

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 18 OCTOBER 2021**

CABINET
Tuesday, 5 October 2021

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

INVITEES – Councillors Curry, Harker and Snedker

APOLOGIES – Councillor Tait

C46 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C47 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.

In respect of Minute C51(2) representations were made by members of the public both in attendance at the meeting and in writing.

C48 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY, 7 SEPTEMBER 2021.

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

REASON – They represent an accurate record of the meeting.

C49 MATTERS REFERRED TO CABINET

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

C50 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C51 KEY DECISIONS:-

(1) IMPLEMENTATION OF THE DOMESTIC ABUSE ACT 2021

The Cabinet Member with the Stronger Communities Portfolio introduced the report of the Group Director of People (previously circulated) updating Members on the Domestic Abuse Act 2021 and the work that is in progress to ensure the Council is ready to discharge its new responsibilities and requesting that delegations are agreed to enable decisions to be made within required timescales.

The submitted report stated that the Domestic Abuse Act 2021, which received Royal Assent and enacted on 29 April 2021, provided a statutory definition of domestic abuse; set out a range of initiatives to further improve the approach to supporting victims of domestic abuse; introduced a range of new duties for local authorities including addressing areas such as safe accommodation provision, support for victims and prioritisation of domestic abuse victims within homelessness applications; and required the development of a Domestic Abuse Strategy, which was a key element of the requirements for Local Authorities and would be based on a robust needs assessment to ensure that existing service provision and the development of new programmes were targeted appropriately to effectively discharge the statutory requirements of the Act.

It was reported that the Government provided the Council with a 'New Burdens' grant of £222,365 to support the implementation of the Act's new requirements; no further funding would be available after 2021/22; any additional funding would be subject to the outcome of the forthcoming Comprehensive Spending Review; the Council was deemed a 'Tier One' authority which required it to develop and deliver the strategy and report back annually; the Domestic Abuse Strategy was required to be published before 5 January 2022; and the draft Domestic Abuse Strategy, which was currently being developed, would be published on 26 October 2021 for a period of 10 weeks.

In welcoming the report and the work that had been undertaken to date, Members made reference to the fact that there was still a lot of work to do to provide support to victims of domestic abuse; raised concerns around future funding; highlighted the importance of education; and the need to have the services in place when victims of domestic abuse were ready to seek support.

RESOLVED - (a) That the new responsibilities for the Council arising from the Domestic Abuse Act 2021, as detailed in the submitted report, be noted.

(b) That the production and publication of the draft and final Domestic Abuse Strategy (2021/24) and the associated Expenditure Plan and decisions taken thereunder, be delegated to the Group Director of People, in consultation with the Cabinet Member with the Stronger Communities Portfolio.

REASONS - (a) To enable the Council to effectively develop the Darlington Domestic Abuse Strategy (2021/24) and associated Expenditure Plan.

(b) To ensure that the key objectives of the Domestic Abuse Act 2021 are met, and victims of domestic abuse and their children are supported within the Borough of Darlington.

(c) To enable the Council to comply with statutory timescales and make decisions arising from the new duties in a timely way.

(2) DRAFT CLIMATE CHANGE ACTION PLAN

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the draft Climate Change Action Plan (also previously circulated) and the approach being taken to achieve a carbon budget.

The submitted report stated that the draft Climate Change Action Plan was the supporting document to the Climate Change Strategy, approved by Cabinet in July 2020 (Minute C7(3)/Jul/20 refers); each action had an indication of its current status, whether funding was available and under which portfolio each action sat; the Action Plan was designed to be a rolling, organic plan; it would be continually reviewed to allow the Council to respond to new technologies, new understanding and government initiatives as they arose; milestones would be developed year by year to enable robust reporting to Full Council every six months; and an annual report would also be produced.

It was also reported that three potential trajectories had been calculated, based on 20, 25 and 30 per cent reductions in emissions over successive five-year periods; the 30 per cent trajectory would give an approximate 76 per cent reduction in emissions by 2035 compared to our baseline of 2010; and that residual emissions would need to be offset and that an action to develop an offset plan was included in the action plan.

Written and verbal representations were made to Cabinet covering a number of issues relating to Climate Change including the development of the Skerningham Garden Village, which it was felt would result in the felling of trees, additional car journeys in the area and a large urban extension to the north of Darlington and whether the Council's reputation would be damaged by its support of this development. Reference was also made to how the Council could lead the way with Climate Change when they were supporting the airport over other public transport, building new roads and new housing estates that would increase vehicle usage and planning to build further homes. It was requested if a collaborative team could be set up with local environmental groups to pool ideas and information and assess urgent priorities together to achieve the goal to reduce carbon emissions.

Particular reference was also made to the Council's responsibility to offer healthy and nutritious food in schools, as currently only 18 per cent of children in the UK were meeting the recommended five portions of fruit and vegetables per day, and it was requested if the Council could make it a priority to offer at least 50 per cent plant based meals in schools and catering at Council events to be 100 per cent plant based.

It was reported that the Plan was a good start and that it was important to have a plan, even if there were gaps; it was in its early stages; the urgency remained; and that business and the community needed to be involved to share the workload and ensure that the target was achieved. Reference was also made to the take up by officers of the compulsory training module on Climate Change.

The Cabinet Members with the Economy and the Children and Young People Portfolio responded thereon.

RESOLVED – (a) That the draft Climate Change Action Plan, as appended to the submitted report, be adopted.

(b) That the 30 per cent emissions reduction every five years, as detailed in the submitted report, be adopted.

(c) That the Annual Report 2020/21, as appended to the submitted report, be noted.

REASON - With increasing public pressure to act on climate change, we run the risk of significant damage to our reputation if we do not deliver on our stated commitment to dealing with the Council's contribution to climate change.

(3) ANNUAL PROCUREMENT PLAN UPDATE

Pursuant to Minute the Cabinet C121/Apr/21, the Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the updated Annual Procurement Plan (also previously circulated); the additional contracting intentions that have been 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.

The submitted report stated that procurers must consider the social, economic and environmental aspects of a contract, if it had a value of over £100,000; the procurement board request form had been amended to ensure that this was evidenced; the National TOMS (Themes, Outcomes and Measures) Framework was used to assess the information; and that Procurement Officers had met with other Anchor Institutions within the town with a view to co-ordinating the approach taken to social value.

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 update of strategic procurements, Procurement Board waiver decisions and Social Value, 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.

C52 LAND AT FAVERDALE – FORMER ST MODWEN LAND DEVELOPMENT STRATEGY

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to seeking Expressions of Interest for a preferred developer for the 29.95 hectares (74 acres) of land shown hatched on the plan appended to the submitted report, to the east of Faverdale East Business Park (FEBP), for employment use.

The submitted report stated that a report would be submitted back to Cabinet with recommendations once expressions of interest had been received and analysed; the land was in the ownership of the Council and it was allocated for employment uses; the Council owned land at FEBP which was considered suitable to provide two potential access points to the site; and that the land adjoined the Burtree Garden Village site to the North.

It was also reported that the Council would seek Expressions of Interest with a view to selecting a Preferred Developer; scheme proposals would be requested together with indicative land values; and that options for the proposals would include plans for the Council to retain circa 18 acres to satisfy potential enquiries from businesses looking to develop in Darlington, so that turn-key sites were available.

RESOLVED – (a) That the marketing of the land, as shown hatched on the plan appended to the submitted report, to the east of Faverdale East Business Park, for employment use be agreed, and Expressions of Interest be sought.

(b) That Delegated Authority be given to the Chief Executive to negotiate provisional disposal terms with the final terms being reported to a future meeting of Cabinet.

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

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

C53 LAND AT FAVERDALE / BURTREE GARDEN VILLAGE FEASIBILITY WORK

The Cabinet Member with the Economy Portfolio introduced the report of the Chief

Executive (previously circulated) requesting that consideration be given to the release of feasibility funding to engage the services of Esh Homes Limited to help facilitate an early planning application for the Council owned land at Burtree Garden Village, as shown on the plan appended to the submitted report, and to incur the associated costs.

The submitted report stated that at the meeting of Cabinet held on 11 July 2017, the Council's land, circa 27 hectares (67 acres), as shown on the plan appended to the submitted report, was declared surplus to requirements; work was ongoing to bring this site forward for development; it was envisaged that a detailed report would be prepared for Cabinet once the feasibility work had been completed; the Council land formed part of the Burtree Garden Village; since July 2017, several actions had been completed including the development of a Masterplan Visioning Document and the agreement of a Design Code for the overall development; and that the Burtree Garden Village formed an important part of the Council's Local Plan which was currently progressing through Examination in Public.

It was reported that it was intended that a Joint Venture company be formed to develop the Council owned land, as shown on the plan as shown at Appendix 2 of the submitted report; further proposals about this would be brought to Cabinet in due course; to facilitate this development there were several surveys and pieces of feasibility work that would be required to be carried out on the land; and that the feasibility works would be procured by Esh Homes Limited and the Council in compliance with the Council's procurement procedures.

Particular reference was made at the meeting to the amount of information contained within the submitted report on the carbon footprint of the development. The Cabinet Member with the Economy Portfolio responded thereon.

RESOLVED – (a) That the costs identified in Appendix 3 of the submitted report, be approved, and the release of the funding necessary to appoint Esh Homes Ltd and for the Council to undertake the feasibility work required to submit a planning application, as detailed in the submitted report, be authorised, the costs to be funded from the Council's Investment Fund.

(b) That the Assistant Director – Law and Governance be authorised to execute the necessary documents to facilitate future development.

REASONS – (a) To provide a site capable of contributing to the delivery of new Housing and other affordable/social homes to satisfy the Borough's housing need.

(b) To achieve a capital receipt for the Council and increased Council Tax receipts from new homes.

C54 TREASURY MANAGEMENT ANNUAL REPORT AND OUTTURN PRUDENTIAL INDICATORS 2020/2021

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing important information regarding the regulation and management of the Council's borrowing, investments and cash-flow; treasury activity for 2020/21; and seeking approval of the Prudential Indicator results for 2020/21 in

accordance with the Prudential Code.

It was reported that the financial year 2020/21 was an unprecedented year with regard to treasury management due to the ongoing Covid-19 pandemic; the cost of borrowing remained low throughout 2020/21 and due to the pandemic the cost of shorter term borrowing was anticipated to remain low for a number of years; and that due to recent low returns for cash investments new ways to improve investment returns were continually being sought.

The submitted report summarised the capital expenditure and financing for 2020/21; the Council's underlying borrowing need; the Treasury position as at 31 March 2021; prudential indicators and compliance issues; the economic background for 2020/21; treasury management activity during 2020/21; investment position; and performance and risk benchmarking.

It was also reported that the Council's treasury management activity during 2020/21 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 £0.265m had been achieved from the original Medium-Term Financial Plan.

In presenting the report the Cabinet Member with the Resources Portfolio thanked the Treasury Management Team for their hard work and commitment during the pandemic.

RESOLVED - (a) That the outturn 2020/201 Prudential Indicators, as detailed within the submitted report and in Appendix 1, be noted.

(b) That the Treasury Management Annual Report for 2020/21, as detailed in the submitted report, be noted.

(c) That the report be forwarded to Council, in order for the 2020/21 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.

C55 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.