

**DECISIONS SHOULD NOT BE IMPLEMENTED BEFORE  
MONDAY 18 MARCH 2024**

**CABINET**

Tuesday, 5 March 2024

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

**INVITEES** – Councillors Dulston, K Nicholson and Snedker

**ALSO IN ATTENDANCE** – Councillors Henderson

**C108 DECLARATIONS OF INTEREST.**

There were no declarations of interest reported at the meeting.

**C109 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.

**C110 TO APPROVE THE MINUTES OF THE MEETING OF THIS CABINET HELD TUESDAY, 6 FEBRUARY 2024.**

**Submitted** - The Minutes (previously circulated) of the meeting of this Cabinet held on 6 February 2024.

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

**REASON** – They represent an accurate record of the meeting.

**C111 MATTERS REFERRED TO CABINET**

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

**C112 ISSUES ARISING FROM SCRUTINY COMMITTEE**

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

**C113 KEY DECISIONS:-**

**(1) COUNCIL PLAN**

The Leader of the Council introduced the report of the Chief Officers Executive (previously circulated) requesting that consideration be given to the Council Plan 2024/27 (also previously circulated) for public consultation.

The submitted report stated that the draft Council Plan set out a proposed long-term vision and ambitions for Darlington and priorities for delivery over the life of the plan. The plan had three core values which were addressing inequalities; tackling climate change; and efficient and effective use of resources.

References were made to the six priorities which underpinned the plan, each of which identified a number of key deliverables which would be progressed through supporting plans and strategies; the consultation process; and to equalities considerations.

Particular reference was made at the meeting to the consultation on the Council Plan and the need for clear communication with residents, with reference made to the important role of the Communications Team; the reduction in funding and the requirement for continued and fair funding for local authorities; the prioritisation of tackling Climate Change and the need for this to be considered in all areas of the Council; and the need for housing that was fit for the future. The Leader of the Council responded thereon.

**RESOLVED** – (a) That the draft Council Plan, as appended to the submitted report, be approved, for consultation.

(b) That feedback and a revised plan be received for consideration at the Cabinet meeting in May 2024 with the final draft going forward to Council for approval in May.

**REASONS** – (a) To approve the plan for consultation.

(b) To enable the Council to have strategic framework for delivering priorities.

## **(2) DARLINGTON TRANSPORT PLAN - DELIVERY REPORT**

The Cabinet Member with Local Services Portfolio introduced the report of the Group Director of Services (previously circulated) providing Members with an annual update on delivery of the Darlington Transport Plan, outlining delivery, performance and public satisfaction in 2023/24 and seeking approval for the 2024/25 programme, including the release of funding.

The submitted report stated that the Tees Valley region had secured significant funding from Government, including the £310M City Region Sustainable Transport Settlement (CRSTS) programme, which would be delivered by the end of March 2027; £6.851M Bus Service Improvement Plan (BSIP) funding to deliver improvements to bus services by the end of March 2025; 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 were adopted by Council, and work continued in implementing the associated action plans; outlined the progress on the schemes delivered in 2023/24; and the proposed programme of schemes for 2024/25.

It was reported that there was a focus by the Department for Transport (DfT) on decarbonising transport and levelling up, both in terms of funding made available to the north, and in ensuring that there was a balance between sustainable transport measures and

options that supported motorists; the Local Cycling and Walking Infrastructure Plan (LCWIP) was progressing with the completion of Phase 1 of the Faverdale/West Park to town centre cycle route; the Tees Valley Enhanced Bus Partnership continued to deliver benefits to residents, with BSIP+ funding having secured several supported bus service contracts, to ensure service provision in areas left without a bus service following commercial reductions; the Tees Valley region had notionally been allocated funding of £978M for the second round of the CRSTS which covered the period 2027/28 to 2031/32; and that the government had announced an additional minimum £100.1M of highways maintenance funding for Tees Valley between 2023/24 to 2033/34.

In introducing the report, the Cabinet Member with Portfolio for Local Services advised Members of a minor amendment within Appendix A of the submitted report, in relation to the works around dropped kerbs in Sutton Close.

Discussion ensued on the disparity in funding between the amount required for highway maintenance on an annual basis and the grant allocation received, and the need to provide basic services appropriately before looking at the bigger schemes. Questions were raised in relation to a number of streets scheduled for resurfacing, with further reference made to the issue of potholes, both locally and nationally. Members referenced the potential for a greater number of 20mph zones, the aim to reduce overall car journeys, and gender inequality in transport. The Cabinet Member with Portfolio for Local Services responded thereon.

**RESOLVED** – (a) That the progress in delivery of the Darlington Transport Plan, as detailed in the submitted report, be agreed, and £0.893M Integrated Transport Block and £2.729M Highway Maintenance Funding, be agreed, to deliver the 2024/25 transport programme, as detailed in Appendix A 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 explore opportunities to reprofile highway maintenance funding from future years to make most efficient use of resources.

(c) 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 :

- (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;
- (v) Tees Valley Combined Authority Levelling up Fund (LUF);
- (vi) Local Electric Vehicle Infrastructure (LEVI) funding.;
- (vii) Traffic Signs Obsolescence Grant (TSOG);

- (viii) Intelligent Traffic Management Fund (ITMF); and
- (ix) any other relevant funding which is made available in 24/25.

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

**REASONS** - (a) To continue to deliver Darlington's Transport Strategy as set out in the Darlington Transport Plan, Town Centre Transport Plan and Parking Strategy 2022/30, which support the Tees Valley Strategic Transport Plan (STP).

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

(c) To assist TVCA in the delivery of the CRSTS, LCWIP, BSIP, Network North and Plan for Drivers programmes and associated action plans, in line with Government guidance.

### **(3) LOCAL DEVELOPMENT SCHEME (LDS)**

The Cabinet Member with the Economy Portfolio introduced the report of the Chief Executive (previously circulated) requesting that consideration be given to the revised timetable for producing development plan documents to support the adopted local plan.

The submitted report stated the production of a Local Development Scheme (LDS) was a statutory requirement; the LDS set out the planning documents that the Council would prepare over the next three years; when the key stages of preparation would be; the scope of each document; the resources available for, and risks to, their preparation; and that it would replace the existing LDS 2020/23 which was approved by Cabinet and Council in September 2020.

It was reported that the primary focus over the next three years would be on producing a Climate Change Emergency Development Plan Document (DPD) and an updated Design of New Development Supplementary Planning Document (SPD) which was last reviewed in 2011. In introducing the report, the Cabinet Member with the Portfolio for Economy noted a reference within the report to 'One Darlington: Perfectly Placed', and clarified that all future documents would reference the Council Plan.

During discussion on the report, particular reference was made to the importance of the core value of Tackling Climate Change within the Council Plan, with a question raised in relation to the risks associated with staff retention, stress and illness in the Planning Sector. The Cabinet Member with Economy Portfolio responded thereon.

**RESOLVED** – That the Local Development Scheme 2024/27, as appended to the submitted report, be approved to take immediate effect.

**REASON** - The Council is required to have an up-to-date Local Development Scheme (Planning & Compulsory Act 2004, as amended by Section 111, Localism Act 2011).

**C114 RELEASE OF CAPITAL FUNDS - HURWORTH SCHOOLS SECTION 106 FUNDING AND BEAUMONT HILL CAPITAL**

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 Section 106 funding for Hurworth Primary and Hurworth Secondary School capital works and the release of High Needs capital for Beaumont Hill refurbishment works.

The submitted report stated that £52,808.25 of Section 106 funding would be used to enhance educational facilities in Hurworth Schools; the additional £106,000 of High Needs capital funding would support the redevelopment of Haughton Children's Centre and the refurbishment of the vacated space at Beaumont Hill Academy; and that the projects would be managed in line with the Corporate Capital Process procedures.

**RESOLVED** – (a) That Section 106 funding of £52,808.25, be released, to enhance educational facilities in Hurworth Schools.

(b) That £106,000 of High Needs capital funding, be released, to support the provision of additional places at Beaumont Hill Academy.

**REASONS** – (a) 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.

(b) Release of the High Needs capital funding will allow Beaumont Hill academy to refurbish Haughton Children's Centre, including the grounds, and remodel the space vacated by their sixth form pupils to make it more suitable for a secondary curriculum.

**C115 CHANGING PLACES TOILET (DARLINGTON HIPPODROME) - RELEASE OF FUNDING**

The Cabinet Member with the Local Services Portfolio introduced the report of the Group Director of Services (previously circulated) requesting that consideration be given to releasing funding for the provision of a Changing Places Toilet (CPT) within the Hippodrome.

The submitted report stated that a CPT was a fully equipped accessible facility with enough space for a disabled person, their wheelchair and up to two assistants; the Council was successful in securing part funding from the government to provide two CPT facilities, one at the Hippodrome and one at Hopetown; the cost of providing the CPT facilities at the Hippodrome was £89k, £40k from the capital allocation included in the 2024/25 Capital Medium Term Financial Plan (MTFP) and £49k from a combination of government funding and Hippodrome budget; and that for Hopetown, the £30k contribution for the CPT would be used to support the provision as part of the capital project.

Members welcomed this work being brought forward, though questions were raised in relation as to whether the work was being undertaken in the most cost effective manner. The Cabinet Member with the Local Services Portfolio responded thereon.

**RESOLVED** - (a) That the £89k allocated to the Changes Places Toilet at the Hippodrome, be released.

(b) That the £30k allocated to the Changes Places Toilet at Hopetown from government funding, be released.

**REASON** - To enable the CPT facility to be provided within the Hippodrome.

**C116 REGULATION OF INVESTIGATORY POWERS ACT (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 2023 (Minute C43/Sep/23 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; no RIPA directed surveillance applications or IPA communications data applications had been authorised since the last report to Cabinet; and provided a training update.

It was reported that the Investigatory Powers Commissioner's Officer (IPOCC) had following an inspection in September 2023, confirmed that they were satisfied that assurance had been provided that ongoing compliance with RIPA and IPA would be maintained and as a result a further inspection was not required until 2026. The IPOCC asked that the Council ensure that the key compliance issues continue to receive the necessary internal governance and oversight through policy refreshes; updates to Cabinet; ongoing training and awareness raising; and internal compliance monitoring by lead managers within their business areas.

**RESOLVED** – (a) That the developments that have taken place since September 2023, 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 raising awareness and giving transparency about the use of RIPA and IPA in the Council.

**C117 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 8 MARCH 2024**