantly higher than the national average; and the number of children that were living in poverty in Darlington. Reference was also made to the importance of receiving a fair and stable funding forecast / formula to enable the Council to plan and achieve its vision.

The Leader and Cabinet Members with the Health and Housing, Children and Young People and Economy Portfolios responded thereon.

RECOMMENDED – That it be recommended to Council that the Council Plan 2020/23, as appended to the submitted report, be approved.

REASON – To seek approval of the Council Plan.

(3) **ANNUAL PROCUREMENT PLAN - UPDATE**

Pursuant to Minute the Cabinet C7(5)/Jul/20, the Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the updated Annual Procurement Plan (also previously circulated); the additional contracting intentions that have developed; the assessment of contracts that are considered to be strategic; and the decisions taken by the Procurement Board to waive the Contract Procedure Rules.

RESOLVED – (a) That the assessment of strategic and non-strategic contracts as presented in Appendix 1, be approved, and it be agreed 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 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 Procurement Board waiver decisions, as detailed in the submitted report, be noted.

Reasons – (a) In respect of strategic/non-strategic contracts, the recommendations are supported by the following reasons:

- (i) the Contract Procedure Rules require Cabinet to approve the designation of contracts as strategic and non- strategic;
- (ii) contracts designated strategic are of high value and high significance in respect of the impact on residents, Health and Safety and public safety; and
- (iii) 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, the recommendations are supported by the following reasons: -

- (i) in order to comply with the Contract Procedure Rules;
- (ii) to provide Cabinet with information about the decisions made by the Procurement Board; and
- (iii) 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.

C56 COUNCIL TAX SUPPORT - SCHEME APPROVAL 2021/22

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) requesting that consideration be given to the draft Council Tax Support (CTS) Scheme (also previously circulated) for 2021/22.

The submitted report stated that the Council was required to set a Council Tax Support scheme each year and that no changes were proposed to the existing scheme.

RESOLVED - That it be recommended to Council that the draft Council Tax Support Scheme for 2021/22, as appended to the submitted report, be approved and adopted, including:-

- (a) continuing to provide up to 100 per cent Council Tax Support for care leavers under the age of 25; and
- (b) continuing to provide up to 80 per cent Council Tax Support for all other working people.

REASONS - (a) The Council is required to publish a local Council Tax Support scheme for 2020/21 by 11 March 2021.

(b) The Council Tax Support 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.

C57 STOCKTON AND DARLINGTON RAILWAY WALKING AND CYCLING ROUTE

The Cabinet Member with the Local Services Portfolio introduced the report of the Director of Economic Growth and Neighbourhood Services (previously circulated) requesting that consideration be given to the proposed alignment of the Stockton and Darlington Railway Walking and Cycling route as a continuous public right of way through the Borough; that funding be sought from as many sources as possible so that it can be delivered for the bicentenary in September 2025; and that the Council works with the other partners on the Rail Heritage Board to jointly promote the route as part of the tourism strategy.

The submitted report stated that the Stockton and Darlington Railway Heritage Action Zone was established in 2018 and covered the 26 mile route of the railway from Witton Park in Durham to Stockton via Darlington; it linked together heritage assets along its length including key tourism sites at Locomotion in Shildon, Head of Steam Museum in Darlington and Preston Park in Stockton; and that aim of the scheme was to create a 26 mile route as close to the original alignment as possible, so that people could walk and cycle its full length.

It was reported that some sections already existed but there were significant gaps that needed completing so that there was a temporary or permanent continuous route in place for the bicentenary celebrations in 2025; a steering group consisting of representatives from the three local authorities and other organisations including the Friends of Stockton and Darlington Railway had already commissioned an audit and feasibility study for the route which had been presented to the Railway Heritage Board; the major redevelopment of the Head of Steam site as the Rail Heritage Quarter provided an opportunity to integrate the route into this site and kickstart the work to build the rest of the route; and that the next stage was to design up sections of the route and identify the most appropriate ways of delivering them, including the creation of Public Rights of Way, negotiating with landowners and developers and securing funding.

In welcoming the report, Members requested assurance that should the route not be completed for the 2025 celebrations, that it would be completed at a later date; the route would be accessible to all, for both walking and cycling; that it complied with Local Transport Note 120; and that it would be highlighted in the Council's heritage and tourism plans. The Cabinet Member with the Local Services Portfolio responded thereon.

RESOLVED – (a) That the work completed on the audit and feasibility study, as detailed in the submitted report, be noted, and the alignment of the Stockton and Darlington Railway Walking and Cycling Route, be agreed.

(b) That the work to create the Public Rights of Way and design each section be started.

(c) That funding be sought as opportunities become available including through development and section 106 monies, third parties including public and private sector organisations, Government funding and the Tees Valley Combined Authority, and that any funding secured, be subsequently released.

(d) That a joint branding strategy be developed with the other partners so that the route can be waymarked consistently.

(e) That the Director of Economic Growth and Neighbourhood Services, in consultation with the Cabinet Member with the Local Services Portfolio, be authorised to negotiate and agree terms for the acquisition or compensation of third-party interests relating to the route in line with the submitted report.

REASONS – (a) To enable discussion with land owners and other interested parties so that the route is designed into ongoing land use and planning decisions.

(b) To ensure that a publicly accessible route which is inspected, maintained and managed is in place for the bicentenary celebrations in 2025.

(c) To fund the work to provide the physical infrastructure so that the route is accessible to as many people as possible.

(d) To provide a recognisable route that can be promoted as part of the Tees Valley tourism strategy to walkers and cyclists as well as those interested in railways and history.

(e) To ensure third party interests can be acquired or compensated where appropriate to achieve the proposed route.

C58 REVENUE BUDGET MONITORING 2020/21 - QUARTER 2

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director (previously circulated) providing an up-to-date forecast of the 2020/21 revenue budget outturn as part of the Council's continuous financial management process and informing Members of the budget rebasing exercise carried out following the 2019/20 outturn results.

The submitted report stated that it was the second revenue budget management report to Cabinet for 2020/21; the impact of Covid-19 on both expenditure and income levels was projected to be significant; to date the Government had provided a grant of £7.174m to assist with pressures with a further £1.508m expected; on 2 July 2020 the Government announced a further package of support to help reimburse lost income and this additional funding was anticipated to be £4.095m this financial year; and that should all funding come to fruition it was estimated that the Covid-19 pressure for 2020/21 would be £0.875, which was significantly lower than anticipated in Quarter 1.

Reference was also made to the budget rebasing exercise that had been undertaken

following the outturn position which had returned £0.897m into general reserves; the year-end projection, taking into the Covid-19 pressures, anticipated grants, the rebasing exercise and savings, showed an overall improvement in 2020/21 of £1.43M; and to concerns for future years.

RESOLVED - (a) That the forecast revenue outturn for 2019/20, as detailed in the submitted report, be noted.

(b) That the Covid-19 pressures and government grants received to date, as detailed in the submitted report, be noted.

(c) That further regular reports be made to monitor progress and take prompt action if necessary.

(d) That the proposed carry forward requests, as detailed in the submitted report, be agreed.

(e) That the transfer of £0.143m to the ICT earmarked reserve, as detailed in the submitted report, be approved.

REASONS - (a) To continue effective management of resources.

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

C59 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER TWO 2020/21

The Cabinet Member with the Resources Portfolio introduced the report of the Managing Director and Director of Economic Growth and Neighbourhood Services (previously circulated) providing a summary of the latest Capital resource and commitment position, to inform monitoring of the affordability and funding of the Council's capital programme; an update on the current status of all construction projects currently being undertaken by the Council; and requesting that consideration be given to a number of changes to the programme.

The submitted report stated that the projected outturn of the current Capital Programme was £254.530m against an approved programme of £254.545m; the investment was delivering a wide range of improvements to the Council's assets and services; the programme, including commitments, remained affordable; the Council had 39 live projects, with an overall project outturn value of £126.126m, the majority of which were running to time; and that the projects were managed either by the Council's in-house management team, a Framework Partner or by Consultants source via an open/OJEU tender process.

A request was made at the meeting for information on the impact of Covid-19, on the capital projects, in respect of finances and timeliness of those projects moving forward.

RESOLVED - (a) That the status position on construction projects, as detailed in the submitted report, be noted.

(b) That the projected capital expenditure and resources, as detailed in the submitted report, be noted.

(c) That the adjustments to resources, as detailed in paragraph 22 of the submitted report, be approved.

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.

C60 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.

REASONS – The terms negotiated require approval by Cabinet before binding itself contractually to a transaction.

C61 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

C62 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS :-

DECISIONS DATED – FRIDAY 13 NOVEMBER 2020