

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE
MONDAY 26 JUNE 2023**

CABINET

Tuesday, 13 June 2023

PRESENT – Councillors Harker (Chair) , Curry, McCollom, Porter, Dr. Riley, Roche and Wallis

INVITEES – Councillors Dulston, K Nicholson and Snedker

APOLOGIES – Councillors McEwan

ALSO IN ATTENDANCE – Councillors Mrs Culley, Haszeldine, Marshall and Mrs H Scott

C1 TIMINGS OF MEETINGS

RESOLVED - That meetings of this Cabinet be held at 5.00 p.m. for the remainder of the 2023/24 Municipal Year.

REASON – To comply with the views of Cabinet.

C2 DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

C3 TO HEAR RELEVANT REPRESENTATION (FROM MEMBERS AND THE GENERAL PUBLIC) ON ITEMS ON THIS CABINET AGENDA.

In respect of Minutes C4 and C10 below, representations were made by Members and members of the public in attendance at the meeting.

C4 TO APPROVE THE MINUTES OF MEETING OF THIS CABINET HELD ON TUESDAY, 4 APRIL 2023

Submitted – The Minutes (previously circulated) of the meeting of this Cabinet held on 4 April 2023.

In respect of Minute C279(2)/Apr/23, a member of the public in attendance at the meeting requested that due to the poor condition of the North Lodge Park play area, it be prioritised, as it was one of the oldest and most well used play areas, when considering the programme of replacement / maintenance of play areas.

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

REASON – The represent an accurate record of the meeting

C5 MATTERS REFERRED TO CABINET

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

C6 ISSUES ARISING FROM SCRUTINY COMMITTEE

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

C7 KEY DECISION - ANNUAL PROCUREMENT PLAN UPDATE

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 Annual Procurement Plan (also previously circulated) including the assessment of contracts that are considered to be strategic or non-strategic; updating Members on the outcomes of procurement(s) previously designated as Strategic; and the decisions taken by the Procurement Board to waive the Contract Procedure Rules.

The submitted report stated that any contract award decision with a value below £100,000 was delegated to officers; in accordance with the Contract Procedure Rules, the Annual Procurement Plan was produced listing details of all existing and new contracts that were valued at £100,000 and above, which required a tender process; for those contracts designated as strategic, the final contract award would be approved by the Procurement Board and reported to this Cabinet; for those contracts designated as non-strategic, the decision would be delegated to the relevant Directorate and detailed in a decision record; and stated that three contracts had been designated strategic in the update to the Annual Plan.

Particular reference was made at the meeting to 'Fair Tax', which was a means for business to demonstrate good tax conduct; its benefits to the Council in respect of Social Value; and whether this Council would consider making a Fair Tax Declaration. The Cabinet Member with the Resources Portfolio responded thereon.

RESOLVED - (a) That the assessment of strategic and non-strategic contracts as presented in Appendix 1 of the submitted report, be approved, and it be noted 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) contract award decisions for the contracts designated as non-strategic be delegated to the appropriate Directorate, as listed in the plan at Appendix 1 to the submitted report; and
- (iii) contract award decisions for the contracts designated as strategic, as listed in the plan at Appendix 1 to the submitted report, be delegated to the Procurement Board and be reported back to Cabinet.

(b) That the contents of the submitted report in respect of the update of strategic procurements, Procurement Board waiver decisions, and Social Value, 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.

C8 REPRESENTATION ON OTHER BODIES 2023/24

The Leader introduced the report of the Group Director of Operations (previously circulated) requesting that consideration be given to this Council's representation on Other Bodies for the 2023/24 Municipal Year, to which Cabinet appoints.

In presenting the report, the Leader outlined changes to the submitted report, in respect of the Northumbrian Regional Flood and Coastal Committee and the Poor Moor Fund / Charity.

RESOLVED - That the appointment to other bodies, as detailed below, for the 2023/24 Municipal Year, be approved, namely:-

Name of Body or Organisation	Nomination(s)
Association of Rail North Partnership Authorities	
Rail North Ltd.	Councillor Harker (Leader of the Council) (as named substitute for the TVCAM)
Rail North Committee	Councillor Harker (Leader of the Council)
East Coast Mainline Authorities Group	Councillor Harker (Leader of the Council)
County Durham and Darlington Foundation Trust – Board of Governors	Councillor Kane
Creative Darlington	Councillor McCollom (Cabinet Member)

	with Local Services Portfolio) and Chair of Communities and Local Services Scrutiny Committee as named substitute
Crown Street Library Trustee Board	Councillor Harker (Leader of the Council)
Darlington Cares	Councillor McEwan
Darlington Railway Museum Trust	Councillor McCollom (Cabinet Member with Local Services Portfolio)
Darlington Town Centre Deal Board	Councillor Harker (Leader of the Council)
Durham County Pension Fund Committee	Councillor Porter (Cabinet Member with Resources Portfolio) and Chair of Economy and Resources Scrutiny Committee
Family Help Organisation	Councillors Ali, Crumbie and Kane
Fostering Panel	Councillor Baker
Maidendale Nature and Fishing Reserve (Associate Member)	Councillor Dillon (Ward Member)
North East Ambulance Service	Chair of Health and Well Being Board
North East Child Poverty Commission	Councillor Wallis (Cabinet Member with Children and Young People Portfolio)
North East Regional Employers Organisation	Councillor Porter (Cabinet Member with Resources Portfolio), Chair of Economy and Resources Scrutiny Committee and Vice Chair of Economy and Resources Scrutiny Committee
Executive Committee	Councillor Porter (Cabinet Member with Resources Portfolio)
North East Strategic Migration Partnership	Councillor Wallis (Cabinet Member with Children and Young People Portfolio) (Councillor Harker (Leader of the Council as named substitute))
Northern Housing Consortium	Councillor Roche (Cabinet Member with Health and Housing Portfolio)

Northumbrian Regional Flood and Coastal Committee	Councillor Snedker
Poor Moor Fund/Charity	Councillor McEwan (Cabinet Member with Economy Portfolio)
RELATE North East	Councillors McCollom and Mahmud
Teesside International Airport Limited - Board	Councillor Garner (to be appointed as Director) (Councillor McEwan named substitute Director)
Teesside International Airport Limited - Consultative Committee	Councillor McCollom (Cabinet Member with Local Services Portfolio)
Tees Valley Local Access Forum	Chair of Communities and Local Services Scrutiny Committee
Tidy North Regional Consultative Committee	Councillor McCollom (Cabinet Member with Local Services Portfolio)

REASON – To comply with the nominations received from the Political Groups.

C9 INTRODUCTION OF THE HOUSING AND PLANNING ACT 2016 AND THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020

The Cabinet Member with the Stronger Communities Portfolio introduced the report of the Group Director of Services (previously circulated) requesting that consideration be given to adopting powers to impose a civil penalty of up to £30,000 under the Housing and Planning Act 2016 and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as an additional means of enforcement to improve standards in the private rented housing sector, where private sector landlords do not take steps to improve standards; and to the updated 'Private Sector Housing Enforcement Policy' to reflect those powers (also previously circulated).

The submitted report stated that around 19 per cent of households in Darlington were in the private rented sector; the majority of which were well managed and provided safe and suitable housing for the occupiers; and that where they were not managed well, there was a need for the Council to intervene.

The Housing and Planning Act 2016, was introduced to help tackle rogue landlords and to improve the private rental sector; from April 2017, local housing authorities had the power to issue civil financial penalties as an alternative to prosecuting landlords for failures under the Housing Act 2004; this action offered a more effective approach and enabled a quicker resolution; and that to enable the Council to introduce the powers, a policy was developed entitled the 'Civil Penalties Enforcement Policy and Guidance'.

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, were

designed to reduce the effects of electrical hazards in rented properties; the regulations required Electrical Safety Condition reports to be carried out before any new tenancy was granted; and that to enable the Council to introduce the powers, a policy was developed entitled the 'Civil Penalties Enforcement Policy and Guidance: The Electrical Safety Standards in the Private Rented Sector Regulations'.

RESOLVED - (a) That the use of the Housing and Planning Act as an additional means of enforcement to improve standards in the private rented housing sector, as detailed in the submitted report, be approved.

(b) That the use of new enforcement powers contained within the Housing Act 2004, as amended by the Housing and Planning Act 2016, be approved, including:-

- (i) amendments to 'The Private Sector Housing Enforcement Policy' to reflect the new powers, as detailed at Appendix 1 to the submitted report;
- (ii) a new 'Civil Penalties Enforcement Policy and Guidance: Housing and Planning Act 2016', as appended at Appendix 2 of the submitted report, that has been produced to detail how the Council will use the new powers and the level of penalties; and
- (iii) a new 'Civil Penalties Enforcement Policy and Guidance: The Electrical Safety Standards in the Private Rented Sector Regulations 2020', as detailed in Appendix 3 to the submitted report, that has been produced to detail how the Council will use the new powers and the level of penalties.

(c) That authority be delegated to the Assistant Director of Community Services, in consultation with the Portfolio Holder for Stronger Communities and the Assistant Director of Governance and Law, to develop, implement and further amend the Council's detailed Policy and Procedure in respect of the imposition of Civil Penalties, such policy to be in accordance with Schedule 13A of the Housing Act 2004, and any other any guidance issued by the Secretary of State.

REASONS – (a) To have a positive impact on the private rented housing sector by bringing about a change in landlord behaviour where necessary and where the current enforcement powers available are not as effective.

(b) To improve the standards of domestic private rented properties, ensuring homes are of a certain standard.

(c) The adoption of the new powers should mean that landlords comply more quickly and/or proactively, in order to avoid financial and other penalties, which should result in fewer private tenants being exposed to housing conditions that have an adverse health impact.

(d) To enable more effective and efficient action to be taken to address contraventions that impact negatively on tenants.

The Leader introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the Adaptation Plan (also previously circulated) to ensure continued resilience to climate change.

The submitted report stated that this Council's climate change strategy and action plan set out its ambition to be carbon neutral by 2050; it was vital for residents that the Council continued to deliver its services and for the Council's staff to be able to do their jobs in a safe environment; since 2020, some of the Council's working practices had changed and staff had proved their flexibility in successfully delivering services remotely; and that blended working and flexible hours were important additions to the Council's resilience, as temperatures were projected to rise leading to more storms, heatwaves, droughts and flooding and it was important that the Council was ready.

It was reported that the Adaptation Plan, related to two actions contained within the Council's Climate Change Action Plan, namely:- to conduct a gap analysis of current activity to identify further actions which could be undertaken (A11); and the integration of adaptation measures in statutory plans, strategies and functions (A12).

References were made at the meeting to the ambitions contained within the Plan; the involvement of Scrutiny, in order to assist the Council to achieve its Climate Change ambitions; and to the fact that the Adaptation Plan was a plan to deal with climate change rather than cutting carbon emissions. The Leader responded thereon, and in doing so, stated that it was a working document.

RESOLVED – That Adaptation Plan, as appended to the submitted report, be adopted.

REASON – The adaptation to climate change is vital for the Council to continue to deliver services that residents and businesses rely on.

C11 INGENIUM PARC - PROPOSED DEVELOPMENT OF PLOT 1

The Cabinet Member with the Resources Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the disposal of approximately 3.24 hectares (8 acres) of land at Ingenium Parc, as shown on the appended plan (also previously circulated), by way of a long lease, subject to the grant of planning permission for the development of a distribution centre of approximately 59,250 square metres (circa 638,000 square feet).

The submitted report stated that Cabinet approved a proposal to dispose of 4.56 hectares (11.28 acres) of land at Ingenium Parc with associated infrastructure (Minute C199/Oct/22 refers); an exclusivity agreement was subsequently entered into with that developer; this proposal had now fallen away; and that the exclusivity agreement had been terminated. A new proposal had been received from a different developer to purchase 3.24 hectares (8 acres) of land by way of a long lease, for the construction of a 59,250 square metres (circa 638,000 square feet) distribution centre; the developer had an identified end user; on completion of the building, the leasehold interest would be sold to the occupier; and that the company would initially support up to 215 jobs with scope for increases in future.

It was reported that the developer would install an access road to adoptable standards on

land owned by the Council; the cost of construction was included in the purchase price; the disposal would generate a capital receipt; and that the terms had been provisionally agreed with the proposed developer.

RESOLVED – (a) That the disposal of approx. 3.24 hectares (8 acres) of land at Ingenium Parc by way of a long lease, be approved, on the terms as set out in Appendix B (Part III) of the submitted report.

(b) That the Assistant Director, Economic Growth, be authorised, in consultation with the respective Portfolios Holders to agree terms in line with those as detailed in Appendix B (Part III) of the submitted report, and the Assistant Director, Law and Governance, be authorised to document the sale of the property accordingly and associated matters.

(c) That the Tees Valley Combined Authorities interest in the site, be noted, and the Assistant Director of Economic Growth be authorised to reimburse their portion of any receipt, accordingly.

REASONS – (a) To achieve development of Plot 1 and generate new income through business rates

(b) To assist business development and job creation in Darlington.

C12 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 16 JUNE 2023**