

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 20 MARCH**

CABINET

Tuesday, 7 March 2023

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

INVITEES – Councillors Curry, Harker and Snedker

APOLOGIES – Councillor Wright

C260 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C261 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.

C262 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD ON TUESDAY, 7 FEBRUARY 2023.

Submitted – The Minutes (previously circulated) of the meeting of this Cabinet held on 7 February 2023.

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

REASON – The represent an accurate record of the meeting.

C263 MATTERS REFERRED TO CABINET

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

C264 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C265 KEY DECISIONS:-

(1) RELEASE OF CAPITAL FUNDS - WHINFIELD PRIMARY ROOF AND HURWORTH SCHOOLS SECTION 106 FUNDING

The Cabinet Member with the Children and Young People Portfolio introduced the report of the Group Director of People (previously circulated) requesting that consideration be given

to the release of £1,124,000 of capital funding for the replacement of the roof at Whinfield Primary School, as agreed in the Medium Term Financial Plan, and to the release of £108,603.69 of Section 106 funding, from Miller Homes, to enhance educational facilities in Hurworth Primary and Hurworth Secondary School.

The submitted report stated that all projects would be managed in line with the Corporate Capital Process procedures.

It was requested at the meeting that should any asbestos be found at Whinfield Primary School whilst undertaking the work on the roof, that it be recorded.

RESOLVED – (a) That £1,124,000, agreed in the Medium Term Financial Plan, to re-roof Whinfield Primary School, be released.

(b) That the Section 106 funding of £108,603.69 from Miller Homes, be released, to enhance educational facilities in Hurworth Schools.

REASONS – (a) The roof at Whinfield Primary School is beyond economical repair and releasing the funding will enable the roof to be replaced.

(b) The release of the Section 106 funding will allow the Hurworth schools to enhance their educational facilities, targeting capital investment in the areas identified as greatest need.

(2) LOCAL TRANSPORT PLAN

The Cabinet Member with the Local Services Portfolio introduced the report of the Group Director of Services (previously circulated) providing Members with an annual update on the Local Transport Plan, outlining delivery, performance and public satisfaction in 2022/23 and seeking approval for the 2023/24 programme, including the release of funding.

The submitted report stated that the Tees Valley had secured significant funding from government, including the £310m City Region Sustainable Transport Settlement (CRSTS) programme, which would be delivered over the next 5 years; there had been good progress on the development and delivery of the transport capital programme including working in partnership with Tees Valley Combined Authority (TVCA) to deliver elements of the strategic transport plan; in 2022/23 a new Transport Strategy for the Borough, a Town Centre Transport Plan and Parking Strategy had been adopted by the Council, and work was underway on implementing the associated action plans; outlined the progress on the schemes delivered in 2022/23; and the proposed programme of schemes for 2023/24.

It was reported that there was a focus by the Department for Transport (DfT) on progressing the Local Cycling and Walking Infrastructure Plans (LCWIP) and the Bus Service Improvement Plans (BSIP); Darlington had started the delivery of one of the two priority schemes contained within the LCWIP with the creation of phase one of a cycling route on Woodland Road; an Enhanced Bus Partnership had been created to deliver improvements to bus services; transport patterns had changed since the pandemic and a period of re-basing was taking place; and that the Council continued to monitor transport patterns, highway condition, road safety and public satisfaction to inform investment decisions.

RESOLVED – (a) That the progress in delivering the Local Transport Plan, as detailed in the submitted report, be noted, and the release of £0.893m Integrated Transport Block and £2.175m Highway Maintenance Funding, be agreed, to deliver the 2023/24 transport programme, as identified in Appendix B of the submitted report.

(b) That delegated authority be given to the Group Director of Services, in consultation with the Portfolio Holder for Local Services, to agree bidding on external funding opportunities, and if successful, release the funding, including the following:-

- (i) the Bus Service Improvement Plan (BSIP);
- (ii) schemes as detailed in the City Region Sustainable Transport Settlement (CRSTS) Delivery Plan;
- (iii) Capability and Ambition Fund (CAF) – active travel revenue;
- (iv) Active Travel Fund (ATF) – active travel capital; and
- (v) Tees Valley Combined Authority Levelling up Fund (LUF).

(c) That the performance data relating to transport services, as detailed in Appendix C of the submitted report, be noted.

REASONS – (a) To continue to deliver Darlington’s Transport Strategy as set out in the newly adopted Darlington Transport Plan, Town Centre Transport Plan and Parking Strategy 2022 to 2030, which support the Tees Valley Strategic Transport Plan (STP).

(b) To maximise the opportunities to maintain the highway asset for the benefit of all road users.

(c) To assist the Tees Valley Combined Authority in the delivery of the Local Cycling and Walking Infrastructure Plans and the Bus Service Improvement Plans programmes, in line with Government guidance.

C266 HOUSING SERVICES LOW COST HOME OWNERSHIP POLICY

The Cabinet Member with the Health and Housing Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the Housing Services Low Cost Home Ownership Policy (also previously circulated).

The submitted report stated that Housing Services were committed to building sustainable communities and offering low-cost homes both to rent and buy; for residents who would like to own their own home but were unable to afford to purchase a property outright from the open market, the Council offered a range of low cost options; and that the Housing Services Low Cost Home Ownership Policy outlined the range of home ownership options available for Council properties.

RESOLVED – (a) That the report be noted.

(b) That the Housing Services Low Cost Home Ownership Policy, as appended to the submitted report, be approved.

REASONS – (a) The Government’s Social Housing White Paper, ‘Charter for Social Housing Residents’ published in 2020, introduced a new Right to Shared Ownership and aims to

ensure that 50 per cent of new homes delivered by the Affordable Homes Programme, and supported by grants through Homes England, will be for affordable home ownership.

(b) This policy sets out the low cost home ownership products that will be offered to residents, to meet the Government's aims.

C267 HOUSING SERVICES DAMP, MOULD AND CONDENSATION POLICY

The Cabinet Member with the Health and Housing Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the Housing Services Damp, Mould and Condensation Policy (also previously circulated).

The submitted report stated that Housing Services were committed to providing good quality, safe and energy efficient homes; the Council had a responsibility to ensure all of its homes were free from hazards, including damp, mould and condensation; and that the Housing Services Damp, Mould and Condensation Policy explained how the Council would ensure that prompt action would be taken to remedy issues and support tenants, offering guidance, advice, and assistance throughout the process.

Particular concern was raised at the meeting to the need for tenants to ventilate their homes during the current cost of living crisis and requested that the Council be mindful of those pressures if it needed to take any action. The Cabinet Member with the Health and Housing Portfolio responded thereon.

RESOLVED – (a) That the report be noted.

(b) That the Housing Services Damp, Mould and Condensation Policy, as appended to the submitted report, be approved.

REASONS – (a) The Social Housing Regulator's Consumer Standards places a duty on social housing providers to provide their tenants with good quality accommodation.

(b) The Social Housing Regulator also expects social housing providers to have a separate and specific policy on preventing and dealing with damp and mould in their homes.

C268 HOUSING SERVICES ALLOCATIONS POLICY

That the Cabinet Member with the Health and Housing Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the Housing Services Allocation Policy (also previously circulated).

The submitted report stated that the existing Tees Valley Common Housing Allocations Policy had been in place since 2012 and was last updated in 2019; there had been a significant increase in demand for Council housing in Darlington; the existing policy no longer met the strategic needs for Darlington; notice had been given to the Council's membership of the Tees Valley Lettings Partnership, which would expire in June 2023; and as a result a new Housing Services Allocations Policy was required.

Particular references were made to the key changes between the existing policy and the new

proposed policy and to the consultation undertaken with the Tenants Panel and the Health and Housing Scrutiny Committee.

RESOLVED – (a) That the report be noted.

(b) That the Housing Services Allocations Policy, as appended to the submitted report, be approved.

REASONS – (a) The Social Housing Regulator’s Consumer Standards places a duty on social housing providers to ensure their homes are let in a fair, transparent and efficient way, taking into account the housing needs and aspirations of tenants and potential tenants. The adoption of a formal Allocations Policy is one of the ways to demonstrate how we will achieve this.

(b) The Allocations Policy will also help ensure we meet the statutory requirements of the Homeless Reduction Act 2017.

C269 EQUALITY POLICY AND OBJECTIVE REFRESH

The Cabinet Member with the Stronger Communities Portfolio introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to the updated Equality Policy and the Equality Objective.

The submitted report stated that historically the Council had chosen to have an Equality Policy in order to maintain a clear and structured approach that demonstrated how it aimed to meet its responsibilities under the Equality Act 2010; there had been no changes to the Equality Act that required changes to the Council’s policy; and that the main amendment to the policy related to the objective. Under the Equality Act 2010, the Council had specific duties to publish one or more equality objectives and equality information to communicate how it was meeting its statutory requirements; the objective must be updated every four years; and as the previous objective expired at the end of 2022/23 it needed to be updated this year.

It was reported that the Equality Policy had been reviewed and updated to reflect the current Council Plan; the previous objective had been reviewed; a new objective drafted; in light of the consultation some minor changes were made to the wording of the policy itself; and that the suggested new objective for 2023/27 was ‘to provide ongoing training and support for staff and members to help them meet their duties under the Equality Act of 2010, raise awareness of the Equality Policy and ensure residents of Darlington were treated with dignity and respect, and continue to report on progress.’

RESOLVED - (a) That the refreshed Equality Policy, as appended to the submitted report, be approved.

(b) That the new Objective for 2023/27, as detailed in the submitted report, be approved.

REASONS - (a) The policy and objective have been through external consultation, Joint Consultative Committee and Economy and Resources Scrutiny Committee.

(b) Changes requested in these stages have been made to make the policy and objective as inclusive as possible.

C270 REGULATORY INVESTIGATORY POWERS ACT 2000 (RIPA)

The Cabinet Member with the Resources Portfolio introduced the report of the Group Director of Operations (previously circulated) informing and updating Members on 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 September 2022 (Minute C184/Sep/22 refers).

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

It was reported that the Investigatory Powers Commissioner's Office (IPCO) had published guidance for those who wanted to disclose information about the use of investigatory powers; a draft Statutory Instrument had been laid in relation to the updated Code of Practice, in order to bring into force the revised Covert Human Intelligence Codes of Practice; and outlined the recent training that had been undertaken.

RESOLVED – (a) That the developments that have taken place since September 2022, as detailed in the submitted report, be noted.

(b) That further reports on the use of Regulation of Investigatory Powers (RIPA) and Investigatory Powers (IPA) and associated issues, be submitted to future meetings of Cabinet.

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 the Council

C271 DELIVERY OF NEW HOMES AT NEASHAM ROAD - LAND DISPOSAL AND JOINT VENTURE PROPOSAL

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) informing Members of the intention to sell land at Neasham Road Cell C, as shown on the submitted plan (also previously circulated), using the Council's Joint Venture framework.

The submitted report stated that a further report would be submitted to Cabinet to identify the net capital receipt for the Council; seek final approval to establish the new Joint Venture Company; approve the funding arrangements for the housing development at Cell C; and that no disposal would take place until Cabinet approval had been obtained.

It was reported that Cabinet approved the release of funding for Esh Homes Ltd to undertake preliminary surveys (Minute C213/Nov/22 refers); those preliminary surveys had been completed and a planning application had been submitted in January 2023; approval was now sought for the sale terms to Esh Homes Ltd.; and that it was proposed that the new Joint Venture company would be responsible for developing Cell C.

Particular reference was made at the meeting to what the Council would do to ensure that the target in the Local Plan in relation to provision of affordable homes, was met. The Cabinet Member with the Economy Portfolio responded thereon.

RESOLVED - (a) That the principle and intention that Cell C will be sold to a new Joint Venture Company, on the terms and conditions as outlined in Appendix 2 of the submitted report, be noted, subject to a further Cabinet report once all costs have been determined.

(b) That the Chief Executive be given delegated authority to prepare the terms of the disposal, in consultation with the Portfolio Holders, the details of which to be reported back in due course.

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

DELEGATIONS - Delegated authority to the Chief Executive as detailed in para 6(b) above.

REASONS – (a) To contribute to the delivery of new housing to satisfy the Borough’s housing need.

(b) To achieve a capital receipt for the Council.

C272 SCHEDULE OF TRANSACTIONS

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (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 appendix to 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.

C273 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 10 MARCH 2023**