

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 21 NOVEMBER 2022**

CABINET

Tuesday, 8 November 2022

PRESENT – Councillors Dulston (Chair), Clarke, Durham, K Nicholson, Renton and Tostevin

INVITEES – Councillors Curry, C L B Hughes, Snedker and Wright

APOLOGIES – Councillors Keir and Harker

ALSO IN ATTENDANCE – Councillors Heslop and Mrs H Scott

C202 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

**C203 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.

**C204 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD TUESDAY 11 OCTOBER
2022.**

Submitted - The Minutes (previously circulated) of the meeting of this Cabinet held on Tuesday 11 October 2022.

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

REASON – They represent an accurate record of the meeting

C205 MATTERS REFERRED TO CABINET

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

C206 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C207 KEY DECISIONS

**(1) DARLINGTON TRANSPORT PLAN, DARLINGTON TOWN CENTRE TRANSPORT PLAN AND
DARLINGTON PARKING STRATEGY**

The Leader introduced the report of the Group Director of Services (previously circulated) requesting that consideration be given to the adoption of the Darlington Transport Plan, Darlington Town Centre Transport Plan and Darlington Parking Strategy (all also previously circulated) following the consultation process.

The submitted report stated that the Tees Valley Strategic Transport Plan (STP) 2020/30, developed by Tees Valley Combined Authority (TVCA), in partnership with all Tees Valley local authorities, set out the strategic direction for transport in the Tees Valley and that it was supported by other strategies developed by TVCA including the Local Cycling and Walking Infrastructure Plan (LCWIP) and the Tees Valley Bus Service Improvement Plan (BSIP).

It was reported that the Darlington Transport Plan set out how the priorities detailed in the STP would be delivered in Darlington, taking account of local priorities and setting a delivery framework to ensure that those priorities were delivered; the Darlington Transport Plan framework had been approved by Cabinet (Minute C101(1)/Mar/21 refers), as a basis for consulting the public and other stakeholders on the Council's key transport objectives and priorities; the Darlington Town Centre Transport Plan would support the Town Centre Strategy 2019/30 and the Towns Fund Investment Plan; and that the Darlington Parking Strategy set out a framework for the provision and control of parking within the borough, in order to meet the aspirations of the Darlington Transport Strategy and the Darlington Town Centre Transport Plan. Good quality transport into and within the town centre was important to support the transformation, growth and management of movement within the town centre and would help to make it a more attractive place to live, work and visit.

Particular reference was made to the responses received to the consultation which included 34 responses to the Darlington Transport Plan and 14 responses to the Darlington Parking Strategy. No responses had been received to the Darlington Town Centre Transport Plan. The responses received were broadly in support of the approach and no changes were made to the documents as a result of consultation.

Discussion ensued at the meeting on the importance of climate change and to making changes in the way we travel, particularly for shorter journeys under five miles; the aspirations included in the plan to tackle climate change; the lack of early engagement in the development process of the plans with the Climate Change Officers; the need for Council departments to work together in tackling climate change; and the promotion of cycling as sustainable travel. The Leader of the Council responded thereon.

RESOLVED – (a) That the outcome of the consultation, as detailed in the submitted report, be noted.

(b) That the Darlington Transport Plan, Darlington Town Centre Transport Plan, and Darlington Parking Strategy, all as appended to the submitted report, be approved.

(c) That it be recommended to Council that the Darlington Transport Strategy, Darlington Town Centre Transport Plan, and Darlington Parking Strategy, all as appended to the submitted report, be approved and adopted into the policy framework.

REASONS – (a) To provide a strategic framework to support growth in Darlington through

the provision of improved transport infrastructure and promote sustainable transport initiatives.

(b) To support the Town Centre Strategy by improving transport links into, and reducing the impact of traffic travelling through, the Town Centre in order to help it be a place where people will want to continue visiting, shopping, working and living in.

(2) TOWN CENTRE CAR PARKING OFFER

The Leader and Cabinet Member with the Economy Portfolio introduced the report of the Group Director of Services (previously circulated) providing an update on the Town Centre Car Parking Offers and requesting that consideration be given to extending the current free car parking offer for a further three months.

The submitted report stated that parking offers had been in place to support the town centre since June 2018; since January 2021 the Tees Valley Combined Authority (TVCA) had provided the funding to support parking offers across the Tees Valley for a two-year period; for Darlington this funding enabled a free two-hour parking offer in Council operated car parks and on-street pay and display parking areas in the town centre area; and that the funding would come to an end at the end of December 2022.

It was reported that the number of people using car parking places that had offers in place had returned to pre-covid levels; it was not possible to identify one single intervention that had supported this recovery; and that it was likely to be a mixture of the town centre offer provided by the businesses and the range of events and initiatives to support the town centre delivered by the Council, including the parking offer.

Particular reference was made at the meeting to the Darlington Transport Plan, approved at Minute C207(1) above, and whether the proposals to extend the parking offer contradicted with that Plan and the aspirations contained within it; the affordability of the proposals; the impact of the offer on bus services; and the value for money of the proposals. The Leader and Cabinet Member with the Economy Portfolio responded thereon.

RESOLVED – (a) That £475,000 be released, to cover the costs of extending the parking offer for a further three months, up to 31 March 2023, as detailed in the submitted report.

(b) That authority be delegated to the Assistant Director, Highways and Capital Projects to implement the proposal.

REASONS – (a) To support the ongoing recovery of the town centre.

(b) To have regard to the best use of public funds.

C208 HOUSING COMPLAINTS REFORMS

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the adoption of an updated Housing Complaints, Compliments and Comments Procedure (also previously circulated) to reflect changes to when a complaint can be referred to the Housing

Ombudsman Service.

The submitted report stated that after a complaint had been considered by the Council at stage 1 (local resolution) and stage 2 (formal investigation) there was a third stage (democratic filter), before it could be referred to the Housing Ombudsman. The legislative changes meant that the Housing Ombudsman could consider a complaint without requiring the democratic filter stage to be completed.

RESOLVED - That the proposed changes to the Housing Complaints, Compliments and Comments Procedure, as detailed in the submitted report, be approved, and the Housing Complaints, Compliments and Comments Procedure, as appended to the submitted report, be adopted.

REASONS – (a) To ensure the Council’s Housing Complaints, Compliments and Comments Procedure is consistent with the law and the revised Housing Ombudsman Scheme.

(b) To make it easier for residents to access the Housing Ombudsman Service, if they remain unhappy with the Council’s final response to their complaint.

C209 COUNCIL TAX EXEMPTION FOR CARE LEAVERS 2023/24

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the Council Tax exemption for care leavers, under the age of 25, from 2023/24.

The submitted report stated that since 1 April 2018, a provision had been made in the Council Tax Support (CTS) scheme to provide care leavers under the age of 25 up to 100 per cent support with their Council Tax costs; all other working aged people could only receive up to 80 per cent support with their Council Tax costs under the CTS scheme; as the CTS scheme was means tested, some young care leavers may still have some or all of their Council Tax costs to pay, depending on their income and other circumstances; and that it was proposed to replace the current provision in the CTS scheme for care leavers under the age of 25, with a full Council Tax exemption from 1 April 2023. This would be achieved using the Council’s powers under section 13a of the Local Government Finance Act 1992 (discretionary Council Tax discounts).

Particular reference was made to the financial implications of this change which were considered to be minimal, given that most care leavers under the age of 25 already received support with their Council Tax costs through the CTS scheme.

RESOLVED – That it be recommended to Council that the Council Tax exemption for care leavers under the age of 25 from 2023-24, be approved.

REASONS – (a) This Council has a responsibility to support young care leavers whilst they are developing the skills and confidence to live independently.

(b) A Council Tax exemption will provide young care leavers with the assurance and stability with their Council Tax costs.

(c) A Council Tax exemption will be much easier for the Council to administer than the current arrangements through the CTS scheme and for young care leavers to access and understand.

C210 COUNCIL TAX SUPPORT - SCHEME APPROVAL 2023/24

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations requesting that consideration be given to the draft Council Tax Support (CTS) Scheme for 2023/24 (also previously circulated).

The submitted report stated that Council approved the local CTS scheme for 2022/23 (Minute 42/Nov/21 refers); the scheme became operational on 1 April 2022; and that Councils were required to set a CTS scheme each year and, as part of that exercise, consider whether any changes should be made to the existing scheme and where changes were made, consider what transitional protection, if any, should apply to anyone affected by those changes.

It was reported that there were no significant changes proposed to the existing scheme, other than the removal of the provisions for care leavers under the age of 25 as it was proposed to introduce a Council Tax exemption for this group (Minute C209 above refers).

RESOLVED - That it be recommended to Council that the draft CTS scheme for 2023/24, attached at Appendix 1 to the submitted report, be approved.

REASONS – (a) The Council is required to publish a local CTS scheme for 2023/24 by 11 March 2023.

(b) The CTS 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.

C211 PROJECT POSITION STATEMENT AND CAPITAL PROGRAMME MONITORING - QUARTER 2 2022/23

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations and the Group Director of 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 that programme.

The submitted report stated that the projected outturn of the current Capital Programme was £307.616M against an approved programme of £307.748M; the investment was delivering a wide range of improvements to the Council's assets and services; the programme, including commitments, remained affordable within the Medium Term Financial Plan (MTFP) for 2022/23 to 2025/26; the Council had 46 live projects, with an overall projected outturn value of £186.155M, the majority of which were running to time, cost and

quality expectations, but were being monitored given the current pressures on resources in the construction sector nationally; 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.

The Cabinet Member with the Health and Housing Portfolio made particular reference to the Dolphin Centre bowling alley scheme, and thanked officers for their work, and in particular, for keeping the scheme within budget.

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 23 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.

C212 REVENUE BUDGET MONITORING 2022/23 - QUARTER 2

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) providing an early forecast of the 2022/23 revenue budget outturn as part of the Council's continuous financial management process.

The submitted report stated that it was the second revenue budget management report to Cabinet for 2022/23 and that the latest projections showed an overall improvement of £1.351M on the 2022/26 Medium Term Financial Plan, which was due to £0.384M of additional balances following the 2021/22 outturn; £0.539M of projected departmental overspends in 2022/23; and a decline of £1.196M in corporate reserves.

Discussion ensued at the meeting on revenue balances; the impact of the pay rise on the Council's budget and whether the increase had been factored into future years; and the increased costs being faced by the Dolphin Centre due to the current economic climate and its impact on budgets and subsidies. The Cabinet Members with the Resources and the Health and Housing Portfolios responded thereon.

RESOLVED - (a) That the forecast revenue outturn for 2022/23, as detailed in the submitted report, be noted.

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

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

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

C213 DISPOSAL OF LAND AT NEASHAM ROAD FOR HOUSING DEVELOPMENT

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to in principle approval, to the delivery of residential properties for private sale on Neasham Road, Cell C, as shown on the plan (also previously circulated) and to the release of funding, for Esh Homes Ltd, to undertake the preliminary surveys to seek detailed planning permission for the proposal.

The submitted report stated that in accordance with Minute C29/Sep/20, planning permission was obtained at Neasham Road for circa 450 homes, of which one third would be affordable and one third privately built by the Joint Venture (JV) and that outline planning permission was obtained for a 100 per cent affordable scheme, most likely via a Registered Social Landlord, for Cell C.

It was reported that the intention was for Cell C to be marketed as an opportunity for a Registered Social Landlord to deliver additional affordable homes, however, an affordable scheme on Cell C was not now considered viable, due to the changes since the first report in 2020, with new building regulations being introduced, biodiversity net gain, nutrient neutrality and cost increases in the sector more generally, had all contributed to increased development costs and strain on viability. As a result, it was felt prudent to explore the opportunity for Cell C to be developed for 100 per cent private homes.

Discussion ensued on the loss of the 150 affordable homes on the site; whether the Council could develop the site; the impact on the development from the loss of the affordable housing; and the planning process. The Cabinet Member with the Resources Portfolio responded thereon.

RESOLVED – (a) That the delivery of new housing for private sale on Cell C, as shown on the plan appended to the submitted report, be approved, in principle.

(b) That the release of funding for Esh Homes Ltd to undertake the preliminary surveys and seek detailed planning permission for the Cell C site, with sale terms being reported back to Cabinet for consideration, in accordance with Appendix 2 of the submitted report, be approved.

(c) That the Assistant Director of Economic Growth and Assistant Director Law and Governance be authorised to deal with any related matters and associated documents accordingly.

REASON – To accelerate the building of new homes helping to meet the demand in Darlington.

C214 MEMBERSHIP CHANGES - TO CONSIDER ANY MEMBERSHIP CHANGES TO OTHER BODIES TO WHICH CABINET APPOINTS.

There were no membership changes reported at the meeting.

**DECISIONS DATED –
FRIDAY 11 NOVEMBER 2022**